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CHILD SUPPORT HISTORY

Title IV-A Background

The program of financial assistance to certain groups of needy children who are deprived of the support and care of their parents was known nationally as AFDC, Aid to Families with Dependent Children. The provision of this financial assistance was authorized as one of the original titles of The Economic Security Program passed by congress in August 1935, as Title IV-A of the Social Security Act, and remained in effect, though amended many times during the years since its passage, until the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Title IV-A of the Social Security Act provided for the granting of assistance on behalf of a dependent child under the age of 18 who had been deprived of parental support and care by reason of death, continued absence or incapacity when the child resides with a relative.

When Congress enacted the AFDC program in 1935, the basis for including needy children of deceased parents was a concept that was generally accepted. However, the inclusion of this group as recipients of Social Security resulted in the subsequent removal of many of the children of deceased parents from the AFDC rolls. At the close of World War II, the AFDC rolls began to grow rapidly, both nationally and in Mississippi. This was brought about by a need for financial assistance for children who are deprived of a parent due to illegitimacy, divorce and desertion.

On August 22, 1996, Public Law 104-193 was signed into law eliminating the open-ended federal entitlement program of Aid to Families with Dependent Children and creating a block grant for states to provide time-limited cash assistance for needy families. With the demise of the AFDC program, TANF, Temporary Assistance for Needy Families, was born.

The purpose of TANF is to provide assistance to needy families with children so they can be cared for in their own home, and to reduce dependency by promoting job preparation, work and marriage.

Child Support Background

Due to the rising cost of the AFDC program nationally, Congress amended Title IV-A to require that aid granted to children whose legal parent had deserted or failed to provide support be

reported by the state to the appropriate law enforcement officials in that county or district. This reporting was made mandatory as of July 1, 1952, and was repealed effective July 1981.

Mississippi Department of Human Services staff worked with absent parents to obtain voluntary agreements for support. Beginning in 1967, with further amendments to Title IV-A of the Social Security Act, Congress again required greater efforts on the part of the states toward locating absent parents, establishing paternity, and obtaining child support. Under this provision Mississippi Department of Human Services staff sought both voluntary and court ordered support from absent parents.

Despite this requirement and much publicity with regard to deserting parents, the caseloads and expanded administrative expense of the AFDC program grew larger. Congress then passed Public Law 93-647, which established Title IV-D of the Social Security Act. The effective date of this statue was July 1, 1975.

Federal Law

Public Law 93-647, passed by Congress in December 1974 and signed into law January, 1975, required that all states make special provisions to identify, locate, and obtain support from parents of children for whom financial assistance is being paid because of the desertion and/or nonsupport of the parent or parents. This Federal statute made mandatory the establishment of a single and separate organizational unit in each state for the specific purpose of locating and securing child support from absent parents and establishing and obtaining child support for AFDC children. It also required that the state provide location and support services for Non-AFDC children when the responsible relative requested such services and paid an application fee.

The Federal statute in another of its main provisions required that support be paid to the separate unit and not directly to the mother or other grantee relative with whom the child lived. It was necessary then in 1975 for Congress to pass another amendment, Public Law 94-88, to modify Part D of Title IV to protect AFDC families against decreased amount of the AFDC money payment because of the payment of support by the absent parent directly to the state.

In August, 1984, Public Law 98-378, The Child Support Enforcement Amendments of 1984, was signed into law. This legislation was designed to help the states strengthen their child support programs by providing stronger enforcement practices.

As a condition for receiving federal financial participation, the State must cooperate with other states in establishing paternity, locating absent parents and securing compliance with court orders. The primary interstate support enforcement mechanism was the Uniform Reciprocal Enforcement of Support Act (URESA) which established procedures in each state initiating or responding to interstate support actions.

The Family Support Act of 1988, Public Law 100-485, implemented the standards for processing child support enforcement cases and timeframes for distributing child support collections. The States were required to establish paternity for all children receiving AFDC as soon as possible after a child's birth and prior to the child's eighteenth birthday.

Genetic tests were to be made available at the request of either party in a contested paternity action. This act also required States to review child support cases at least every three years to determine whether the child support award amount should be adjusted in accordance with state guidelines. Another major provision of this legislation was the advent of immediate income withholding on all new or modified child support orders in IV-D cases entered on or after 11-01-90 without regard to existence of an arrearage.

Public Law 103-66, Omnibus Budget Reconciliation Act of 1993, contained four major features requiring States to adopt laws to: 1) improve Medical Support Enforcement; 2) establish a simple civil process for the voluntary acknowledgment of paternity; 3) provide a voluntary acknowledgment creating a presumption of paternity and seeking a child support order; and 4) adopt a variety of procedures to streamline the paternity establishment process.

On August 22, 1996, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, was signed into law. This comprehensive legislation replaced the AFDC program with block grants to States for temporary assistance to needy families. This legislation also made far-reaching changes and restructured the administration of the Child Support Enforcement program.

State Law

The Mississippi Legislature in its regular 1976 session passed Senate Bill No. 2822, to be effective on and after July 1, 1976, authorizing the Mississippi Department of Human Services to establish a single and separate child support unit in order to carry out the requirements of Title IV-D of the Social Security Act.

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In order to comply with Public Law 98-378, the Mississippi legislature in its regular 1985 session passed Senate Bill Nos. 2294 and 2295, effective July 1, 1985. These new laws required the state to use strong proven practices for enforcing child support payments.

The URESA provisions of the State of Mississippi were adopted by the 1954 session of the Mississippi State Legislature. The 1954 version of URESA was repealed with the adoption of UIFSA in 1997.

ORGANIZATIONAL REQUIREMENTS

Under Federal and State statute and regulations, each state must set up a single and separate organizational unit to carry out the functions of the Child Support program.

In accordance with these federal and state statutes, the Mississippi Department of Human Services has established the Division of Field Operations as the organizational unit responsible for the operation of the child support program. In general the Division's duties are:

- Developing detailed policies and procedures for locating noncustodial parents, establishing paternity, obtaining court orders for support, and enforcing support obligations;
- Providing technical supervision through appropriate administrative lines to all staff involved in child support functions;
- Working with appropriate support departments to set up proper records accounting for all monies received and disbursed in accordance with prescribed procedures;
- Working with appropriate support departments to ensure proper reporting of work done in child support cases as required under Federal and State statute and regulations; and
- Serving as liaison with law enforcement officials over the State, Judges of various courts involved in child support activities, child support units in other states, and representatives of the Federal Department of Health and Human Services, Office of Child Support Enforcement.

PRIVATIZATION OF COUNTY STAFF

In all 82 counties, the vendor(s) shall be responsible for all child support enforcement functions. All vendor(s) activities shall comply with Federal Social Security Act, Title IV, Part D; the Code of Federal Regulations, Title 45; IRS Publication 1075; and Mississippi Code of 1972, MDHS program policy, and all contractually agreed upon services between the vendor(s) and MDHS. Any amendments to these governing parameters shall be incorporated automatically.

Child support workers and legal staff must work together to ensure the following functions are handled in accordance with policy:

- Setting up child support cases, upon receipt of referrals or applications for child support services;

- Interviewing both custodial parents and noncustodial parents for the purpose of establishing paternity and support;
- Locating the absent parent;
- Establishing paternity and support for children and enforcing the obligation for support;
- Providing affidavits of accounting;
- Completing payment credits and arrears adjustments;
- Accepting payments from court proceedings, application fees, and other lump sum payments and forwarding to MDHS State Disbursement Unit;
- Entering all court orders into METSS (includes IV-D and Non-IV-D orders);
- Providing court testimony regarding all aspects of a child support case when necessary;
- Handling future money;
- Handling all claims;
- Researching incorrectly posted payments; and
- Documenting case actions on the Contact Entry Screen (CONT) in METSS to provide the Call Center with information needed to respond to client requests.

Some of the specific responsibilities are listed below by position.

Regional Staff

Some of the responsibilities of the Regional Staff are:

- Providing direction, supervision and training to county/district child support supervisors and staff;
- Providing administrative and personnel supervision to assigned county/district staff;

- Identifying problems and weaknesses in assigned counties/districts of responsibility and recommending, implementing, and monitoring any necessary corrective action;

- Interpreting program policy and transmitting this knowledge to assigned county/district staff to ensure a good understanding by county/district staff; and

- Documenting client and other case related contacts.

Supervisory Staff

The child support supervisor provides daily supervision to the county/district child support workers. Some of the child support supervisor's responsibilities are:

- Providing program supervision to county/district staff to ensure the implementation of program policy and procedures;

- Providing administrative and personnel supervision to the county/district staff;

- Establishing and maintaining operational controls in order to ensure program compliance;

- Providing technical assistance and training in child support policies by holding regular staff meetings to discuss changes and additions to agency policy;

- Reviewing case records and computer data for cases being referred to the attorney for legal action;

- Ensuring proper processing of returned/undeliverable and held child support checks by following applicable policies;

- Performing case work, as necessary;

- Coordinating with County Director regarding IV-A/IV-D interface and other child support related matters, as necessary;

- Providing staff-assisted genetic testing collections for on-site genetic tests when the child support worker is unable to serve as a genetic testing collector; and

- Documenting client and other case related contacts.

Child Support Worker

The child support worker is responsible for the following child support functions:

- Completing case resolutions and reviewing the initial TANF, IV-E Foster Care, Medicaid-only, and SNAP child support referrals from the referral source and accepting applications for Child Support Services received from Non-TANF applicants;

- Determining the noncustodial parent's legal obligation to support his/her dependent child(ren) or that he/she has an apparent legal obligation of support in the case of unmarried parents;

- Making necessary appointments and interviewing all TANF, SNAP, Medicaid-only recipients, and Non-TANF applicants in order to gather needed information used to locate noncustodial parents, determine their employment, and gather other data essential to complete the investigation and obtain an order of support and/or a determination of paternity;

- Notifying the appropriate eligibility worker when the TANF, SNAP or Medicaid-only recipient refuses/fails to cooperate in location efforts, or in any other activity required to obtain support from the noncustodial parent or establish paternity:

- Documenting the case record of a Non-TANF applicant/recipient's refusal/failure to cooperate in location efforts, activities to obtain support from the absent parent or establish paternity;

- Maintaining the official child support record, including document scanning;

- Engaging in local location activities and coding the automated child support system (METSS) as appropriate;

- Documenting on CONT in METSS of all efforts and attempts made and the means used to locate noncustodial parents and obtain and collect support;

- Documenting all efforts and attempts made to locate the recipient of services, including use of SPLU, when child support checks are returned or held;

- Interviewing noncustodial parents to obtain information and completing Stipulated Agreements, whenever possible. In the case of a paternity action, secure, if possible, a sworn Admission of Paternity from the noncustodial parent;

- Completing all necessary forms/documents reflecting information received and obtaining the signature of the TANF recipient or Non-TANF applicant when the signature is required. In the case of a paternity action, a sworn Affirmation of Paternity is to be secured from the biological parent;

- Reporting promptly to the Eligibility Worker any information which may affect the status of the TANF, Medicaid-only, and SNAP case.
  Examples: Change of address, child(ren) no longer residing with the recipient, and other information affecting IV-A eligibility;

- Establishing a working relationship with local agencies, Court Clerks, Judges, et al., in order to utilize resources effectively;

- Completing and routing to the Child Support Attorney all investigative packets and information compiled on a case, as required by policy;

- Making good cause determinations;

- Exercising good customer service practices;

- Providing staff-assisted genetic testing collections for on-site genetic tests; and

- Documenting all client and other case related contacts on CONT in METSS.

Child Support Legal Supervisor

The child support legal supervisor has the following responsibilities:

- Establishing a working relationship with court officials, including judges, court clerks and law enforcement, in the region in order to facilitate the legal steps necessary to obtain and enforce child support orders;

- Supervising county/district attorneys in the assigned region by ensuring that state policy and procedures, and state and federal laws are followed;

- Supervising assigned clerical staff in the regional office;
- Providing legal advice and support to the assigned area's regional staff;
- Assisting attorneys with difficult cases;
- Handling cases being appealed to the Mississippi Supreme Court;
- Carrying a case load when there is a shortage of attorneys;
- Monitoring the performance of assigned staff;
- Assisting in training assigned staff;
- Documenting CONT in METSS with all client and other case related contacts;
- Approving court costs bills and service of process fees for payment in a timely manner; and
- Reviewing and submitting court costs and genetic testing bills for payment in a timely manner.

Child Support Attorney

The child support attorney is responsible for all functions necessary for court actions.

Responsibilities include:

- Establishing a working relationship with court officials in the area of assignment in order to facilitate the legal steps necessary to obtain and enforce child support orders;
- Establishing a working relationship with the county/district child support worker and supervisory staff to facilitate effective operation of the overall program;
- Receiving information prepared by the child support worker and making decisions as to the legal action required on specific cases;
- Taking appropriate action to dispose of all cases in a judicious manner;

- Providing technical supervision to child support workers in the preparation of legal forms and pleadings;
- Reviewing legal pleadings prior to submitting cases for court action;
- Checking the status of a TANF, Medicaid-only, or SNAP case prior to filing the case and again before the scheduled court date;
- Providing technical and legal assistance to the counties upon request;
- Reviewing and submitting court costs and service of process fees for payment in a timely manner;
- Responding to legal inquiries from other states regarding Uniform Interstate Family Support Act (UIFSA) cases;
- Assisting in training other appropriate staff, when necessary;
- Interpreting, in writing, individual court orders upon written request from county child support staff;
- Taking necessary action to update computer files;
- Preparing statistical reports, as required; and
- Documenting on CONT in METSS, client and other case related contacts.

MDHS STATE DISBURSEMENT UNIT (SDU)

The SDU is responsible for:

1. Collecting and receipting child support payments;
2. Disbursing payments within two business days of receipt;
3. Providing assistance to employers, other state IV-D agencies, county/district child support supervisors and regional staff;

4. Resolving deposit discrepancies and completing bank reconciliation for the SDU account;

5. Providing employers with a central location for inquiries; and,

6. Helping resolve improperly posted receipts.

The MDHS State Disbursement Unit (SDU) Vendor shall be responsible for:

- Full services each State business day excluding holidays officially recognized by the State or inclement weather emergencies declared by the Governor or MDHS.
- Processing and disbursing support Monday through Friday.
- Receiving payments at a single, secure, location.
- Receiving payments from the following sources: employers or other payor of income, noncustodial parents, IV-D agencies in other States, banks, credit unions, other financial institutions and other third parties as a result of liens or other enforcement actions.
- Imaging checks and accompanying payment-related documents with posting information (both sides if necessary) and prepare and deposit all payment instruments into the Collection Account on the date received.
- Deposits which must be made at least once per day.
- Receipting support payments on the same business day they are received.
- Handling payments, which must be posted and reconciled and transmitted to METSS by 4:00 PM on the date received.
- Handling all Electronic Funds Transfer (EFT) activities for disbursements to other States in compliance with the National Automatic Clearing House Association (NACHA).
- Meeting federal time standards for disbursement of payments received by the SDU. The federal time standard provides that any disbursement required to be made to an obligee must be initiated (i.e., the check mailed or the electronic funds transfer initiated) on or before the end of the second business day following receipt of the payment by the SDU.

For purposes of this time standard, "receipt of the payment" means the point at which the SDU has received the payment and the minimum identifying information necessary to correctly post the payment.

NOTE: In addition to the responsibilities listed above, the SDU Vendor shall be responsible for all agreed upon terms and conditions as outlined within their contract as approved by MDHS.

Customer Service

MDHS currently operates a Statewide Child Support Call Center for all Title IV-D cases. All customer service issues for the SDU will be handled by the State through the Call Center.

Monitoring

Legal Base

Federal regulations at 45 CFR 302.10 require the Division of Field Operations to "have assigned IV-D staff at the State level to conduct regular, planned examinations and evaluations of operations in local offices." To comply with this regulation, program specialists are assigned to conduct planned program compliance reviews in county offices on a regular basis to determine that each child support office: Program compliance reviews are conducted in accordance with guidelines and procedures specified by Child Support Operations. Findings of the review are analyzed to evaluate the quality, efficiency, effectiveness, and scope of the child support enforcement services available in each office. Required corrective action is monitored.

Federal Timeframes

In order to ensure the best possible service to the customers within the MS Child Support program, the Federal OCSE established certain minimum timeframes by which actions within the Child Support Program should take place. All IV-D cases will meet the Federal timeframes discussed in detail in Chapter 3:

- Intake
- Locate
- Establishment
- Enforcement
- Intergovernmental
- Review and Adjustment
- Closure

Federal Incentive

The Federal incentive funding system to states include five measures to track the success of states in establishing paternity and support orders, enforcing support orders, and cost-effectiveness. The following provides a brief description of each Federal incentive measure:

PATERNITY ESTABLISHMENT FORMULA

Within a fiscal year, paternity must be established for ninety percent (90%) of children born out of wedlock for a state to receive the maximum incentive. MS utilizes the IV-D PEP method to calculate paternity.

The IV-D PEP rate is determined by dividing the total number of children in IV-D caseload in the fiscal year born out of wedlock with paternity established or acknowledged by the total number of children in IV-D caseload as of the end of the preceding fiscal year who were born out of wedlock. NOTE: If the paternity establishment rate for a state is below ninety percent (90%), the rate must increase by at least 2% on a yearly basis until the rate reaches ninety percent (90%) or the state may be penalized by the Federal government.

ORDER ESTABLISHMENT FORMULA

In order to maximize the incentive attached to the order establishment measure, MS must establish support orders for more than 80% of its caseload. The Federal incentive measure formula for support order establishment is the total number of IV-D cases with support orders during the fiscal year divided by the total number of IV-D cases during fiscal year.

CURRENT SUPPORT COLLECTED

In order to maximize the incentive attached to the current support measure, MS must collect more than 80% of the current support due. This measure is computed monthly and the total of all months is reported at the end of the Federal fiscal year. The Federal incentive measure formula for current support collected is the number of dollars collected for current support in IV-D cases divided by the total dollars owed for current support in IV-D cases.

ARREARS CASES PAYING

Within a fiscal year, MS must receive a payment toward past-due support where some of the support was disbursed to the family unless all past-due support is owed to MS. In order to receive the maximum incentive amount allowed for this measure, MS must receive an arrearage payment on 80% of all cases with arrears. The Federal incentive measure formula for arrears cases paying is the total number of eligible IV-D cases paying toward arrears divided by the total number of IV-D cases with arrears due.

COST-EFFECTIVENESS

The Federal incentive measure formula for cost-effectiveness is the total IV-D dollars collected divided by the total IV-D dollars expended.

In order for the MS CSE Program to receive incentive payments based upon its performance, its program data reliability will be ninety-five (95%) or higher.

At the end of the Federal fiscal year (October 1 – September 30), the MS CSE Program will submit a completed Federal OCSE 157-Child Support Enforcement Annual Data Report.

The following are the data elements provided by the states in the Federal OCSE-157 Child Support Enforcement Annual Data Report audited by the Federal OCSE to ensure the data submitted by each state exceeds the Federal data reliability standard of ninety-five (95%) for purposes of awarding incentives or assessing penalties.

The performance measures associated with the OCSE-157 Report are:

- Paternity Establishment
- Order Establishment
- Current Collections; and
- Arrears Collections

PATERNITY ESTABLISHMENT – IV-D

Line 5 – Children in IV-D Cases Open at the End of the Current Federal Fiscal Year Who Were Born Out-of-Wedlock

- Report the number of children in the IV-D caseload, in cases open at the end of the current Federal Fiscal Year, who were born out-of-wedlock. Report the information for the current reporting year.

Line 5a – Children in IV-D Cases Open at the End of the Prior Federal Fiscal Year Who Were Born Out-of-Wedlock

- Report the number of children in the IV-D caseload in cases open at the end of the prior Federal Fiscal Year who were born out-of-wedlock. Report the information for the prior reporting fiscal year.

Line 6 – Children in IV-D Cases Open During or at the End of the Fiscal Year With Paternity Established or Acknowledged

- Report the number of children born out-of-wedlock in the IV-D caseload in cases open at the end of the Federal Fiscal Year who have paternity established or acknowledged. States have the option of including paternities established or acknowledged for cases that closed during the Federal Fiscal Year. Paternity does not have to have been established by the IV-D agency.

ORDER ESTABLISHMENT

Line 1 – Cases Open at the end of the Fiscal Year

- Report the number of IV-D cases open on the last day of the fiscal year. Include cases open at end of the fiscal year as a result of requests for assistance received from other states, tribal IV-D programs, or foreign countries with a Federal-level or state-level agreement with the reporting state, tribe, or country. Include open cases that were referred to another state, tribal IV-D program, or foreign country. Do not include tribal and international cases reported on Line 3.

Line 2 – Cases Open at the end of the Fiscal Year with Support Orders Established

Report the number of IV-D cases open on the last day of the fiscal year that have support orders established. Cases reported on Line 2 are a subset of and should have been included on Line 1. Include cases with orders entered prior to the case becoming a IV-D case, as well as cases with orders established by the IV-D agency. Include judgments for arrears, regardless of whether there is a payment schedule of an order for ongoing support. Do not include judgments under state laws that create a debt owed to the state by the non-custodial parent for public assistance paid for that parent's child or children (laws of general obligation).

CURRENT SUPPORT

Line 24 – Total Amount of Current Support Due for the Fiscal Year

- Report the total amount of current support due for the fiscal year for all IV-D cases. Include total voluntary collections as amounts due. Do not include current amounts due on arrears. Future payments must also be included, if they are reported on Line 25.

Line 25 – Total Amount of Support Distributed as Current Support During the Fiscal Year

- Report the total amount of support distributed as current support during the fiscal year for all IV-D cases. Voluntary payments are considered current support and must be reported here, even though there is no order to require payment. If a state recovers costs or fees from a child support collection, the state must report the total amount of the collection rather than the net amount sent to the family. All other fees, such as tax offset, application, and genetic testing fees, may not be included in the amounts for this line. Interest payments also may not be reported on this line.

ARREARS COLLECTIONS

Line 28 – Cases with Arrear Due During the Fiscal Year

- Report the number of cases with arrears due during the fiscal year. Include cases closed during the fiscal year with arrearages.

Line 29 – Cases Paying Toward Arrears During the Fiscal Year

- Report the number of cases that made at least one payment toward arrears during the fiscal year. Report the total number of IV-D cases in which payments of past-due child support were received during the fiscal year, and part or all of the payments were distributed to the family to which the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the state, part or all of the payments were retained by the state).

Federal Audit

Once the Federal OCSE receives the OCSE forms, a Federal auditor will schedule an audit to determine whether:

- The data reported in the OCSE forms is reliable, accurate, complete and secure.
- The data meets the Federal OCSE's reporting requirements.
- The reported data represents the reported performance indicator data as required by the Government Accountability Office (GAO).

Based upon the GAO's Government Auditing Standards and the Federal OCSE's Guide for Auditing Reliable Data, the Federal auditor will request certain documentation from the State CSE Office. The State CSE Office will gather the requested physical case files from the county CSE offices.

The Federal auditor will provide a preliminary report to the MS CSE Program for response and will provide a final report to the Director of the Division of Field Operations. The final report will be used by the Federal OCSE to determine if the data is reliable. If the data is found to be reliable, the Federal OCSE will use the data found in the OCSE 157-Child Support Enforcement Annual Data Report, OCSE 34A-Quarterly Report of Collections and OCSE 396A-Child Support Enforcement Program Financial Report to calculate any incentives due to the MS CSE Program or assess any penalties.

Operational Procedures

During the performance of a review, appropriate staff involved in child support activities are interviewed. The provisions of required services, timeliness in moving from one service function to another, case maintenance, distribution and accounting procedures, case records, and other administrative records and reports are examined. At the close of the review, the program specialist conducts an exit conference to provide a written and verbal preliminary summary of the findings to the appropriate staff.

The program specialist will provide a copy of the written preliminary report of the program compliance review to the regional director, the senior attorney and to the county child support supervisor. The report directs the child support supervisor and/or the regional director, and the senior attorney when appropriate, to prepare and submit a written report of the corrective action taken and/or planned for all problems and errors identified by the review within 45 days of the date of the exit conference. Any exceptions to the report should be indicated and submitted with sufficient documentation for Program Operations staff to make a determination if the exception will be granted. If no documentation is provided by the field staff, no exception will be granted. The corrective action plan and exceptions should be forwarded to Program Operations with a copy to the program specialist that conducted the review.

The corrective action plan is reviewed, analyzed, and evaluated by Child Support Program Operations staff. Any exceptions will be reviewed and a determination made as to the validity of the exception. If the exception is approved and results in a significant change in the percentage of any particular performance criteria, a recalculation will be made by Program Operations. Upon receipt of the corrective action plan, a review and/or recalculation of performance indicator percentages will be conducted by Program Operations staff. The regional director, senior attorney and county supervisor will receive an official copy of the final results of the program compliance review. If necessary, child support staff at the state level will help the appropriate regional director and/or senior attorney determine the type of additional assistance needed by a particular office. Such assistance may consist of clarifying policy by bulletin or memorandum, provision of legal assistance, or through staff development and training.

County Staff Responsibilities

When a child support office is subject to a compliance review, the county child support supervisor and other appropriate staff, including the attorney assigned to the county, involved in child support activity must:

1. Provide or make available information requested by the program specialist.

2. Participate in review conferences and interviews as requested.

3. Provide additional information and comments, if necessary, regarding the program compliance report given to the regional director, county child support supervisor and child support senior attorney.

4. Submit a written, approved corrective action plan, including documented exceptions, if appropriate, to Child Support Program Operations, with a copy to the program specialist that conducted the review, within 45 days from the date of the exit conference. NOTE: Do not send this report to Program Operations until it has been approved by the regional director/senior attorney.

5. Follow through with action to correct the problems or errors identified in the compliance report.

6. Submit a report to the regional director/senior attorney when the corrective action is completed.

Regional Director Responsibilities

In relation to the compliance review, the child support regional director must:

1. Attend review conferences with the county or other staff, if requested.

2. Review the program compliance review report.

3. Work with the county staff to ensure that effective corrective action is developed, implemented, and continued.

4. Work with the child support senior attorney in reviewing findings related to attorney activities to determine responsibility for submitting a response to the compliance review report and implementing corrective action or taking exceptions as needed.

5. Approve and sign the corrective action plan prior to submitting to Child Support Program Operations, with a copy to the program specialist conducting the review.

6. Within 60 days of the date of the corrective action plan, submit a status report of the effectiveness of the corrective to Child Support Program Operations through the program specialist.

Child Support Senior Attorney - Responsibilities

In relation to the compliance review, the child support senior attorney must:

1. Attend review conferences with the county or other staff, if requested.

2. Study the Program Compliance Review report, and, if necessary, the case records identified in the cover memorandum.

3. Work with the regional director to submit to Child Support Program Operations, with a copy to the program specialist conducting the review, within 45 days from the date of the exit conference a joint response for corrective action or an individual response when the finding or problem area is determined to pertain solely to child support attorney functions. Send a copy to the general counsel.

4. Implement and monitor corrective action pertaining to child support attorney functions.

5. Within sixty (60) days of the date of the corrective action response for Child Support Attorney functions, submit to Child Support Program Operations, through the program specialist, a status report of the effectiveness of the corrective action.

6. Report to the Child Support Program Operations when corrective action is completed. Send a copy to the general counsel.

State Office Staff Responsibilities

To ensure the purpose of the Program Compliance Review is met, Child Support Program Operations must:

1. Supervise program specialists in scheduling Program Compliance Reviews, conducting the reviews and preparing the final compliance review results.

2. Monitor the completion of program compliance reviews and corrective action plans. These functions will be performed by the program specialists.

3. Evaluate findings of the compliance reviews and plans for corrective action to ensure compliance with program policy and objectives.

4. Provide technical assistance as needed for corrective action.

5. Recommend follow-up action, targeted reviews and specific corrective action as appropriate to the county, area or state.

6. Analyze data to identify error trends to implement effective corrective action at the county, area and/or state level that will improve the overall performance of the child support program.

7. Review preliminary reports, corrective action plans and exceptions noted by the counties.

8. Within 30 calendar days of receipt of corrective action plans and exceptions, prepare the final audit summary reports and send to the regional director, senior attorney, and county supervisor.

PRIVACY SAFEGUARDS FOR CASES WITH PROTECTIVE ORDERS

Legal Base

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), PL 104-193 requires that all states have safeguards in place against unauthorized use or disclosure of confidential information when a protective order has been entered.

Purpose

To protect the privacy rights of all parties in a case, the county child support office will safeguard all confidential information of the parties, against:

- Unauthorized user disclosure of information relating to proceeding or actions to establish paternity, or to establish or enforce support;
- The release of information regarding the whereabouts of one parent to another parent, usually the custodial parent.

Review Procedures for Cases with Protective Orders

A protective order must place a restriction upon the release of information to *outside* parties. When a protective order is received on a member of a case, the case must be coded for family violence by placing a "Y" on the blank adjacent to "violence involved" on the Support Application Sub-case Status (CASE) screen, which will automatically populate the violence indicator to "Y" on the Support Application- Client Data (CLNT) screen and the Support Application- Children Data (KID.xx) screen. The worker must keep the physical case record in a secure location, locked if possible.

PRIVACY SAFEGUARDS FOR CONFIDENTIAL CASES

A case is coded as confidential when the information should be restricted from DHS employees. A case must be coded as confidential when an employee is a member of a case or an employee has a relationship (sister, mother, husband, etc.) with a member of a case. The case is coded as confidential by the Supervisor placing a "Y" in the blank adjacent to "confidential" at the bottom of the Support Application Absent Parent Data (ABSP) screen. The worker will have access **only** to the Support Application Member Data (MEMB) screen. When a case is no longer confidential, the Supervisor should remove the flag from the ABSP field.

access the other screens. When a case is no longer confidential, the Supervisor should remove the flag from the ABSP field.

CONFIDENTIALITY

Regulations Safeguarding Confidential Information

The assistance titles of the Social Security Act require that the Mississippi Department of Human Services establish safeguards which restrict the use or disclosure of information concerning applicants and recipients of TANF, Medicaid, Child Support or Social Services to purposes directly connected with the administration of the programs. These regulations also specify that information may be shared with programs administered under Titles IV-A, IV-D, IV-E, IV-F, XVI, XIX and XX, and any federal or federally assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need. The State statutes prescribe that the Mississippi Department of Human Services shall establish rules and regulations restricting the use of disclosure of information records, papers, files and communications concerning applicants and recipients to purposes directly connected with the administration of the program.

Nature of Information to be Safeguarded

The Social Security Act restricts any employee, state or local, working in any capacity from disclosing confidential information concerning any applicant or recipient of assistance or services, except in the administration of the program as described above. The information which shall be considered confidential and shall not be disclosed except in the administration of the laws under which the Division works, shall be:

- Names and addresses of applicants and recipients;
- Lists of applicants and recipients. Lists of applicants and recipients will on occasion be requested for commercial, personal or political use. Under no condition may a list of clients be disclosed to any person, agency or business organization except as described below;
- Case records, with each and every document included. Information and/or knowledge of a confidential nature, even though a written record of information has been made, shall not be disclosed;
- Information regarding the noncustodial parent's wages shall not be divulged, to include data received from the National Directory of New Hires (NDNH). This data should only be used for the administration of child support enforcement. Unauthorized disclosure

must be reported immediately to the Director of State Operations, who will notify Management Information Systems (MIS).

- The social security number of child(ren) is not released to the noncustodial parent or the noncustodial parent's employer. The only information released to the noncustodial parent is information that was provided by the noncustodial parent or information pertaining to the amounts of child support due, paid, etc. The noncustodial parent's employer must obtain the child(ren)'s social security number from the custodial parent.
  NOTE: To enforce the court ordered health insurance for the child(ren) in the case, it may become necessary for the agency to release the child(ren)'s social security number for this purpose only to the employer. Employees shall not disclose information of a confidential nature even though a written record of information has not been made;

- Any Division of Field Operations or private contractor employee is prohibited from working on his/her own case or the case of a relative. Any employee's case will be assigned to a supervisor to access and work. A relative's case will be assigned to an unrelated employee;

- Employees shall not disclose information of a confidential nature even though a written record of the information has not been made;

- All personnel files of MDHS employees must be treated with utmost confidentiality. Any need for personnel information will be addressed to and cleared by the Personnel Director or his/her designated representative. Verification of employment, past and present, income, credit or other legitimate reference checks should be sent to the Human Resources Division for response.

Penalty

Disciplinary action will be taken against any agency employee violating the regulations pertaining to the safeguarding of information in accordance with the disciplinary policies and procedures of the State Department of Human Services and/or the State Personnel Board. A willful violation of this regulation will be termed inefficiency in office and the employee may be suspended or removed. In addition, State statutes specify that such acts may be considered as misdemeanors and upon conviction an individual may be fined or imprisoned or both. The specific details of these penalties are located in Sections 43-15-21, 43-17-7, and 43-19-45 of the Mississippi Code of 1972.

If the representative of an agency or organization to whom information has been disclosed violates the regulations, the Executive Director of the Mississippi Department of Human Services, after conducting an investigation, will report the employee or representative to the head of the agency involved.

The Mississippi Department of Human Services will provide all employees with a copy of the rules and regulations governing the safeguarding of information, including a statement regarding the penalty for any use of such information in violation of the regulations. The Department will also make available copies for distribution to all agencies and individuals who are interested.

PENALTIES FOR IMPROPER DISCLOSURE - SSA INFORMATION

Federal law restricts the use of Social Security Administration (SSA) information obtained through computer access or other means to purposes directly connected to the administration of Child Support Enforcement. Any agency employee that publishes, discloses, or makes known in any manner confidential SSA information is subject to a civil money penalty of $10,000 for each such unauthorized publication or disclosure, or a criminal penalty of a fine of not more than $10,000 or imprisonment of not more than 1 year, or both, for each such unauthorized publication or disclosure.

Persons Authorized to Disclose Information

Disclosure of all information, including records of every kind, shall be made only by authorized staff.

Observe the regulations as set out below regarding the release of information when a request is made and the Department does not have an agreement with the agency requesting the information.

1. Information from State office records: Requests must be referred to the Division of Field Operations for requests concerning child support applicants and recipients of noncustodial parents. The Director of the Division of Field Operations will obtain information about the request and make a decision in accordance with the regulations.

2. Information from county or regional records: Requests must be referred to the County Supervisor or Regional Director, who will investigate the request and release the information in accordance with these regulations or deny the request, if not in accord.

3. Court subpoenas: When a state county staff member receives a subpoena for the record, this must be obeyed. See discussion, Subpoena of Case Records, below.

Information to be Released

The information listed below will be released under the circumstances described:

1. Information shall be provided to County and District Attorneys in connection with the fraudulent receipt of TANF, Medicaid, SNAP, Social Services or Child Support. Also in connection with the location of putative or deserting parents, the establishment of paternity, and/or obtaining of support. See the discussion below, Disclosure to County or District Prosecuting Attorneys.

2. Information with regard to putative and deserting parents in TANF shall be disclosed to the grand jury in session for purposes directly connected with obtaining or enforcing child support.

3. Information concerning TANF, Child Support or Social Services shall be shared with agencies authorized under Title IV-A, IV-E, IV-C, IV-D, XVI, XIX, XX and others which are federal or federally assisted programs which provide assistance, in cash or in-kind, or services directly to individuals on the basis of need. See the discussions below, Disclosure to Agencies, Agencies Providing Assistance or Services and Agencies with whom lists are exchanged.

4. The client or his authorized representative will have access to certain information in his case record as set out below under discussion, Disclosure to Client or Client's Representative.

5. Members of the Foster Care Review Board will sign a statement regarding their understanding and acceptance of the agency's policy on confidentiality. Information regarding foster children and their families may be shared with this group.

6. Information regarding child support arrears shall be provided, according to policy, to Consumer Credit Agencies.

7. Information regarding the noncustodial parent's social security number, address, and place of employment may be provided to the location-only client. The full service child support client may receive the same information upon receipt of a written request that states that the information is to be used for child support services. For example, a

custodial parent wants the information to share with a private attorney who is handling a child support matter.

8. Members of the Foster Care Review Board will sign a statement regarding their understanding and acceptance of the agency's policy on confidentiality. Information regarding foster children and their families may be shared with this group.

9. Information regarding child support arrears shall be provided, according to policy, to Consumer Credit Agencies.

10. Information regarding the noncustodial parent's social security number, address, and place of employment may be provided to the location-only client. The full service child support client may receive the same information upon receipt of a written request that states that the information is to be used for child support services. For example, a custodial parent wants the information to share with a private attorney who is handling a child support matter.

Information to be Disclosed

The State Department of Human Services prepares and publishes regularly, statistical and financial data about the programs. The county and state staffs are authorized to release and to interpret the following information:

1. Disbursements of payments to eligible TANF families, recipients of SNAP, and applications for Medicaid and TANF.

2. Number of applications received, number approved, number rejected, type of assistance requested and similar data, compiled monthly, quarterly or annually.

3. Services available from the Department and the conditions under which services can be given. Number of persons requesting services and number receiving them, by nature of the request when available.

4. Child support activities and information concerning the collection and distribution records summarized.

The Mississippi Department of Human Services prepares and publishes an annual report on the operation of the programs, in accordance with the State statute. Other reports, usually those required by Federal regulations, are also available and are published.

Disclosure to Grand Juries

In cases involving fraud, if a deserting legal or putative father OR actions related to establishing paternity and obtaining support are presented to the grand jury in active session, the information necessary for their consideration and decision will be made available. Members of such bodies are expected to observe the regular court ethics with regard to use of this information.

Disclosure to Agencies

Disclosure of information concerning applications and recipients of TANF, Medicaid, Child Support and Social Services will be made available to other agencies under the prescribed conditions. These agencies must meet one of these two criteria:

1. The applicant or recipient has requested assistance or service from the other agency; and the agency's program is administered under Title IV-A, IV-B, IV-C, IV-D, IV-E, XVI, XIX, XX or another federal or federally funded assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need; or

2. The agency has entered into a contract or agrees with this Department to provide a required service and will use the information only in relation to providing that specific service.

Agencies Providing Assistance or Service

Agencies which are known to have standards of confidentiality comparable to those of the Department and provide assistance or services to clients, and with whom information is exchanged for purposes of administration of the TANF, Child support or Social Service programs include:

- Human Service Agencies in other states
- Division of Medicaid, and its fiscal agent, the Blue Cross-Blue Shield Agency
- Department of Rehabilitation
- Mississippi Department of Education
- Social Security Administration, Bureau of Retirement, Survivors, Disability Insurance, and Bureau of Supplemental Security Income

- Mississippi State Board of Health
- State Department of Mental Health and Regional Mental Health Centers
- Public Housing Administration
- Department of Mental Health and general hospitals, reimbursement officers of the Mississippi Hospital Reimbursement Commission
- Mississippi Employment Security Commission
- Social Service Department, Veteran's Administration
- Catholic Charities; the Family Counseling Center, Jackson
- State Selective Service
- American Cancer Society and the American Red Cross
- University of Mississippi Medical Center
- Public Employees' Retirement System of Mississippi
- Mississippi Department of Wildlife, Fisheries and Parks
- Mississippi Department of Corrections
- Mississippi State Tax Commission
- Mississippi Department of Public Safety

No lists of names of applicants or recipients shall be released to these or other agencies, except as specified, but the release of information shall be upon request from the agency and the purpose must reasonably relate to the function of the programs of the Department and the function of the agency requesting the information. When an agency makes a request for information which that agency would normally be ascertaining for itself and which is not in favor of the recipient of services, the request will be denied. Usually a request for assistance or

service by a recipient of services implies his consent for the release of information about himself that is required to enable him to obtain the assistance or service. The head of these agencies will be held responsible for seeing that the information is used only for the purpose for which it is disclosed. If the county child support supervisor receives a request from an agency not included in the above listing, refer the request through appropriate supervisor channels to the Program Division handling the work to which the request relates.

Public Agencies

Formal arrangements have been made for the Mississippi Department of Human Services to supply printed lists of names and addresses or specific information to other public agencies as follows:

1. To the Disability Determination Services (DDS), Vocational Rehabilitation Division, State Department of Education. The department will supply medical and social reports obtained in the current category of Medicaid, upon request by DDS. The DDS will request the needed medical data for persons converted to SSI as of 1/74 by sending in lists. Otherwise, the DDS will request medical data on individuals by use of an agreed-upon form. The county department will also use this form with which to request medical report from DDS.

2. To the county health department at the prescribed time in order that the federal statutory and regulatory requirement for early, periodic screening and diagnosis of TANF children may be carried out. This will be done county-by-county at the agreed upon dates.

3. To designated county health departments as glaucoma screening clinics are set up, so that the Medicaid recipients may be notified of the service. The staff member in the health department authorized to work in glaucoma clinics notifies the Assistance Payments Department of the planned clinics to be held. This program department makes arrangements for the information to be provided and notifies the particular county or counties involved.

4. To the Mississippi Medicaid Commission. The department will provide specified medical support information to be used in third party liability activities.

These agencies will be expected to keep the information confidential and use it only for the specified purpose.

Disclosure to the Recipient of Services or Recipient of Services Representative

The case record is not available for examination by the applicant or recipient or his authorized representative. The department reserved the right to withhold any information which pertains to medical and medical social facts or severe social problems such as illegitimacy, incest, neglect and abuse of children or adults, marital discord, and other serious conditions and changes. The County Supervisor will release certain information to a client or his authorized representative as follows:

1. In connection with a request for a hearing, state or local.
2. Information as to receipt of an amount of child support or assistance received by a recipient when requested by a person filing a Federal or State income tax return and when authorized in writing by the recipient. Federal regulations specifically prohibit the release of information to the Internal Revenue Service except on signed authorization of the recipient.
3. Information supplied by the client or obtained by the worker that the client needs in order to be able to qualify for a benefit which he has requested. This excludes medical reports, as the examining physician must release this information to his patient. It includes proof of age, documents relating to real and personal properly, and other factual material that will assist a client in obtaining a service or benefit.
4. Client's statement of income and resources and other forms which the client has signed which are contained in assistance, service, food assistance or child support case records.
5. Budgets worked to determine eligibility for programs for which the Department is responsible.
6. Any case information, other than medical, medical social, or information concerning severe social problems as described above when the client presents a written request which specifies the material desired and the purpose for which the material will be used.

When the request is made by a person other than the client, the information will not be made available without the client's written permission prior to releasing the information. This written statement will be made a permanent part of the case record. The worker will speak from the case record or provide copies of the material requested.

A MDHS-CSE-617, Verification of Services must be completed for any request made by the parent or guardian requesting verification of the status of a child support case. A statement of accounting or a screen print of Disbursement History (DISB) may be provided to the client. All third party verification requests will be handled by the MS Call Center.

EXCEPTION: For SNAP cases, the written permission to release case information must be from a responsible member of the SNAP household, its current authorized representative, or a person acting in the household's behalf.

Handling of Complaint Letters

When an applicant for or recipient of TANF, Medicaid, SNAP, Child Support or Social Services makes a complaint, usually by letter to a public official, about his denial, inadequate receipt or other action taken about his request, the State or County Department handling the complaint may include that information in the reply which will provide an adequate explanation of the Department's action. When the person or authorized representative sets out facts about the person's circumstances and enters a complaint against the Department; this implies the consent of the client for the Department to reply to the complaint.

When the complaint comes from a congressional or other public agency, the public official usually sends the letter from the client, so that the County or State Department knows that the inquiry or complaint is from the client. Do not include more information than is necessary to explain the position or action of the State Department of Human Services.

Disclosure to County or District Prosecuting Attorneys

The County and District Prosecuting Attorneys shall have access to information from the case records for the following reasons:

- Making an investigation of an alleged violation of the sections in the State statute on fraudulent receipt of TANF, Medicaid, SNAP, Child Support or Social Services.

- Locating deserting or putative parents established paternity and securing support for TANF children.

When acting in their official capacity on behalf of the State Department of Human Services, County and District Attorneys are authorized to review, without written request, case record material in the case of the individual involved and other material related to the individual case such as, SNAP issuance records and child support fiscal and bookkeeping records. This is in accordance with Federal regulations and the Mississippi Code of 1972, Sections 25-31-11, 19-23-11 and 43-19-45.

Law enforcement officials will request case record information involving:

- Social Services on a case-by-case basis;
- Fraudulent receipt of TANF, Medicaid, SNAP, Child Support or Social Services in instances in which the Legal Services Department staff has asked assistance in a particular case; and/or

- Child Support or paternity actions on TANF recipients based on information provided by the child support staff or based on information contained on the referral form.

Subpoena of Case Records

When the Court issues a subpoena to the County Child Support Supervisor or a county child support staff member to personally appear, or produce a case record, the employee must appear or be held in Contempt of Court. Follow these procedures:

- The Regional Director will notify the Division Director by sending a copy of any subpoena immediately to the State Office Senior Attorney, Services. The State Office Senior Attorney or the Senior Attorney over that county should be contacted by telephone immediately in emergency situations.

- If the Court will permit, do not turn over the entire case but read from it the portions pertinent to the legal action.

NOTE: With reference to child support or fraud activities, the County Child Support Supervisor, upon request of the County or District Attorney may provide copies of any material pertinent to the legal action at the time of the trial without a subpoena being issued.

Disclosure to Legislative Offices

The Federal regulations also provide for the disclosure of information to a committee or legislative body (Federal, State or local) when such body certifies that the information is needed in connection with their official duties with regard to the program and that the information will not be used for any other purposes.

COURT ACTIVITY

Use of Records for Court Activity

All child Support records will be available to the Child Support Attorneys and Child Support workers, as well as to Probation Officers, County and District Attorneys and Courts having jurisdiction in paternity, support or abandonment proceeding in accordance with State law as stated above. Therefore, child support records may be requested by these individuals or Courts and used in Court activity on behalf of the Department in efforts to establish paternity and/or obtain child Support without benefit of subpoena.

These records are particularly important and necessary in Court proceedings on contempt action due to an absent parent's failure to fulfill his child Support obligation. However, they may also be needed for other child Support actions as well.

Staff Appearance in Court to Give Testimony

Staff involved with IV-D child Support activity may be needed in Court to give testimony relating to information provided to them by the client, defendant, or from records documenting payment history and arrears. Therefore, the Attorney (County, District or Department) handling a IV-D child Support action on behalf of the Department may request a Department staff member to appear in Court as a witness in relation to that case without benefit of subpoena. Note that the employee may also be requested to bring material from the case record or the child support fiscal record with him. For a discussion of this, refer to CONFIDENTIALITY, DISCLOSURE TO COUNTY OR DISTRICT ATTORNEYS.

The Child Support Attorney will make the request to the staff member and the staff member's immediate supervisor in advance of the date for the appearance. The request will be made as early as possible in order for the staff member to prepare for the hearing. Attendance of Child Support staff for court is permissible and encouraged for the purpose of assisting the attorney when requested. However, child support staff should not be present for hearings for which their assistance is not required.

CASE ASSESSMENT AND INITIATION

LEGAL BASE

Federal Regulations at 45 CFR 303 specify standards for program operations and require processing of child support cases to:

- establish and maintain case records;
- provide services needed, based on an assessment of the case to determine necessary action; and
- meet specific standards for action and timing of action.

Federal regulations (45 CFR 302.85 and 307) require states to have a mandatory statewide computerized support enforcement system and specify the functional requirements. Automated case initiation that establishes and maintains cases electronically is one of the functional requirements. Mississippi Enforcement and Tracking of Support System (METSS) is Mississippi's statewide computer system. METSS supports computerized case initiation and case maintenance.

SERVICES PROVIDED

Child support cases are provided the following services as determined appropriate based on an individual assessment of each case:

- LOCATION of the noncustodial parent by searching all available local, state, and federal sources.
- PATERNITY ESTABLISHMENT, including In-Hospital Paternity Acknowledgment, through investigation, genetic testing, signed acknowledgment, and court action as appropriate.
- ESTABLISHMENT of a legally enforceable child support obligation, including Medical Support when feasible, through appropriate court action.

- ENFORCEMENT of a spousal support obligation for a spouse or former spouse who is living with the children, but only if a child support obligation has been established for that spouse and the child support obligation is being enforced under the State IV-D Plan.

- ENFORCEMENT of the child and/or medical support obligation by initiating appropriate enforcement actions.

- PERIODIC REVIEW of existing child support orders in IV-D cases to determine if the child support obligation is in accordance with the State guidelines for setting child support obligations; to determine if the existing child support order contains provisions for health insurance coverage; and to determine if the criteria for seeking a modification are met.

- MODIFICATION of an existing child support order as appropriate after a periodic review.

- COLLECTION of private and divorce orders through DHS and DISTRIBUTION of support payments in accordance with Federal regulations and State prescribed procedures.

NOTE: The Mississippi Department of Human Services is required to collect and disburse support payments in accordance with the income withholding provisions of the State of Mississippi. No services other than receipting and disbursing payments will be provided in cases originating in Mississippi that are not IV-D cases. However, all incoming UIFSA and intergovernmental income withholding requests are honored and appropriate services provided since by State statute the Department is designated an income withholding agency for the state and is mandated to handle all incoming UIFSA and intergovernmental income withholding referrals.

CASE INITIATION

Case initiation, sometimes known as the intake process, involves all actions necessary to establish or reopen a child support case. This includes actions to determine and document eligibility for services requested. Part of case initiation is to provide the applicant with information regarding the availability of child support enforcement services. During case initiation, the referral document, application form, and court orders are screened to determine if the service requestors are known to the agency and if the information provided is complete and accurate.

Appropriate contacts are made to obtain required information and initiate verification of the information. The case record is set up and case material is scanned to the case. An assessment to determine the next appropriate action is completed.

CASE ASSESSMENT

A case is considered officially opened/reopened on the date the child support worker receives a referral or a properly completed application and the required fee. Within three working days of receipt of the referral or application, a case record must be established.

Within 20 calendar days of the date the case opens, the child support worker will conduct an assessment of the case and determine the action that is necessary; and based on the assessment:

- Interview the custodial parent to obtain necessary and relevant information;
- Verify the information provided by the custodial parent; and,
- Request additional information and/or begin further location attempts.

The case assessment process is begun by reviewing the application/referral and other information/documents provided by the custodial parent or referral source. For cases referred by IV-A, it may be helpful to review information in the IV-A case in MAVERICS as well as information and documents forwarded by IV-A with the referral.

The case assessment includes determining the legal status of the case; i.e. (1) must paternity be established, (2) must an obligation be established, (3) must medical support be established, or (4) must an existing obligation be enforced? It also includes determining the specific action that must be taken to obtain support and to decide if there is adequate location information to proceed. If there is sufficient information and documentation to make these determinations, and if there is adequate location information, it may not be necessary to interview the custodial parent prior to determining the next action to take. Although it is best to interview the custodial parent before referring the case to a child support attorney, or before contacting the noncustodial parent, this is not always possible.

Custodial Parent Interview

The initial interview may be scheduled either in the office or via telephone with the custodial parent within twenty (20) calendar days of the date the child support case is officially opened;

Requesting additional information as needed. One attempt must be made to interview the custodial parent prior to notifying IV-A staff of noncooperation on IV-A referrals, and sending a notice of closure to the non-TANF applicants. Notice A601 provides applicants twenty-one (21) days after receipt of the notice to go to any child support District Office to keep their appointment. (**Note:** Receipt of the letter is considered to have occurred four (4) days after mailing.) The notice also states the pending penalties if they fail appear within twenty-one days. Refer to Volume VI, Chapter 3 for further discussion.

Explain and/or obtain the signature of the custodial parent on the following forms:

- MDHS-CSE-675, *Application for Child Support Services,* page two, provides conditions for the provision of non-TANF services. **This information must be explained in detail to all applicants.**

- A577, *Affidavit and Affirmation of Paternity,* is generated in METSS and must be a statement from the biological mother of a child(ren) born out of wedlock concerning the identity of the putative father of the child(ren). The affidavit is required to be filed with the Clerk of the Court when a stipulated agreement for support and an admission of paternity is to be approved by the Judge and is normally filed as an exhibit to a Complaint to Determine Paternity.

Verification of Information

Verify information provided on the referral document, application forms and obtained from the custodial parent during the interview and/or from other sources. The following information must be verified:

- A copy of all existing support orders, including a divorce decree or separate maintenance agreement, must be obtained from the custodial parent, referral source, or the clerk of the court who issued the order and be made a permanent part of the child support case.

- Any support arrearage accruing prior to the application for non-TANF child support services or approval for TANF/Medicaid-only must be documented by official or unofficial records. Examples of official records are records of the Clerk of the Court and fiscal records of IV-D child support offices. Examples of unofficial records are records maintained by the custodial parents and/or a sworn notarized affidavit signed by the custodial parent.

- Social security numbers for all case members should be furnished. Acceptable verification may be in the form of a social security card and/or other official documentation from the SSA or the place of employment.

  Comment: Currently, cases are sometimes referred with pseudo SSNs for the non-custodial parent. While, the lack of the non-custodial parent's SSN should not prevent a case from being referred to legal, every effort should be made to obtain one.

- Efforts must be made in each child support case to establish a verified location on the noncustodial parent and/or information on his/her ability to pay support. Various authorized forms are used for verification (See Volume VI, Chapter 3, Location.) Correct entry of social security numbers in METSS is critical for automated location efforts.

Redirection of Child Support Payments

All existing court orders of support for any child(ren) receiving services through Title IV-D shall be amended, by operation of law, and without the necessity of a motion by the Division and a hearing thereon to provide that the support payment shall be directed to the appropriate child support office and not to the recipient. The noncustodial parent must be notified of the redirection prior to its taking effect. (See Volume VI, Chapter 3, Redirection of Support Payments.)

Referral for Location Services

Within 20 calendar days of opening/reopening a case, a determination must be made if further location efforts are required. If location services are necessary, all local, state, interstate, and federal location sources must be utilized as appropriate (See Volume VI, Chapter 3, Location.)

INFORMATION REGARDING CHILD SUPPORT ENFORCEMENT SERVICES

Information regarding child support enforcement services must be provided to anyone who requests it. In addition, such information must accompany all applications provided to individuals interested in applying for child support enforcement services. An informational pamphlet is used for this purpose. Information must be provided to the individual on the day the individual makes a request in person, or sent to the individual within five (5) working days of a written or telephone request.

Also, information regarding child support enforcement services must be provided to TANF, Medicaid-only, and Title IV-E foster care recipients within five (5) working days of referral to the IV-D agency. IV-A staff are responsible for giving an informational pamphlet to applicants and recipients of programs for which they determine eligibility (TANF and SNAP). IV-A policy requires that a pamphlet be provided at the time of application. This meets the requirement that the information be given to individuals within five (5) working days of referral.

MDHS-CSE-614, Child Support Services Pamphlet

The MDHS-CSE-614, *Child Support Services Pamphlet,* is written and published by the Division of Field Operations to provide information regarding child support enforcement services. The information provided includes a description of available services, the individual's rights and responsibilities, and the policies regarding fees, cost recovery, and distribution.

All area and county child support offices must maintain a supply of the informational pamphlets. Pamphlets must be displayed in prominent places in the offices where they are most likely to be noticed by interested persons.

ELIGIBILITY FOR SERVICES

There are three groups of children potentially eligible for child support services 1) IVA; 2) IVE; 3) Medical. The services provided are:

- full child support services,
- location only services,
- full child support services without medical support,

- collection and distribution only services,
- or services related to securing medical support only.

The child(ren)'s eligibility for services must be determined upon the receipt of a referral for services, an application for services, or a court order to provide services (usually income withholding). The type of services requested must be documented in the case record.

Referred for Services

Upon receipt of an appropriate referral, children automatically eligible for full child support services or services related to securing medical support are:

- Mississippi recipients of Temporary Assistance to Needy Families (TANF), IV-E Foster Care Board payments, SNAP, and/or Medicaid-only benefits;
- Former recipients of TANF, IV-E Foster Care board payments, SNAP and/or Medicaid-only benefits who do not decline the continuation of full child support services upon termination of their eligibility for TANF, IV-E Foster Care, SNAP, and/or Medicaid-only benefits;
- Recipients of IV-D child support services who live in another state; and,
- Non IV-D UIFSA and income withholding requests for children who live in another state.

Referral Sources

For children automatically eligible for child support enforcement services, the referral sources are:

- The Mississippi Department of Human Services, Division of Field Operations (DFO) (IV-A), refers noncustodial parents of children who are recipients of Temporary Assistance to Needy Families (TANF) through the METSS/MAVERICS interface.
- The Mississippi Department of Human Services, DFO (IV-A), refers noncustodial parents of children, under the age of 18, who are recipients of SNAP benefits through the METSS/MAVERICS interface.

- The Mississippi Department of Human Services, Division of Family and Children Services (DFCS), refers noncustodial parents of foster children who receive Title IV-E foster care board payments or Title IV-B (CWS) Medicaid benefits through the METSS/MACWIS interface.

- The State of Mississippi, Division of Medicaid (DOM), refers noncustodial parents of children who receive Medicaid benefits through the METSS/Medicaid interface.

- The Social Security Administration refers noncustodial parents of children who are recipients of Supplemental Security Income (SSI) and Medicaid benefits. A memorandum is used to refer and notify IV-D of benefit termination.

- The Central Registry is the unit within the State IV-D agency responsible for receiving, establishing, disseminating, and overseeing incoming intergovernmental child support cases, including UIFSA actions and requests for income withholding.

Assignment of Rights

Recipients of TANF money payments, IV-E Foster Care board payments, and Medicaid-only benefits must assign their rights to child, spousal, and/or medical support to the State as a condition of eligibility for these programs. The State is thereby authorized to recover from the support collection the amount expended for TANF money payments, IV-E Foster Care board payments, and/or Medicaid-only benefits. Therefore, enforcement and collection/distribution services must continue after termination of these benefits as long as a public assistance (PA) arrearage exists from which recovery can be made.

The Deficit Reduction Act (DRA) revised section 408(a) (3) of the Social Security Act eliminates the assignment of pre-assistance arrearages in new assistance cases effective October 1, 2009. Under this requirement, assignments of rights on or after the effective date will be limited to the amount of child support that accrues during the assistance period, not to exceed the cumulative amount of unreimbursed public assistance (URPA). Such support may include the retroactive support ordered for the period that the family received assistance.

APPLICATION FOR SERVICES

Children who are not referred from IVA, IVE, or DOM for child support services may become eligible for full child support services, location only services, or full child support services without medical support. The child(ren) for whom child support services are requested must be under the age of twenty-one (21) if paternity establishment is an issue. If the applicant is owed an obligation for child support, which is enforceable under State laws (i.e., is not barred by a statute of limitations), all appropriate services must be made available irrespective of the fact that the child for whom support is sought may no longer be a minor, or may be emancipated. These children may reside in Mississippi or another state.

Application Process

Each applicant for child support enforcement services must complete and sign an application for services. Applicants must give their consent to receive medical support services and certify their agreement with the conditions of service. The completed and signed application form must be accompanied by the total amount of the application fee, if required.

MDHS-CSE-675, Application for Child Support Services

The MDHS-CSE-675, *Application for Child Support Services,* is the form completed by applicants for child support services. Application forms must be readily available to the public and provided to individuals interested in applying for child support services on the day the individual makes a request in person, or sent to the requestor within five (5) working days of a written or telephone request. The MDHS-CSE-675A, Paternity and Relationship Data Sheet and the information pamphlet (MDHS-CSE-614) must accompany the application. Issuance of the MDHS-CSE-675 and the MDHS-CSE-614 must be documented on the MDHS-CSE-675 in the appropriate fields.

The State Parent Locator Unit is the unit within the State IV-D office responsible for receiving, establishing, and processing location only applications. When a location only application is received in a county child support office, the application must be mailed to the State Parent Locator Unit. Child support staff must help applicants who request assistance in completing the application or who appear to need assistance and accept it when offered. This assistance must include mailing the completed application to the State Parent Locator Unit.

Application Fee

A one-time application fee regardless of the number of NCPs for full child support services is twenty-five dollars ($25.00), and must be paid by personal check, cashiers or certified check, or money order. The fee is non-refundable. **NOTE:** No application fee is required for location only services.

Explanations to Applicants Regarding Conditions of Service

All applicants for child support services must be informed of the following conditions of service. Each applicant must:

- Authorize the Mississippi Department of Human Services, Division of Field Operations (DFO) to take whatever action is necessary to provide child support enforcement services.
- Understand that DFO does not guarantee the efforts made on their behalf will be successful.
- Understand that the application fee is non-refundable and no action will be taken until the application fee is paid.
- Understand that if they do not cooperate with DFO the case may be closed after advance notice is provided.
- Notify DFO of address changes and understand that failure to keep DFO advised of address changes may result in delayed payments and/or case closure.
- Notify DFO of any direct payments received from the noncustodial parent or any subsequent support orders obtained.
- Understand that they must repay any overpayment received in error.
- Understand that if they have an existing court order, payments will be redirected automatically to DFO, by operation of State law.

- Understand that the attorneys for Family Foundations and Support do not represent them in any legal action taken, but represent the State's and children's best interest and that DFO does not deal with custody or visitation rights.
- Understand that they have assigned their rights to DFO and cannot bring an independent action to establish or collect child support unless approved by the attorney for DFO.
- Understand if legal advice is needed or a conflict of interest exists they must obtain private counselor assistance from local legal services.
- Understand that any information provided, orally, in writing, or in other form is not protected by attorney-client privilege and could be used by the State in a civil or criminal action against them.
- Understand that no monies paid are attorney fees.
- Understand that either parent of the children may request a review of the support obligation to ensure the amount is appropriately based on the established guidelines and such a review may result in an increase or decrease in the child support obligation.
- Understand that they are subject to criminal prosecution for giving false information.
- Recognize that DFO has the authority to allocate and distribute all monies collected in accordance with Federal guidelines and State laws.
- Provide information regarding Medicaid eligibility.
- Understand that medical support is an optional service.
- Understand that filing a false affidavit will result in a $1,000.00 fine.

Also, a putative father who applies for support services related to paternity establishment must be informed of the following conditions and must sign a MDHS-CSE-675B, *Acknowledgment by Putative Father,* to indicate his understanding of the services available to him and the specific conditions under which the services will be provided.

- He may be required to submit to and advance payment for a genetic test to provide evidence of paternity.
- The court will be asked to establish a support obligation based on his ability to pay.
- The Family Foundations and Support attorney cannot represent him in any legal action taken, but will perform services that the Division determines to be in the best interest of the child(ren). The child support attorney handling the case cannot have the traditional "attorney-client" relationship with him.
- The Division cannot handle custody/visitation issues.
- He may have to advance certain costs of the action determined necessary by the Division to handle the case. He also may be ordered by the court to pay certain costs when the action is completed.

Custodial Parent Application

Children who are not referred for child support services may become eligible for full child support services, location only services, or full child support services without medical support, if the custodial parent signs a MDHS-CSE-675, Application for Child Support Services, and pays the required twenty-five dollar ($25.00) application fee. A custodial parent, for purposes of accepting a child support application, is the person with whom the children are living and/or who is responsible for the care of the children. This includes individuals acting on behalf of MDHS for a child in CWS foster care who is not eligible for Medicaid.

The custodial parent only has to pay one application fee, even if there are multiple noncustodial parents, as long as there is an open case where the application fee was paid. If the case closes where the custodial parent paid the application fee and she/he wants to reapply, or make an application on a new noncustodial parent, an application fee will be charged. When there is an open, paying child support case and the children are now living with a different custodial parent, the new custodial parent will have to complete a new application, but will not be required to pay the application fee.

Putative Father Application

Children who are not referred for child support services and are not included in any open IV-D child support case may become eligible for full child support services if the putative father, seeking to establish paternity, completes a MDHS-CSE-675, *Application for Child Support Services*, a MDHS-CSE-675B, *Acknowledgment by Putative Father,* and pays the required twenty-five ($25) application fee.

Noncustodial (Legal) Parent Applications

Children who are not referred for child support services and are not included in any open IV-D child support case may become eligible for full child support services if the noncustodial (legal) parent requests services, signs a MDHS-CSE-675, *Application for Child Support Services,* and pays the required twenty-five ($25.00) fee.

Services to Noncustodial Parents

Legal Base

Federal regulations at 45 CFR 302.33(a) require that IV-D services be made available to *any* applicant.

Procedures

The Division of Field Operations (DFO) is required to perform all child support services for the noncustodial parent that are performed for the custodial parent with the exception of location. DFO will not attempt to locate the custodial parent for the noncustodial parent, as this is not a proper IV-D function. If the whereabouts of the custodial parent are unknown, DFO will not proceed with the noncustodial parent's application. **NOTE:** *The only exception:* if the noncustodial parent is applying for location services under the Parental Kidnapping and Custody provisions outlined in Location policy.

Before accepting the noncustodial parent's application and application fee, METSS must be checked for an active case, intrastate or interstate. If an active record is found, do not accept the application and fee. Determine the status of the case and proceed with action necessary to obtain child support. If no record is found, proceed with the noncustodial parent's application by accepting the MDHS-CSE- 675*, Application for Child Support Services,* application fee, MDHS-

CSE-675B, *Acknowledgment by Putative Father,* if required, and provide appropriate child support pamphlets. The noncustodial parent must pay the application fee, and read and sign all appropriate documents. The child support worker must ensure that the noncustodial parent has read and understands the provisions on the back of the MDHS-CSE-675. Once the forms and fee are received, the case should be processed, as appropriate. The services provided to the noncustodial parent will be *all inclusive.* He/she may not choose a particular service.

If it is determined that there is no active case, the child support worker must notify the custodial parent via notice A234 from WORD in METSS of the noncustodial parent's application. A IV-D application and child support pamphlets will be sent with the notice to the custodial parent. The custodial parent must complete the application for child support services and agree to cooperate or show "good cause" for DFO not to accept the noncustodial parent's application. The custodial parent does not have to pay the application fee. The custodial parent will have 10 days from the date of the notification letter to respond in writing to DFO. Should the custodial parent not respond to the notice, DFO will proceed with the noncustodial parent's application.

If the custodial parent substantiates good cause, the noncustodial parent's case will be closed. In either of these two situations, the noncustodial parent's application fee is not refunded.

Good Cause Determined

If the custodial parent responds within 10 days claiming good cause, the custodial parent must provide evidence that it is not in the best interest of the child(ren) or himself/herself for child support services to be provided to the noncustodial parent. Policy regarding good cause determination must be followed. Document the good cause findings to ACTN in METSS. Note: Do not contact the noncustodial parent to make a determination of good cause.

If the determination is made that good cause exists, the child support worker must notify the custodial parent that good cause was upheld and no further action will be taken on the noncustodial parent's case as long as good cause exists. The noncustodial parent is notified via free form text notice of the good cause determination and that his/her child support case is being closed. The application fee is not refunded.

Good Cause Does Not Exist

If the custodial parent does not provide good cause verification/documentation as required by

policy, notify the custodial parent of this decision and proceed to provide child support services

to the noncustodial parent. DFO must provide services to the noncustodial parent, if the custodial parent does not prove good cause or complete a IV-D application.

Intergovernmental Cases (Mississippi Initiating)

When the custodial parent resides in a state other than Mississippi, the other state should be contacted to determine special procedures that may be required when the noncustodial parent is the applicant for IV-D services. A UIFSA packet should be prepared and mailed to the other state.

If there is an active case in the other state, proceed to establish paternity and/or a child support obligation. A UIFSA packet must be sent to Mississippi for case processing. The application fee should not be collected.

COURT ORDERED SERVICES

Children who live in Mississippi and are not eligible for child support services will be provided collection and distribution services only when the IV-D agency is ordered to do so by a Mississippi court (usually an income withholding order).

Court Orders

DFO is required to collect and disburse support payments in accordance with the income withholding provisions of the State of Mississippi. The state statute designates the Division as the income withholding agency for the State. Therefore, upon receipt of a court order (usually income withholding) and a support payment, a non IV-D child support case/subcase must be officially opened, if no open IV-D child support case/subcase exists for the same set of children, specified in the court order.

If an open child support case exists:

- document the existing case record, as needed;
- make any necessary changes to the existing case record and other records, including
- METSS (i.e., updating court order information, adding a new subcase, adding children and/or custodial parent, etc.); and
- scan the court order to the existing case record.

A731, Notice to the Custodial Parent

METSS automatically generates a notice, A731, to each custodial parent when a new non IV-D case is opened. The notice explains how the non IV-D case will be processed and other options available to them.

Additionally, the IV-D child support staff must send a MDHS-CSE-675, *Application for Child Support Services*, and a MDHS-CSE-614, *Information Pamphlet*, to the custodial parent when the A731, Notice to the Custodial Parent, is generated. Issuance of the MDHS-CSE-675 must be documented on the form in the appropriate fields.

No Support Collection Received with Court Order

If the court order is received prior to a support collection, the non IV-D child support case is opened on the date a support payment is received. Procedures/controls must be developed to maintain the court orders in the administrative files and to ensure a case is opened when a support payment is received.

ESTABLISHING CHILD SUPPORT CASES

A child support case is officially opened on the date a referral, an application and the required application fee, or a court order (usually income withholding), with a support payment, is received in any IV-D child support office. All referrals, applications, and court orders must be date-stamped to indicate the date of receipt and must be scanned and filed as permanent documentation in a case record folder.

Screening Applications/Referrals/Court Orders

Within three working days of the receipt of a referral, application, or court order, a case record and all associated required documents must be created, including manual and automated records. Each application, referral, and court order (usually income withholding) must be screened to determine (1) if the information provided is complete and accurate; (2) if the person(s) is already known to the agency; and (3) if there is already a case open for the same set of children. The following steps will be taken as part of the screening process:

- If the information provided is not complete and accurate, any incomplete or inconsistent information contained on the referral, application form, or court order must be clarified with the referral source, applicant, or Clerk of the Court that issued the court order, to ensure that the case record/associated documents are created correctly.

- If the person(s) is already known to the Agency, resolve any conflicts and update existing identifying information as needed, such as, birth dates, middle initials, race, sex, addresses, etc.

- If no open case exists, a new child support case is established.

- If a child support case is already open in the name of the noncustodial parent for any child of the same set of children:

- Provide services in the case that is already open;
- Notate that there is already an open case on the application form/referral document and file in the existing case folder;
- Return, when necessary, the application fee to the applicant; and
- Document and make any necessary changes to the case record and other records, including METSS (i.e. adding a child(ren)/custodial parent, creating a new sub case, updating addresses, etc.).

Applications: Including All Children of the Same Set

When interviewing the applicant, determine if all the children in the same set are included in the application. If the application does not include all the children of the same set, explain to the applicant that all the children are eligible for child support services and may be included. Obtain all pertinent information concerning the names, location and circumstances of the other children.

Explain to the applicant that the child support staff attorney may have to be consulted for legal advice to determine if the additional child(ren) should be included or excluded.

Some factors to consider are paternity status, terms of an existing court order and circumstances and/or location of the other children.

REFERRALS: SPECIAL PATERNITY SITUATIONS

There are special paternity situations which require special procedures to be considered when setting up a child support case.

Legal Versus Alleged Father

If a referral gives the name of the legal father as the noncustodial parent and notates that the custodial parent has named another man as the biological father of the child(ren), the case must be established in the name of the legal father. The case must remain in the name of the legal father until he is determined by the court not to be the biological father.

If the legal father is determined by the court not to be the biological father, the custodial parent is sent a closure notice and the case is closed immediately (60 day notice is not required). At this

point, the custodial parent can make a new application, naming the biological father; or if the case was opened through the referral process, a new referral will need to be sent from the referral source naming the putative father.

Unknown Noncustodial Parents and Multiple Allegations

If a referral is received which states that the noncustodial parent is unknown or that there is more than one alleged father, the case is opened with only a last name which is listed as UNKNOWN.

When interviewing the custodial parent (CP) or the other biological parent (OBP), attempt to obtain the name of the noncustodial parent and other identifying information. If a name is obtained, change the case name from unknown to the name that the custodial parent provides. If the CP or OBP continues to state that the father may be one of two or more individuals:

- document this information on the Contact Entry Screen (CONT) in METSS;
- determine through use of such techniques as probe interviewing which of the alleged fathers is the most likely to be the biological father; and
- change the case name to the name of the individual determined to be the most likely biological father as a result of the interview; and

If such a determination cannot be made, change the case name to the name of the alleged father that appears most feasible to pursue regarding paternity. Consultation with the child support attorney may be necessary.

If the noncustodial parent in whose name the case is established is determined by genetic testing or by the court not to be the father, the custodial parent is sent a closure notice. If another putative father is identified prior to the end of the sixty (60) day period, the case with the excluded father must be closed immediately upon a closure notice being sent to the custodial parent. If no other putative father is identified, the case may not close prior to sixty (60) days.

Invalid Referrals

Oftentimes, child support receives invalid automated referrals from Medicaid, IV-A (MAVERICS) and IV-E (MACWIS). The most common type of invalid referral is when child support already has an open child support case with a noncustodial parent, custodial parent/other

biological parent and the children, and an automated referral is received which now refers the case with a different noncustodial parent. On a IV-A or Medicaid case, sometimes the case will go into "resolution" and the worker will have to resolve the case, which can result in an invalid child support case. At other times, an erroneous child support case will be automatically set up, resulting in the automatic closure of the good case. When this happens, the worker must refer the case to their Supervisor, who will close the case as an invalid referral.

For an invalid automated referral from IV-E (MACWIS), the worker can reject the referral during the resolution process.

CASE TYPES

Child support cases maintained and handled by the Mississippi Department of Human Services (MDHS) are classified as either IV-D child support cases or Non IV-D child support cases. A IV-D child support case is one that meets federal requirements for use of federal funds to provide specific services under Title IV-D of the Social Security Act. A Non IV-D case is a case that does not meet federal requirements for use of federal funds under Title IV-D of the Social Security Act, but which must be handled by MDHS using State funds because of requirements of State Law.

CHILD SUPPORT PROGRAM STATUS

The program status of each child included in a child support case must be determined. Program status is determined by the child's eligibility for child support services (Volume VI, Chapter 2, ELIGIBILITY FOR SERVICES) and is recorded on the APPD.CASE screen in METSS at the sub case level.

Program Status Categories

The program status categories are:

- TANF - child eligible for TANF money payments in Mississippi or another State.
- Medicaid Only - child eligible for Medicaid only benefits in Mississippi or another State.
- IV-E Foster Care - child eligible for IV-E Foster Care board payments in Mississippi.
- Non-TANF - child eligible for child support services due to an application for child support services in Mississippi or another State or due to the receipt of SNAP benefits.
- Non-IV-D - child's noncustodial parent is ordered by the court to pay child support through a county child support office in Mississippi, usually through income withholding and there is no open IV-D child support case in any county in the state; or an incoming URESA/UIFSA or interstate income withholding request is received from an entity other than the IV-D agency in another state and/or there is not a IV-D case in the other state or in Mississippi.

Program Status Codes

Each program status is represented by a two position numeric code. The first position of the code indicates program status (TANF, Non-TANF, etc.) and the second position indicates interstate case processing status.

First position codes:

l x TANF
2x Medicaid Only
3x IV-E Foster Care
4x Non TANF
9x Non IV-D

Second position codes:

x0 Instate. No interstate services involved.

x1 Interstate Initiating. A non UIFSA action request to another state initiated by Mississippi (example, request for interstate income withholding based on a Mississippi order).

x2 Interstate Responding. A non UIFSA action request from another state to Mississippi (example, request for interstate income withholding based on the other State's order).

x3 UIFSA Initiating. A UIFSA action request to another state initiated by Mississippi (UIFSA forms are completed).

x4 UIFSA Responding. A UIFSA action request from another state to Mississippi (UIFSA forms are received). NOTE: This also includes request for interstate income withholding in non IV-D cases/subcases.

x5 SNAP Recipient. Any applicant/recipient of SNAP benefits shall be required, as a condition of eligibility for those benefits, to cooperate with IV-D in determining paternity for the purpose of obtaining and enforcing child support obligations.

x6 SNAP Recipient. A non UIFSA action request to another state initiated by Mississippi.

x8 SNAP Recipient. A UIFSA action request to another state initiated by Mississippi (UIFSA forms are completed).

Changes in Program Status

Under certain conditions the program status assigned a child(ren) may change from one status to another to identify the corresponding change in service eligibility of the child(ren). The case record is updated in METSS to reflect all changes resulting from the program status change. All resulting changes must be effective the first calendar day of a future month. Documentation in ACTN in METSS indicates the date of the change and the reason for the change. Listed below are types of program status changes:

- Any program status to TANF: The child(ren) is approved for TANF benefits by IV-A.
- Any program status to IV-E Foster Care: The child(ren) is approved for foster care board payments under Title IV-E of the Social Security Act.
- Any program status to Medicaid Only: The child(ren) is approved for Medicaid Only benefits.
- TANF, IV-E Foster Care, or Medicaid Only program status to Non-TANF: The TANF money payment, IV-E foster care board payments, and/or Medicaid benefits terminated and child support services continue in the existing case. See NOTE, below.
- Non IV-D program status to Non-TANF: A custodial parent applies for child support services after the county child support office has begun processing collections as ordered by the court.

NOTE: When a TANF money payment or IV-E Foster Care payment terminates and continuation of services is declined, the child support case/subcase must remain open and coded arrears only if there is support arrearage and unrecovered TANF payments or IV-E Foster Care board payments. Also, if cash medical support arrearage accrued and remain unpaid at the time Medicaid benefits terminate and unrecovered Medicaid benefits exist and continuation of services is declined, the case/subcase must remain open and coded arrears only.

CHILD SUPPORT CASE COMPOSITION

A child support case is established in the name of an absent parent/noncustodial parent (mother, father, or alleged father) who has been, is now, or eventually may be obligated under law for support of a child(ren) of one other parent.

The composition of the child support case is:

- Absent Parent/Noncustodial Parent (AP/NCP) - The legal parent or alleged (putative) father of the child(ren) in the case for who support is sought and/or paternity must be established.
- Other Biological Parent (OBP) - The other natural parent of the child(ren) included in the case. The other biological parent is usually, but not always, the custodial parent.
- Child(ren) - The child(ren) of this absent parent and the other biological parent for who support services are sought.
- Custodial Parent (CP) - The person with whom the child(ren) in the case lives and/or the person or entity who is responsible for the care of the child(ren). The custodial parent is usually, but not always, the other biological parent. Also, MDHS is considered the custodial parent of a child(ren) in foster care. There may be more than one custodial parent in a case.

Each child support case has a component through which an accounting of amounts owed, collected, and disbursed is maintained. This component of a case is called a sub case.

When there is more than one custodial parent within the child support case, a sub case is established for each custodial parent. Each child support case must have at least one sub case. The composition of a sub case of a child support case consists of one custodial parent and all the children having the same program status associated with this one custodial parent. When the children associated with this one custodial parent have a different program status, a new sub case for this one custodial parent is established. EXCEPTION: Only one child is allowed per IV-E foster care sub case. A subcase must be created for each IV-E foster child in a child support case. This applies to IV-E foster care children only.

ESTABLISHING CASE RECORD AND CASE RECORD FOLDERS

All child support cases opened or reopened must be entered into METSS. The METSS Procedures Manual provides an explanation and description of the screens used during the case initiation process and instructions for researching and establishing cases. Follow these instructions to establish a case in METSS. A separate case record folder must be set up for each child support case. Refer to Volume VI, Chapter 2 for additional information on case folders. All physical file folders should be 8 ½ x 11.

Assignment of Case Numbers

A child support case is established in the name of the absent parent/noncustodial parent (mother, father, or alleged/putative father) and is assigned a unique modulus eleven number. All modulus eleven numbers assigned to child support cases begin with a six (6) [example 600-12-4268]. Each sub case within a case is identified by the case number plus an alpha-suffix (example 600-12-4268A). The case number and sub case alpha-suffix are automatically assigned when all case participants have been clearly identified and established as a unit in METSS.

Case Record Content

The case record (METSS and the electronic case folder) must be supplemented with all information and documents pertaining to the case, as well as all relevant facts, dates, actions taken, contacts made, and results. All records of contacts with individuals and/or agencies must include the date, reason, and result of each contact.

The Electronic Case Folder

An electronic case record must be created and maintained for each case or subcase. The electronic case record will preserve a copy of all the documents and verification that corresponds with any facts, actions taken, contacts made, results, and dates in METSS. In order to expedite document retrieval, there are 9 case folders (1 at the person level and 8 at the case level) wherein documents may be scanned. The documentation and verification must be scanned into the appropriate case folder. The following is a list of the 8 case folders and examples of documents that should be filed in each:

Person Level:

Personal/Notice of Future Money, A610

- Birth Certificates

- Driver's License
- Social Security Card
- Change of Address
- Returned Mail
- Termination Notices
- Check Stubs

Case Level:

Application
- Application for Child Support Services, A675
- Copy of application fee payment instrument

Medical/Enforcement
- National Medical Support Notice (NMSN), A821
- Notice to Employer/Payor, A413
- IRS Release Form, A438
- Request for Modification

Paternity
- Affirmation of Paternity, A577
- Affidavit/Admission of Paternity, A100
- DNA Results

Legal
- Paternity and Support Orders
- Orders Approving Stipulated Agreement
- Income Withholding Orders
- Modification Orders
- Jail Orders
- Release Orders

Financial
- Affidavit of Accounting
- Request To Cancel Check/Reissue Check/Change Payee, A689
- Request For Duplicate Check, A690
- Affidavit Regarding Check Endorsement, A691
- Proof of Payments

UIFSA
- Incoming Packet
- Incoming Transmittal
- Outgoing Packet
- Outgoing Transmittal
- Status Request

Miscellaneous
- Complaint Letters
- Closure Requests

Review
- Audit Findings
- Case Review Guide, MDHS-CSE-174
- Legal Review Guide, MDHS-CSE-174A
- Attorney Case Review Guide, MDHS-CSE-174B

The document titled Where to File Documents and Quick Tips on Worksite provides a more extensive list of where documents are to be filed.

Physical Case Folder

A physical case folder will only be required for original documents as outlined in Chapter 2, Transfer of Case Records. All items filed in the case folder must be date stamped and scanned to the appropriate folder. Information is filed and maintained in the case folder on the left or on the right side, as indicated in the form instructions. If the form instructions give no direction for filing and there are no instructions for filing documents/verifications, follow these general rules:

- File on the left side material of a permanent nature such as referral documents, application forms, Initial Case Data Report (METSS generated), court orders, and other legal documents.

- File on the right side all forms, documents, and correspondence that substantiate:

  - contacts with the custodial parent, noncustodial parent, and other persons involved in a child support case;

  - efforts to utilize local and/or state location resources; communication with other agency staff, other agencies in Mississippi, other state IV-D agencies, the Office of Child Support Enforcement, or any individual;

- work completed on a case including financial information/documents.

Unless otherwise indicated in the form instructions for filing, the material on each side of the case folder is filed in date order with the most recent document on top.

Labeling Physical Case Folder

The label for the case folder contains two lines. On the first line, the case name and the case number with the prefix "CS" to designate child support. The name of the other biological parent is typed in parentheses on the second line below the case number. The format is shown in the examples below:

JACKSON, BOB R.	CS-611-22-3344 (Bruce, Sue A.)
UNKNOWN	CS-624-32-5432 (Weber, Alice)

CASE ASSIGNMENT

Child support cases must be assigned and maintained in the county where the custodial parent and child(ren) reside. A child support case entered in METSS must have the same county for all subcases. If the county is changed on one sub case within a case, all of the sub cases in the case will be changed.

Within the county child support offices, cases are assigned to workers alphabetically by the noncustodial parent's (NCP) last name.

COUNTY OF RESPONSIBILITY

When children in one child support case live with multiple custodial parents in two or more counties (one case with multiple subcases), a county of responsibility must be determined to maintain and house the case folder. Use the following criteria to make the determination:

- If the custodial parent is also the other biological parent (OBP), the county where he/she resides is the county of responsibility.
- If neither of the custodial parents is the biological parent, METSS will assign the case to the county in which the first custodial parent referred/applied resides.

When it is found that children of the same set (same NCP and OBP) reside in more than one county, the county of responsibility must take steps to coordinate with the other county(ies) all information and necessary action to ensure unduplicated child support services are provided for the set of children. Each worker involved must update the case record, including METSS, as necessary. Ongoing communication and cooperation with the other county(ies) involved are essential.

PRIMARY WORKER FOR LOCATION AND TAX OFFSET

When the noncustodial parent has multiple cases in multiple counties, METSS maintains a primary worker for the noncustodial parent for location and tax offset purposes. To identify the worker assigned as the primary location worker, on the METSS Case Management Screen type FUTR in D mode with the case number. The primary worker is responsible for receiving all correspondence related to location activities and updating the METSS case regarding location. For tax offset purposes, the county certifying the highest amount of arrearage will determine the primary worker. The primary worker will be designated as the point of contact for the noncustodial parent who has questions regarding the tax offset and who may request an administrative review. Ongoing communication and cooperation with the other county(ies) involved are essential.

TRANSFER OF CASE RECORDS

Since all child support case material is now being scanned, it is no longer necessary to mail the hard copy child support case folder to another county when the custodial parent moves. The case must be reassigned to the new county on the APPD.CASE screen in METSS and the CSEO/Supervisor in the new county must be notified of the transfer via email. There are certain hard copy documents that, even after being scanned, should still be maintained in the child support case folder, therefore; when transferring a case to another county, mail the case folder to the new county.

NOTE: If a case requires referral to another county for legal action, a temporary file must be created.

If a custodial parent moves out-of-state, the child support case must be maintained in the Mississippi county where the court order was entered. Therefore, if necessary, the case will have to be reassigned in METSS to the Mississippi county where the court order was entered. If no court order exists, the case will be housed in and assigned to the county where the noncustodial resides.

FILING CASE RECORDS

Child support case folders are maintained in the county office in a central file alphabetically by case name. The file must contain only child support cases. Closed and open case records are maintained in separate, centrally located files. If space does not allow for a central file, case folders may be housed in the office of the child support caseworker to whom the cases are assigned.

Each time the case is removed from the central file or individual office a charge out must be completed and placed in the file to indicate the location of the case. For example: A case is completed and placed in the attorney's "work drawer" for review at the next scheduled visit. A charge out must be placed in the file to indicate the whereabouts of the case.

LABELING AND FILING CLOSED CASE RECORDS

Red labels are used to designate permanent folders. If, at a later date, the permanent status of a closed case changes, destroy the case based on when the case was closed. If a case meets the permanent folder status and has been flagged to archive/destroy (‘DE’), the ‘DE’ should be removed from the archive status field.

TRANSFER OF CASE RECORDS

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Closed cases (and the fiscal record components) must be easily located in a section of the files labeled "Closed Child Support Cases". Procedures for the filing of and designated location of closed child support cases and the closed fiscal record components are determined by internal procedures. Depending upon the space available, it may be necessary to file the closed case folders in an area separate from the closed fiscal folders. Each county must be consistent in the method of filing used. The system of filing must be documented and the documentation filed in the administrative file.

RETENTION/DESTRUCTION OF RECORDS

Retention of records of continuing value and the systematic elimination of other records are critical components for effective records management in the Child Support Enforcement Program. The retention and destruction of child support records must be in accordance with State law (25-59-1 et seq.)

RECORDS TO BE RETAINED

Staff should follow the established procedures to verify that documents have successfully imported. After documents are scanned and verified they may be destroyed with the exception of the following:

- Original Positive DNA Results
- Original or Certified Copies of Birth Certificates
- Certified Copies of Court Orders
- Original A577 (Affirmation of Paternity)
- Original A100 (Affidavit /Admission of Paternity)
- Original Manual Affidavit of Accounting (not system generated)
- Payment Records from the Chancery Clerk or NCP (Noncustodial Parent)
- Affidavit of Accounting signed by the CP (Custodial Parent)

Note: Original Negative DNA Results (See Records to be Destroyed)

The above documents are to be retained until the case meets the archive/destroy criteria (closed for four (4) years or longer) except the original positive DNA results (see the Records to be Destroyed section below). These documents should be filed in a single file folder and based on county office space, should be stored in a central location or the workers office.

The McBee MDHS-CSE-691, *Individual Ledger,* used for recording and maintaining the payment history of the noncustodial parent is a permanent record and must be retained indefinitely.

A child support case involved in an internal, state or federal audit or a suspicion of fraud related to child support must be retained until all issues in the case concerning the audit or suspected child support fraud are resolved. For this reason, when a case is selected for audit or is under investigation for suspected fraud the folder must be labeled "Permanent" and, when appropriate, with the date and type of audit. At the normal time of destruction, these cases must be reviewed to determine if relevant issues have been resolved.

Fiscal control/accounting records identified at the normal time of destruction as being involved in an internal, state or federal audit or a suspected fraud investigation must be retained until all issues concerning the audit or the suspected fraud are resolved.

RECORDS TO BE DESTROYED

When a child support case has been closed for three years, the material, including legal documents, contained in the case record and the component fiscal record(s) may be destroyed, except original positive genetic testing results and those cases with unresolved audit or child support fraud issues. To avoid premature destruction and to ensure a systematic procedure for eliminating records, destroy the records at the beginning of the fourth state fiscal year after closure of the child support case. For example, a case closed between July 1, 2009 and June 30, 2010, may be destroyed on or after July 1, 2013, the beginning of the fourth fiscal year since the case was closed.

All **Negative** DNA Results can be destroyed immediately **after** the following actions have been taken:

- Case worker scans the DNA results to WorkSite.
- Case worker verifies the scanned DNA results successfully imported.
- Case worker documents the case.

If there is a pending legal action in a court that does not utilize the Mississippi Electronic Courts (MEC) filing system, then the DNA results should not be destroyed, but given to the attorney for filing in the physical court file.

Note: All Original Positive DNA Results will continue to be retained as a permanent record.

When the following named records or documents have been retained for three years since the date of the last entry on the record/document, the records/documents may be destroyed, except those with unresolved audit or suspected fraud issues at the time of normal destruction: child support receipt and disbursement journals, accompanying reconciliation forms, bank statements/ deposit slips, canceled checks/receipts, monthly summaries/reports, and any related documents.

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To ensure a systematic procedure for retention/destruction of the records, destroy the material at the beginning of the fourth state fiscal year following the date of the last entry on the records/documents. All cases that meet the criteria for destruction are to be destroyed no later than September 30th. For example, all journals, documents, records/documents with last entry date falling between July 1, 2009 and June 30, 2010 may be destroyed on or after July 1, 2013. This is the beginning of the fourth state fiscal year since June 30, 2009.

CASE MANAGEMENT – PROCESSING CHILD SUPPORT CASES

SUPPORT – TYPES AND REQUIREMENTS

Child Support Enforcement

Legal Base

Federal regulations (45 CFR 301 through 45 CFR 307) and State law (Miss. Code Ann. 43-19-31 et seq.) require that the department establish and enforce child and spousal support obligations and collect support payments under specific conditions.

Criteria for Services

Children automatically eligible for full child support services with no requirements for the custodial parent to complete an application or pay an application fee are:

- Mississippi recipients of Temporary Assistance for Needy families (TANF) money payments.
- Former recipients of TANF following termination of a TANF money payment.
- Mississippi recipients of Supplemental Nutritional Assistance Program (SNAP) benefits.
- Recipients of IV-E Foster Care board payments.
- Mississippi Recipients of Medicaid-only benefits.
- Recipients of TANF and non-TANF children who live in another state and who are referred for services by the IV-D agency in the other state.
- Children who live in another state and are referred by an entity other than the IV-D agency in the other state through UIFSA or for interstate income withholding services.

Children who are not eligible as indicated above but who may become eligible for location only services or for full child support services if the custodial parent completes an application for Non-TANF child support services and pays the required application fee are:

- Children who do not receive TANF and who reside in Mississippi.

- Children who do not receive TANF and who reside in another state but who have not been referred for service by the IV-D agency in the other state.

NOTE: A custodial parent, for purposes of accepting a non-TANF child support application, is the person with whom the children are living and/or who is responsible for the care of the children.

A putative father seeking to establish paternity can receive child support services by signing the MDHS-CSE-675, *Application for Non-TANF Child Support Services*, and paying the full service fee. The application for service applies to children who:

- Are not current TANF recipients; and
- Are not included in a non-TANF child support case.

The putative father must be informed of the following conditions related to the provision of services to establish paternity and must sign the form MDHS-CSE-675B, *Acknowledgement by Putative Father*:

- He may be required to submit to and advance payment for a genetic test to provide evidence of paternity.
- The court will be asked to consider the income of the putative father and set a support obligation.
- The department cannot represent him in an adversarial or traditional "Attorney – Client" capacity, but will perform services deemed to be appropriate and in the best interests of the child(ren).
- Custody issues cannot be handled by the department.
- He may be assessed and/or have to advance certain costs.

The department provides only collection and distribution services for children not eligible for child support services as described above when ordered to do so by the court.

Assignment of Rights

As a condition of eligibility, applicants and recipients of TANF money payments, IV-E Foster

Care board payments, and Medicaid-only benefits must assign their rights to child, spousal, and/or medical support to the State as a condition of eligibility for these programs. The State is thereby authorized to recover from the support collection the amount expended for TANF money payments, IV-E foster care board payments, and/or Medicaid-only benefits. Therefore, enforcement and collection/distribution services must continue after termination of these benefits as long as a public assistance (PA) arrearage exists from which recovery can be made.

The Deficit Reduction Act (DRA) revised section 408(a)(3) of the Social Security Act eliminates the assignment of pre-assistance arrearages in new assistance cases effective October 1, 2009. Under this requirement, assignments of rights on or after the effective date will be limited to the amount of child support that accrues during the assistance period, not to exceed the cumulative amount of unreimbursed public assistance (URPA). Such support may include the retroactive support ordered for the period that the family received assistance.

Monitoring

Payment of court ordered child support must be monitored by child support staff. At any time the noncustodial parent becomes delinquent in paying child support, child support staff must take appropriate action, according to policy in Volume VI, to initiate enforcement activities.

Enforcement

Refer to policy regarding basic legal procedures and actions allowed or mandated for enforcement of child support obligations.

SPOUSAL SUPPORT

Legal Base

Spousal support is a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child(ren) for whom the individual also owes support. Federal regulations (45 CFR 302.17 and 45 CFR 302.31) and State law (Miss. Code Ann. 43-19-31(e-f) and 93-11-101)(a)(i) require the department to enforce and collect spousal support under limited conditions.

Criteria for Services

When a support obligation has already been established for a spouse or former spouse, either separately or in the order that established a child support obligation, the department must enforce, collect, and distribute the spousal support if the following conditions are met:

- The child support obligation is being enforced and/or collected through a IV-D child support case;
- The child(ren)and spouse are living in the same household; and
- The child support obligation and the spousal support obligation are owed by the same noncustodial to the same custodial parent.

The Department does not establish an order for spousal support. However, the Department does enforce spousal support obligations under the conditions stated above.

Assignment of Rights

The rights to spousal support, as well as to child support, are assigned to the Department by the TANF payee. Spousal support also is applied to TANF recovery and must be enforced and collected after termination of benefits as long as a public assistance (PA) arrearage exists from which recovery can be made.

The DRA revised section 408(a)(3) of the Social Security Act eliminates the assignment of pre-assistance arrearages in new assistance cases effective October 1, 2009. Under this requirement, assignments of rights on or after the effective date will be limited to the amount of child support that accrues during the assistance period, not to exceed the cumulative amount of unreimbursed public assistance (URPA). Such support may include the retroactive support ordered for the

period that the family received assistance.

Monitoring

Payments of spousal support must be monitored by child support staff in conjunction with the monitoring of child support payments when the above criteria are met.

Enforcement

All procedures available for enforcement of child support may be used to enforce spousal support under the specific conditions described above.

MEDICAL SUPPORT

Legal Base

Medical support is a legal obligation assessed against an individual for the provision of medical/health care for the child(ren). Federal regulations (45 CFR 303.30 and 303.31) and (Miss. Code Ann. 43-13-303 and 43-19-31) require that the Division secure medical support information and establish and enforce medical support and/or cash medical support in all new or modified child support orders.

The state defines health care coverage to include fee for service, health maintenance organizations, preferred provider organizations, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

45 CFR 303.32 requires states to have laws that enforce the mandatory use of notice A821, *National Medical Support Notice (NMSN)*, in all cases where the parent is required to provide health insurance for the child(ren), and the employer is known and verified by the agency. The only exception to this ruling is if the court stipulates alternate health care coverage. The notice A821 must be sent within two business days of receipt of a new hire alert.

The Deficit Reduction Act of 2005 requires that a State's child support orders in IV-D cases include a provision for medical support to be provided by either or both parents and that the State enforces medical support orders.

Criteria for Service

45 CFR 303.31 (a)(1) states that health insurance, for the purpose of child support enforcement, is considered reasonable in cost if the cost to the parent responsible for providing medical support or ordered to pay cash medical support does not exceed five percent (5%) of his or her gross income. In applying the 5% for the cost of private health insurance, the cost is for adding the child(ren) to the existing coverage or the difference between self-only and family coverage.

DFO must petition the court for private health insurance that is accessible to the child(ren), and is available to the parent responsible for providing medical support at reasonable cost in all new or modified orders. If private health insurance is not available at the time the order is entered or modified, the State should petition to include cash medical support until such time private health insurance becomes available and is accessible to the child(ren).

In some areas of the state, judges may issue directives regarding reasonable/unreasonable cost of health insurance. If a directive exists, a copy of the judge's directive, along with documentation of costs, must be scanned to the case record and documented in METSS. A copy of the judge's directive should be kept in the county's child support administrative file.

Children for whom services must be provided are the following:

- Medicaid applicants or recipients who are:
  - Recipients of TANF (IV-A) money payments, Foster Care (IV-E) board payments, or Medicaid only benefits; or
  - Former recipients of TANF, Foster Care board payments or Medicaid-only benefits for whom such benefits have terminated and who have received notification that child support services will continue without the requirement for an application or application fee. All child support services must be provided in continuation of service cases unless the custodial parent requests that the child support case be closed.
- The child(ren) of a custodial parent who completes an application for child support services and pays the application fee for non-TANF services;
- Recipients of SNAP benefits who are automatically eligible for full support services; and,
- IV-D recipients for whom a specific cash amount is designated for medical purposes in an existing court order for support. The Division does petition for cash medical support when seeking a new or modified order for support.

Medicaid-only recipients cannot decline child support services pertaining to medical support enforcement. Applicants for child support services, whose children are recipients of Medicaid, are those applicants who are not referred by the agency determining Medicaid eligibility. These applicants must complete the MDHS-CSE-675, *Application for Child Support Services*, and pay the $25.00 application fee. **Example:** The applicant is a recipient of Medicaid for the unborn child. After the birth, the baby is deemed eligible for Medicaid for one year. If the mother wishes to be referred for child support services by Economic Assistance or Medicaid after the baby's birth, she must request TANF, SNAP or Medicaid benefits for the child. If she wants child support services, but does not wish to apply for TANF, SNAP or Medicaid, she may request child support services through the IV-D agency. See the section below pertaining to Assignment of Rights.

Assignment of Rights

Recipients of TANF, IV-E Foster Care board payments, and Medicaid-only benefits assign their rights to medical support, including health insurance and specific cash amounts designated for medical purposes to the State (Division of Medicaid). Due to this assignment, a Medicaid recipient is required to cooperate in establishing paternity and taking the necessary steps to obtain and enforce an order for health insurance or enforce an existing order for cash medical support, unless good cause for not cooperating is determined. Notification of failure to cooperate with medical support requirements must be sent to the entity establishing Medicaid eligibility (Medicaid Commission). This task is accomplished via METSS interface with these state agencies.

Collection of Medical Support

The Division of Medicaid is the agency for assigned health insurance and assigned designated cash medical support (current and arrears). The Division of Field Operations (DFO) does not collect health insurance premiums, payments for medical bills, or any other type of third party or reimbursed medical support.

When cash medical payments are received on Non-TANF cases, the collection is receipted and disbursed to the client according to the instructions in the METSS procedure manual.

Modifications for Medical Support

To determine if an existing order for child support must be modified for the sole purpose of securing health insurance, the current court order must be measured against the case criteria below:

- The parent has secured new employment or joined a union and there is evidence/documentation that the employer/union provides health insurance.

- Documented evidence exists of special medical needs.

If the petition is being prepared for the sole reason of securing health insurance, documented evidence must exist that:

- Health insurance is or will be available in the future to the parent at a reasonable cost;

or

- Facts show a need for increased medical coverage due to factors such as, but not limited to, disabling or long term illness of the child(ren). Either condition should meet the requirement for a material change in circumstances.

Health Insurance Enrollment – National Medical Support Notice (NMSN)

Upon receipt of a court order that includes medical support or cash medical support, the worker codes ORDR screen in METSS that health insurance has been ordered. The worker then requests notice A818, *Order/Notice to Withhold Income for Child Support* and notice A821, *National Medical Support Notice (NMSN)* from WORD and sends the forms to the employer within two business days, if they have not already been sent. The employer then sends the *NMSN* to their health care provider within twenty (20) days.

The A821 contains two parts: (1) Instructions on completing the forms; and (2) Response Forms. Some employers may request that only the Response Forms be sent and not the Instructions when sending the *NMSN*. If this occurs, the supervisor or the regional director is to access the MAINT screen from the EMPL screen and enter N in the SEND.MED.SUP.INST field. This field shall remain blank unless instructed by employer to not send instructions.

When a new hire alert is received through the National Directory of New Hires (NDNH) or State Directory of New Hires (SDNH), and the income withholding requirements are met, METSS automatically generates and sends the appropriate notices based on the following criteria:

- The incoming employer is matched to an existing METSS employer and the 'Health Insurance offered' field on APPD.ABSP.EMPL.MAINT screen is coded 'N', notice A823, *Automatic Income Withholding Notice*, is sent within two business days. The worker will receive the alert 'Employer Income Withholding Notice Sent Based On NDNH/SDNH Info-Use ACTN To View Notice'.

- The incoming employer is matched to an existing METSS employer and the "Health Insurance offered' field on APPD.ABSP.EMPL.MAINT screen is coded 'Y' or blank, notice A824, *Automatic Combination Income and Medical Notice* (AICM), is sent to the employer within two business days of receiving the alert. Notice A824 is a combination of notices A823, *Automatic Income Withholding Notice* (AIWN), and A821, *National Medical Support Notice* (NMSN). The worker receives the alert 'Employer Income Withholding Notice Sent Based on NDNH/SDNH Info – Use ACTN to View Notice'.

- The incoming employer is not matched to a METSS employer, the supervisor or regional director must enter employer information to the APPD.ABSP.EMPL.MAINT screen. Notice A824 is sent within two business days. The worker receives the alert 'Employer Income Withholding Notice Sent Based On NDNH/SDNH Info – Use ACTN To View Notice'.

- The incoming employer is matched to a METSS employer, the 'Health Insurance Offered' field on the APPD.ABSP.EMPL.MAINT screen is blank or 'Y', and the 'Send Med Sup Instr' field on the APPD.ABSP.EMPL.MAINT screen is 'N'; the notice A825 '*Income Withholding/Medical Support Notice Without Instructions*' (combined A821/A823), is sent within two business days. The worker receives the alert "Employer Income Withholding Notice Sent Based on NDND/SDNH Info – Use ACTN To View Notice.

Immediately upon notification by the insurance provider that the child(ren) has been enrolled in the plan, the employer withholds the parent's child support and/or insurance premiums in accordance with the limits allowed by the Federal Consumer Credit Protection Act (CCPA). If the child support amount, combined with the medical support deduction, exceeds the limits allowed by CCPA, the employer completes Item 4 of the Employer Response and returns the *NMSN* to the case worker. The case worker documents on CONT in METSS that combined deductions exceed CCPA limitations.

If the parent is terminated, quits a job, or allows coverage to lapse, the employer is required to notify the case worker immediately. Upon notification that the parent is no longer employed or allows health insurance to lapse, enter the termination date and a reason on INSU. If the parent allows the health insurance to lapse, complete the necessary paperwork to reinstate health insurance. When the coverage starts again, do not remove the termination date, but add a new entry with the carrier information and new coverage start date.

Enrollment, Monitoring and Notification

When a court order includes a provision for health insurance, cash medical support, or any type of third party or reimbursed medical support, and there is an assignment of medical support to the State, METSS notifies the Division of Medicaid (DOM) via interface. METSS submits an update record to DOM whenever one of the following occurs:

- A new court order with health insurance is entered;
- The health insurance field is changed on an existing order;
- A new court order with a cash medical support obligation is entered;

- The cash medical support obligation on an existing order is modified;
- Insurance information is entered for a child;
- A previously entered insurance record for a child is changed; and/or
- Insurance coverage has terminated.

DFO enforces the securing and maintaining of employment-related health insurance through the use of the *NMSN* and monitors only the collection/enforcement of designated specific cash amounts.

- If health insurance is available to the parent and has been obtained, the child support worker:

- Codes the METSS ORDR screen with an "H" in the Health Insurance field, denoting that health insurance is ordered and codes the responsible party field.

NOTE: If the ORDR screen is coded with an 'H' in the Health Insurance field, METSS generates an action deleted alert, 'Health Insurance Has Been Required For 20 Days. Check For Compliance.' This alert is only deleted when the worker accesses the INSU screen and enters insurance information, or enters 'NONE' in the command field and enters an explanation on the pop-up window.

- Records the insurance information on INSU and KID.XX in METSS;

- Accesses the APPD.ABSP.EMPL screen and codes the INSU OFF: and TAKEN: fields appropriately;

- Accesses the APPD.ABSP.EMPL.MAINT screen and enters a 'Y' in the 'Health Insurance Offered' field, if it isn't already coded 'Y'. The 'Send Med Sup Instr' field should be blank or an 'N'; and

- Notifies the custodial parent via notice A505, *Notice of Enrollment for Health Insurance*, that the child(ren) has been enrolled in the health insurance plan provided by the parent's employer. The notice also informs the custodial parent that the parent's insurance plan administrator will provide all necessary information regarding the insurance including, but not limited to a description of the coverage, the effective date of coverage, summary plan, and claim forms. Further, that if more than one option is available and assistance is needed in choosing an option, to contact the case worker. The worker does **not** make the decision for the custodial parent, but may offer guidance and interpretation of the information. However, if more than one option is available, and the parent is already

covered under one of the available options, the child(ren) is to be enrolled in the same plan as the parent.

- If health insurance is court ordered and available to the parent, but has not been obtained, the child support worker:

- Codes ORDR panel with an "H" in the Health Ins field that health insurance has been court ordered. The worker then requests the A821 *NMSN* through WORD and sends the notice to the parent's employer within two business days, if it has not already been sent. METSS records this to the ACTN log. If this is a new hire alert, METSS automatically sends the A824 (A823 & A821) within two business days of receiving the alert;

  If employer information is received via the NDNH or SDNH, and income withholding conditions are not met, but there is a court order, the worker receives an alert: 'Employment Received from New Hire Directory. See ACTN and Send NMSN and Income Withholding if Appropriate'.

  If employer information is received via NDNH or SDNH, and income withholding conditions are not met and there is not a court order, the worker receives an alert 'Employment Received From New Hire Directory, Take Appropriate Action'.

- Notifies the custodial parent via notice A505, *Notice to Custodial Parent*, the plan administrator will provide all necessary information regarding the insurance including, but not limited to, effective date of coverage, summary plan, and claim forms;

- Informs the parent through notice A605, *Notice to Parent*, from WORD, that health insurance has been court ordered and their employer has been notified to enroll the dependent child(ren) in his/her health plan;

- Sets a twenty (20) day tickler to contact the employer to confirm that the child(ren) has been enrolled in the health plan. If more than one plan is available and the custodial parent has not reached a decision by the end of the 20-day time frame, the insurance provider automatically enrolls the child(ren) in the provider's default plan; and,

- Completes the INSU and KID.XX screens, upon receipt of the insurance information.

- If health insurance is ordered, but is not currently available, the child support worker codes ORDR screen, if it has not already been coded, with an "H" in the Health Ins field. The worker then enters "NONE" in the CMD field on the INSU screen in METSS that

insurance is ordered but not available and presses ENTER. A pop-up screen appears and the worker must document and provide an explanation as to why insurance is not available (e.g., employer does not offer, parent works part-time, etc.). The worker then sets a tickler to reevaluate the availability of insurance at a future date, if applicable.

Employer Responsibilities

- If the plan administrator informs the employer that there must be a waiting period, e.g., 90 days before enrollment can be completed; it is the responsibility of the employer to notify the plan administrator when the parent is eligible for enrollment. If the waiting period for the parent is more than 90 days from the date of receipt of the NMSN, or the parent is required to complete a certain number of hours or tasks, the plan administrator completes Response 4 under the Plan Administrator Response section of the NMSN and returns it to the employer and DFO.

- If the employer determines that the amount of child support combined with the premium for health care coverage exceeds the maximum amount allowed by the Consumer Credit Protection Act (CCPA), the employer must notify DFO immediately by completing No. 4 on the Employer Response form of the *NMSN* and returning it to the worker. The worker then enters "NONE" in the CMD field on the INSU screen in METSS. When the information is entered, a pop-up window appears and worker must document that insurance is ordered but exceeds the limit allowed by CCPA.

Enforcement of Medical Support

Upon determination that court ordered health insurance, which is currently available at a reasonable cost, has not been obtained or that the parent has allowed court ordered health insurance to lapse, the child support worker must contact the employer and/or parent to determine the reason for the lack of insurance for the child(ren) and enter a termination date and reason on INSU. The worker completes the necessary steps to enroll the child(ren) in the available health insurance plan (see *Health Insurance Enrollment – National Medical Support Notice*). When the insurance coverage starts again, do not remove the termination date and reason from the previous entry, but add a new entry with the carrier information and enter a new record with the new insurance carrier information on INSU. If insurance is not available at this time, the worker must code METSS by entering "NONE" on the INSU screen and by documenting the CONT screen.

If the parent provides court ordered health insurance through his/her employment and then changes employment, and the new employer provides health care coverage, the worker enters the

new employer information on the ABSP.EMPL screen in METSS and codes the ORDR panel that insurance is ordered and available, and through WORD sends the *NMSN* to the new employer within 2 days of notification of employment. The worker must enter a termination date and reason on the old insurance carrier information and enter a new record with the new insurance carrier information on INSU.

If a child is removed from a policy that is still in effect for another child(ren), the worker accesses the INSU screen and enters a coverage end date and reason on the child that has been removed.

It is imperative to maintain and keep INSU current. Maintaining INSU enables DFO to provide DOM the most current insurance information available.

Contesting the Enrollment of the Dependent Children

The parent has the right to voice his/her concerns to the child support worker regarding the enrollment of the child(ren) by the Division. The Division will not halt the enrollment process unless the parent contests the enrollment by legal proceedings and obtains a court order eliminating the parent's responsibility to provide health insurance for the child(ren).

The parent may contest the enrollment of the child(ren) based on mistake of fact within 15 calendar days of mailing of the notice A605, *Notice of Intent to Enforce Health Insurance*. However, the employer must still initiate withholding until the employer has been notified that the matter has been resolved. If the 15 days lapse without any contest, the parent must appeal through the court system concerning his/her objection to the enrollment.

Should the parent verify that he/she is not responsible for providing health care coverage, the child support worker will notify the employer, via free form text in METSS, to discontinue the deduction of dependent health care coverage from the parent's wages.

Unlawful Refusal to Enroll

It is unlawful for the insurance provider to deny enrollment of the child(ren) on the grounds that:

- The child was born out of wedlock;
- The child is not claimed as a dependent on the parent's Federal income tax return;
- The child does not reside with the parent in the plan's service area; and/or

- The child is receiving benefits or is eligible to receive benefits under the State Medicaid plan.

If the insurance plan requires that the obligated parent also be enrolled in the health insurance plan, and the obligated parent is not currently enrolled, the plan administrator must enroll both the obligated parent and the child(ren) in the health insurance plan. All enrollments are to be made without regard to open season restrictions.

Medicaid Referrals

Currently there are two agencies determining Medicaid eligibility for children: Regional Medicaid Offices and the Social Security Administration.

Regional Medicaid Offices

The Regional Medicaid Office determines eligibility for all Medicaid eligible children. The Regional Medicaid office uses the automatic interface to refer noncustodial parents of these children to DFO.

Social Security Administration

Children who receive Supplemental Security Income (SSI) are recipients of Medicaid benefits; therefore, they are eligible for child support services. As the state IV-D agency, DFO is to provide Medicaid-only child support services for a SSI eligible child who has a noncustodial parent or an alleged parent responsible for support of a child.

When it is learned that a SSI child is included in the family of a TANF referral, non-TANF application, or an existing child support case in any category, the worker must verify that the child is a SSI recipient. Verification may be obtained via Social Security Administration Benefit Award Letter, IV-A case record, etc. A hard copy of the verification used must be scanned to the case record.

Also, verification may be obtained by completing MDHS-CSE-679, *SSI Child Eligible for Medicaid-only Child Support Services*. The form is initiated by the child support worker, who mails it to DFO. DFO forwards the form to the Division of Medicaid (DOM) to confirm Medicaid benefits for the child based on SSI eligibility. DOM verifies if the child is a recipient, completes the form, and returns it to Program Operations. Program Operations forwards the form to the county with attention to the worker initiating the request. The worker handles the form per the form's instructions.

Child Support Services

Upon receipt of verification confirming that a child receives SSI Medicaid or a referral from one of the agencies, the child support worker must take immediate steps to provide all appropriate child support services according to existing child support policy. There is no application or application fee for these services.

Overview

There are no eligibility requirements for child support applicants (e.g. residency or income limitations) and anyone may complete a child support application. However, the services provided are limited by State and Federal law. The Division of Field Operation, Child Support Enforcement Program will not establish an order for a noncustodial parent to pay alimony to a custodial parent, nor will an order of child custody be established.

DFO services do not include:

- Custody and visitation;
- Medical support bill collection judgments;
- Property settlements;
- Attorney fees;
- Other provisions of a divorce decree; and/or
- Representing the applicant/customer.

LOCATION

Legal Base

The federal regulations (45 CFR 303.3) require the IV-D agency to locate noncustodial parents (NCPs) for child support purposes using all appropriate local, state, federal, and interstate sources as authorized by state law and have established a State Parent Locator Unit (SPLU). The SPLU is, by agreement, authorized to provide services in parental kidnapping and child custody determination cases. Specific requirements and time frames for location must be met by the IV-D agency.

Miss. Code Ann. 43-19-45 requires the Division of Child Support Enforcement to establish a state parent locator service for the purpose of locating absent and non-supporting parents and alleged parents, which will utilize all appropriate public and private locator sources.

All information shall be confidential and shall not be used or disclosed for purposes except for the specified purposes.

Location Defined

Location means information concerning the physical whereabouts of the NCP, or the NCP's employer(s), and other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action in a case.

Location Process Timeframes

The IV-D Agency must meet federally mandated time frames for location efforts. If the whereabouts of the NCP are unknown, the child support worker must begin local location efforts within 20 calendar days after receipt of a referral or application. The child support worker must obtain information from all appropriate local sources, enter data in METSS, and initiate verification of this information.

Within no more than 75 calendar days of determining that location is necessary, all appropriate locate sources must be accessed. The 75 calendar day time frame runs concurrently with the 20 calendar day time frame.

The location process begins on the date the NCP's referral is received by child support enforcement. If the NCP is not located in another METSS case, METSS automatically places the

NCP in locate status. With adequate identifying information, METSS automatically processes data through appropriate interfaces quarterly and annually (including referral to the Federal Parent Locator Service (FPLS) and a letter to the custodial parent for information). Some forms, requiring worker intervention, must be generated in METSS.

Without the social security number of the NCP, all interfaces cannot be utilized. When the social security number is unknown and the NCP is not located, METSS automatically sends a referral to the SPLU.

Efforts to locate a NCP must continue for one year if his/her social security number is unknown, three years if his/her social security number is known, or until the child support case is closed.

Identifying Information

The NCP's social security number and/or date of birth provide a sound basis for establishing that data obtained through various interfaces is for the correct person. Therefore, it is essential that the child support worker obtain both in all possible instances. Since the data acquired during investigation will be used to initiate legal action against the defendant to establish paternity and/or child support, it is essential that information provided is for the NCP and not for another person with the same or similar last name.

Race, sex, last known address, last known employer, city, state or county where the NCP was born, and parents' names (the mother's maiden name) help in identifying the NCP and are particularly important in obtaining the social security number from FPLS.

Investigation

An investigation to establish a verified location on the NCP/alleged parent and information on his/her ability to pay support is necessary for each child support case. The investigation may simply consist of verifying information provided by the custodial parent or may involve an extensive search for clues and information. In some instances the NCP may have another case in METSS in which he/she has been located. If this is the situation, action must be initiated immediately to complete successful service of process and paternity establishment within 90 days.

Location information must be such that the person serving process can readily locate the NCP to serve with a summons/subpoena or an address verified where notices can be sent. The street address where the NCP resides and/or employer name and street address are essential location data. Rural addresses or other locations, less specific than street and house number, must be

accompanied by directions to the home to ensure service of process.

For various reasons, service of process may not be successful even if an address is verified. **Example:** An individual does receive mail at the address verified by the post office, but does not reside at the address. If process is not served or other necessary actions cannot be initiated, the child support worker must return the NCP to locate status.

The amount of wages paid and the availability of health insurance must be verified whenever possible, as this information can be presented to the court as proof of the NCP's ability to support the children. The name and address of the employer (verified) are also necessary to serve a wage withholding order.

Verification of Information

Information received from any source, except Mississippi Department of Corrections (MDOC) and State Directory of New hires (SDNH), must be verified. Verification means that a reliable source such as an employer acknowledges (*written statement) that a NCP either is employed or is not employed by him/her.

*If telephone confirmation of employment is obtained, an existing wage withholding order may be served on the employer without waiting for written confirmation. Oral confirmation must be documented on CONT and must be followed with written verification.

Note: Information received from MDOC for an absent parent who is incarcerated does not require verification; parole and probationer addresses must be verified. Information received from SDNH is considered to be verified upon receipt.

Local Location Efforts

During the 75 calendar day time frame, the child support worker must use all available sources (public and private) to locate the NCP concurrently with METSS interfaces. All sources contacted, dates, and results of contacts, including telephone and personal contact, must be documented on CONT in METSS. Sources, other than the custodial parent, which often provide information are:

- The IV-A, Temporary Assistance to Needy Families (TANF), and the Supplemental Nutrition Assistance Program (SNAP) records are good sources of information.

- Current or former employers; labor unions; utility companies; fraternal and civic

organizations; former landlord; credit companies; city and telephone directories; policy records; automobile dealers; church attended; hospitals; clinics or physicians; stores where the NCP trades; local law enforcement agencies; and similar sources of information.

- Organized recreational facilities (bowling, golf) or other organized activities.

- School(s) that the child(ren) is attending or has attended may also be a source to obtain an address for the NCP.

Location Interfaces

Applicable interfaces are checked when the NCP is in locate status, and some of the following information is entered in METSS: social security number, date of birth, last known address or a combination of information for submittal to Federal Parent Locator service.

Automatic interfaces are:

- Mississippi Department of Public Safety
- Mississippi Employment Security Commission (verified social security number)
- Mississippi State Tax Commission
- Mississippi Department of Health – (1) death and (2) birth
- Mississippi State Personnel Board
- Trans Union Credit Bureau
- Expanded Federal Parent Locator Service
- Mississippi State Directory of New Hires
- National Law Enforcement Telecommunications Systems, Inc. (NLETS)
- Public Employees Retirement System

- LexisNexis

The child support worker is alerted by METSS when information is returned from interfaces. If enough information is included to verify that the social security number is for the correct NCP, the social security number should be entered on ABSP. Employment information appears on the FUND, ADDR, WAGE and ACTN screens in METSS. Any address, employment, incarceration, death dates, or telephone matches received from LexisNexis will be placed on the ADDR or APPE screens. The child support worker must accept or negate the data received from LexisNexis to delete the alert.

State Parent Locator Unit

The SPLU is located within the Mississippi Department of Human Services, Division of Field Operations. The SPLU provides location and employment information when requested from authorized individuals on non-supporting parents and provides information (obtained from the FPLS only) to authorized individuals in parental kidnapping and child custody determination cases.

METSS automatically submits the NCP to SPLU when the NCP's social security number is not entered on ABSP, or he/she is not located within 40 days. Any information known regarding the NCP must be entered on FACT.

Expanded Federal Parent Locator Services

The Federal Parent Locator Service (FPLS) is a computerized, national location network operated by the Federal Office of Child Support Enforcement (OCSE). FPLS was originally established to provide address and Social Security number information to state and local child support enforcement agencies to locate NCPs. With the passage of welfare reform legislation in August 1996, the FPLS has been expanded to include the following new programs, and is now referred to as the Expanded Federal Parent Locator Service (EFPLS).

- The National Directory of New Hires (NDNH),
- The Federal Case Registry (FCR).
- FPLS External Locate Sources
  - Social Security Administration
  - Department of Defense

- Internal Revenue Service
- Department of Veteran Affairs
- Federal Bureau of Investigation
- Quarterly Wage and Unemployment Insurance Data for FBI Employees
- Office of Personnel Management

Location Requests to Other States

States are required to cooperate with other states in the location of NCPs for child support purposes. The child support worker must send a request to another state when there are indications that the NCP lives or works in that state. To do this the child support worker must manually generate notice A307, *Locate Date Sheet*, in WORD.

If the state is a CSENet state, a LO1 (quick locate request) must be generated to that state using CSENet request (CSRE). An automatic reminder to the other state is sent for a CSENet referral. Staff must not use the LO2 (full locate request) option to request information from other states.

Referrals by Local Child Support Offices

The SPLU referral is made automatically only once by METSS. If another request to SPLU is necessary, it must be made by changing the AP action code on the ABSP screen. It may be necessary to submit a referral to SPLU when the child support worker is unable to obtain the NCP's social security number, date of birth, address, and employer or for any reason deemed appropriate. Any available information concerning the NCP must be entered on FACT.

The SPLU currently checks only the data base of the Mississippi Department of Public Safety to obtain the social security number and date of birth and other information. If the social security number and the date of birth are entered in METSS by the child support worker, other data bases are searched using the internal interface and tape matches with other sources. The following sources will be checked when specifically requested on the SPLU:

- Mississippi Department of Corrections;
- Mississippi Employment Security Commission;
- State Tax Commission (Motor Vehicle); and
- Federal Parent Locator Service.

Please note that all interfaces mentioned above, except MDOC, are operational through METSS. Different forms of identification are required for each. Some sources can be utilized with the name and date of birth and others require the social security number.

If any information is obtained in the SPLU, the Location Specialist enters AP ACTION CODE "12" on ABSP in METSS. The SPLU Referral Report notated with "12" and attachment(s) are sent to the child support worker. The worker must evaluate the information received, discuss with the custodial parent, as needed, and enter any data that is missing from the case (such as social security number or date of birth). The child support worker must initiate verification of address(es) or employer(s) in METSS and change the AP ACTION CODE from "12" to "13" (long term locate).

If no information is obtained, the location specialist enters AP action code "13" on ABSP in METSS. The SPLU Referral Report, notated with "13", is returned to the child support worker, and further action is not necessary in METSS on this particular request.

NOTE: If the worker receives additional information, which would assist in obtaining the NCP's location, the location process must begin again.

Location Only Applications

Federal regulations require DFO to accept applications for Locate Only Services. The applicant must attest that the request is related to establishing parentage, and establishing, setting the amount of, modifying or enforcing a child support obligation. Applicants must provide evidence that they are the resident parent, legal guardian, attorney or agent of a child who is not receiving assistance under title IV-A. Applications (MDHS-CSE-675, *Application for Child Support Services*) for instate location only cases are sent directly to SPLU. There is no fee for this service. Information is entered into METSS by the SPLU worker. One complete, exhaustive search is made using all sources available, including the EFPLS. If the NCP is located, the verified residence address, social security number, and employer's name/address are provided to the applicant. No other information is given.

No additional search is made without another application.

Location Requests by Other States

Requests for location services from other states are usually made using CSENet or the *Locate Data Sheet*. These cases are not entered into METSS. Information received from the Mississippi Department of Public Safety (MDPS) and the Mississippi Employment Security

Commission (MESC) is returned attached to the request or electronically through CSENet. This information is not verified and is notated as such. The other state is responsible for verification.

When a state makes a location request, via the Child Support Enforcement Transmittal (interstate form), a location case is set up and information is entered into METSS. Any information obtained by SPLU is verified and returned to the other state.

Documentation/History of Location Activities

METSS documents location efforts that are performed by the system. This information is found on the LOCATE TRACKING (LTRK), ADDR, EMPL, ABSP EMPLOYER MAINTENANCE HISTORY (HIST), WAGE and ACTN screens. The LTRK screen displays the NCP's name, current locate status, date NCP is placed in locate status, submission source, submission date, response date, and resubmission date.

The ADDR screen displays all addresses and other information from location interfaces and addresses that have been manually entered on the ADDE screen. This screen is used to process pending addresses. These addresses can be verified, negated, deleted, or pended. If more than one address is verified by the post office, one or more may be pending for future re-verification and use.

The date of the request and the results appear on the ADDR screen. Entries must not be deleted from the ADDR screen unless absolutely necessary because of the historical nature of this information. EMPL/HIST displays all former employers of the NCP that have been entered or obtained by interfaces which have end dates.

It is very important to code the end dates for employment under the service address area on the EMPL screen when the NCP terminates employment so that the notice A417, Request to Employer, will not be re-generated to these employers.

The WAGE screen displays information from MESC for five quarters. The notice A417 is automatically generated from information received from MESC.

The child support worker must document telephone and personal contacts on the CONT screen in METSS. Any NCP that provides an address change in the office must complete the MDHS-FO-116, Address Change Form, and submit photo identification. The worker should update the address on the appropriate screens in METSS. Other documentation which must be scanned to the case record includes postal inquiries, request to the employer, and any other requests made to any sources. The worker must also document on the CONT screen any requests or

correspondence from another state, including receipt of the notice A307.

Reporting Location Activities

METSS automatically performs the reporting of location activities for Federal reports.

Revised 10-01-13

LOCATION REQUESTS IN PARENTAL KIDNAPPING, CHILD CUSTODY OR VISITATION CASES

Authorized Purpose

Title IV-D of the Social Security Act authorizes use of the FPLS for enforcing a Federal or state law with respect to the unlawful taking or restraint of a child, often referred to as parental kidnapping, or for determining the whereabouts of a parent or child for the purpose of making or enforcing a child custody or visitation determination. In this context, "custody or visitation determination" means a judgment, decree, or other order of a court providing for the custody or visitation of a child. The term includes permanent and temporary orders, and initial orders and modifications.

Authorized Person

Authorized individuals include an agent or an attorney for any state or the United States who has the authority to investigate, enforce, or prosecute the unlawful taking or restraint of a child. A parent seeking to locate another parent or a child in a case of parental kidnapping or for custody or visitation purposes is not an "authorized person" and may not receive FPLS information. A private attorney is also not considered an authorized person for purposes of requesting FPLS information in such cases. Child support staff are not authorized to request these services.

Authorized Information

In response to a location request in the case of parental kidnapping or for custody and visitation purposes, the information that is obtained from FPLS includes only the most recent address and place of employment of the parent or child whose location is sought.

Federal regulations require the state IV-D agency to ensure that the information received is used and disclosed solely for the authorized purpose, and the information is sent to the court or other authorized person. The IV-D agency must destroy any confidential records and information related to the request.

Authorized Use and Disclosure

When DFO receives a request to use the FPLS for parental kidnapping, child custody or visitation purposes, the IV-D agency must ensure the requestor is the proper entity in the state for making such a request and that the authorized requestor understands that no re-disclosure is

permissible, except to another authorized court, agent or attorney of the state.

When family violence (FV) is determined to exist in a case and the FV indicator is set, no information from the case record will be disclosed to any person unless directed by the court. The court or an agent of the court must submit the request to the SPLU for forwarding to the FPLS. This provision gives the court the responsibility for making an individualized assessment of whether disclosure is appropriate in a specific case and creates a means of obtaining information in cases bearing a family violence indicator.

Procedures for Requesting FPLS Information

Requests are made directly to the SPLU by authorized persons using MDHS-CSE-647, *Request to Access the Federal Parent Locator Service, Parental Kidnapping Cases,* and MDHS-CSE-648, *Request to Access the Federal Parent Locator Service, Child Custody Determination Cases.* Each child support office must maintain a supply of these forms and provide the forms to individuals who are authorized to request services. Information concerning authorization, instructions and requirements is detailed on the reverse side of the forms. These requests are highly confidential and under no circumstances should information concerning these cases be entered into METSS. See information on the reverse sides of these forms regarding confidentiality.

When an authorized person contacts the IV-D agency to request information from the FPLS in a parental kidnapping case or for purposes of making or enforcing a child custody or visitation determination, the IV-D agency should assist that individual by informing him/her of the requirements and procedures.

Confidentiality

All information obtained by child support staff is confidential and may be used only for the specified purposes (child support, parental kidnapping, and child custody determination) by authorized personnel. Unauthorized use or disclosure of federal tax information obtained through the Federal Parent Locator Service could result in criminal penalties. Unauthorized use or disclosure of State Employment Security Agency (SESA) information obtained through FPLS could result in civil or criminal penalties.

This information (as well as all other) must be verified prior to use in litigation. Data systems may only be accessed by authorized personnel using their own identification codes and passwords.

Actions When Noncustodial Parent Is Located

A noncustodial parent is removed automatically from locate status when either of the following occurs:

- A verified mailing and a verified residential address are obtained; or
- A verified employer and a verified mailing address are obtained. Interfaces continue to run if there is no verified employer, even if the noncustodial is not in locate status. When the noncustodial parent is located, the worker is alerted by METSS for the next actions to be taken.

LOCATION OF RECIPIENT OF SERVICES

When it is learned that the address of a recipient of services (custodial parent) is no longer valid, county staff must begin efforts to locate/contact the recipient. Location attempts for the recipient include: local locate efforts, State Parent Locator (SPL), Expanded Federal Parent Locator (EFPL), the Mississippi Department of Public Safety (MDPS), and LexisNexis.

The DFO must try to locate the recipient for at least 60 calendar days. Federal regulations at 45 CFR 303.11 b (10) provide for closure of a non-TANF IV-D case when DFO is unable to contact/locate the recipient within a 60 calendar day period, which includes at least one letter, sent by first class mail, to the last known address. Please refer to Case Closure policy In Volume VI, Chapter 3. The location of the recipient of services is also discussed in Volume VI, Chapter 3, Location.

Automated Location Efforts with SPL, EFPL, and MDPS

When it becomes necessary to locate the recipient, the child support worker enters a 'Y' in the “Submit for Locate” field on the APPD.CLNT screen. If the: 1) person is in a case, 2) person is not a noncustodial parent in an open IV–D case, and 3) there is no mismatch between the person's METSS SSN and their FCR SSN, METSS sends a locate request to EFPL, MDPS and SPLU. These submissions occur at the beginning of a month. These interface searches run for two months without worker intervention. If there is a mismatch between the METSS SSN and FCR SSN, the “Submit for Locate” flag is cleared and a worker alert which reads "CP may not be submitted for locate because of FCR SSN mismatch" is issued. METSS does not allow the worker to enter a 'Y' in the “Submit for Locate” field, if the person is also a noncustodial parent in an active IV-D case. The worker will receive the following error message: "Locate flag not allowed on CP who is also a NCP."

If the interfaces are successful, METSS writes the address to ADDR and sends a worker alert which reads "Pending address has been added for custodial parent". The worker confirms the address by contacting the client at the new address and deletes the 'Y' in the “Submit for Locate” field.

If the recipient is located by means other than the interface during the first month period, the child support worker stops the locate process by removing the 'Y' from the “Submit for Locate” field. If the recipient is not located within the two month time frame, METSS automatically terminates the search and deletes the 'Y'. All submissions and terminations are documented in the ACTN log by METSS.

Automated Locate Efforts with LexisNexis

When the CP is in locate status in an open or arrears only case and does not have either a home or mailing address in METSS, the CP will be submitted to the LexisNexis Interface. LexisNexis will attempt to locate the CP by obtaining any one or more of the following:

- Address
- Employment Information
- Incarceration Information
- Date of Death
- Telephone Numbers
- SSN

If a match is received the worker will receive an alert and must accept or negate the data to delete the alert.

Manual Location Efforts

In addition to the automated efforts, the child support worker must attempt to locate the recipient of services by using local location efforts. Please refer to Chapter 3, Location, for further discussion of local location efforts.

Should mail be returned by the post office for the recipient with a forwarding address, the child support worker must attempt to contact the recipient at that address. The address provided on the returned envelope by the postal service is not considered verified and must not be entered in METSS until the case worker has contacted the recipient for verification.

All manual location attempts/efforts must be documented on CONT in METSS by the worker.

Addresses Received for Recipient

Addresses received as a result of METSS' interfaces are written to the ADDR screen as a pending address for the recipient of services. Each of the recipient's child support workers receives a user deleted alert stating: "Pending address has been added for custodial parent." The worker accesses the ADDR screen for the recipient by using the recipient's social security number in the case number field. Any address for the recipient is saved with the appropriate code, i.e., CPPS - Mississippi Department of Public Safety, CPW4 - FCR (W4 Data), and CPFP - FCR (all other data).

The address provided on the ADDR screen is not considered verified and must not be entered into METSS until the case worker has contacted the recipient for verification. When the worker indicates on the ADDR screen that a pending address, which has a CP locate source code, is to be used to update the individual's METSS address, METSS will use the same address source codes that are currently used for the AP's address source (MDPS, FPLS, W4, etc.). When reporting an address change, the custodial parent must complete the MDHS-FO-116, Change of Address Form, and submit the appropriate identification.

ESTABLISHMENT OF SUPPORT OBLIGATION AND PATERNITY

Within 90 calendar days of locating the putative father or noncustodial parent, the IV-D agency must:

- Establish a support order and, if necessary, establish paternity; or
- Complete service of process necessary to begin proceedings to establish a support order and paternity, if necessary; or document, in accordance with guidelines, the unsuccessful attempts to serve process. Refer to Volume VI, Chapter 3, Service of Process.

Actions to establish support orders must be completed from the date of service of process to the time of disposition within the following time frames: 1) 75 percent in six (6) months; and 2) 90 percent in twelve (12) months. **NOTE**: "Disposition" is defined as the date a support order is officially established and/or recorded, or the action is dismissed. If the court dismisses a complaint for a support order without prejudice, the child support attorney "must document" on CONT as to why the case was dismissed.

NOTE: As stated in Miss. Code Ann. 93-9-15, parties involved in an action to establish paternity are not entitled to a jury trial.

An order of child support specifics the sum to be paid monthly or otherwise and provides for support and maintenance of the child prior to the entry of the order for child support. Pursuant to Miss. Code Ann. 93-9-11, the noncustodial parent's liabilities for past education and necessary support and maintenance and other expenses are limited to a period of one year preceding the commencement of an action.

Paternity Establishment

Legal Base

Miss. Code Ann. 93-9-9 authorizes the Department of Human Services to institute proceedings to establish paternity at any time until the child attains the age of 21 years unless the child is emancipated.

Pursuant to Miss. Code Ann. 43-19-33, in lieu of legal proceedings instituted to establish paternity, a written admission of paternity containing a stipulated agreement of support executed by the putative father, when acknowledged by the putative father before a clerk of the court having jurisdiction or a notary public and filed with and approved by a judge, and accompanied by a written affirmation of

paternity, executed and sworn to by the mother of the dependent child, shall have the same force and effect, retrospectively and prospectively, as an order of filiation and support entered by the court. The order approving the stipulated agreement shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court.

Investigation

An investigation must be conducted on each case involving a putative father and/or legal father to obtain the information necessary to establish a support obligation and paternity.

Putative/Alleged Father

The child support worker will:

- Review material provided on the application or referral form which gives the background information on the Non-TANF or TANF client.

- Interview the custodial parent for the purpose of obtaining information about the putative father and an affirmation of paternity. The affirmation will name the father, and the information includes, but is not limited to:

  - Place and time of cohabitation and duration of the non-legal union.

  - Circumstances under which the union was terminated, if these seem pertinent to the location of the putative father and the establishment of paternity. For example, the putative father may have left to obtain work rather than to terminate the union and may retain an interest in his child(ren) and be in touch with the custodial parent.

  - Any contributions which the putative father may have made. He may have helped with or paid the cost of prenatal care, natal care, delivery cost, or may have continued to help following the birth of the child.

  - The names and addresses of persons who can give information about the time, place and duration of the non-legal union and the birth of the child. These persons may be used as witnesses later in establishing the paternity of the child. Witnesses may include the parents of the putative father. Take written signed statements from these persons if possible.

- Whether or not the putative father has ever made a written admission of paternity and how this information can be obtained.

PATERNITY DISESTABLISHMENT

Legal Base

Miss. Code Ann. Section 93-9-10 establishes circumstances under which a legal father may disestablish paternity and terminate a child support obligation when it is determined that he is not the biological father.

Procedure for Paternity Disestablishment

The legal father **must file a petition** in the same court which issued the support judgment.

The petition ***must*** be served upon:

- The mother or other legal guardian or custodian of the child; and
- The Attorney General of the State of Mississippi.

The petition **must** include:

- An affidavit signed by the legal father that newly discovered evidence, relating to the paternity of the child, has come to his knowledge since the paternity was established; and
- The results of a negative genetic test, which includes a chain of custody, conducted less than one (1) year before the filing of the petition;

  OR

- An affidavit signed by the legal father that he did not have access to the child and could not get a genetic test.

The court **shall** grant relief if it finds **all** of the following:

- Newly discovered evidence, relating to the paternity of the child, that the legal father has discovered since paternity was established;
- The genetic testing was properly conducted;
- The legal father has not adopted the child;
- The child was not conceived by artificial insemination while the legal father and the child's mother were married; and

- The legal father did not prevent the biological father of the child from asserting his parental rights with respect to the child.

Even if all five previous factors can be proved by the legal father, the court shall not set aside the paternity determination or child support order if the legal father took **any** of the following actions:

- Married or cohabited with the mother of the child and supported the child after having knowledge that he is not the biological father;
- Consented to be named as the biological father on the child's birth certificate by signing an ASAP and failing to rescind the ASAP within a year. (This does not apply if the alleged father can prove fraud, duress or material mistake of fact.);
- Consented to be named as the biological father on the child's birth certificate by signing an ASAP and failing to rescind before the entry of a support judgment. (This does not apply if the alleged father can prove fraud, duress or material mistake of fact.);
- Signed a stipulated agreement of paternity that has been approved by order of the court;
- Declined genetic testing prior to the entry of a paternity judgment; and
- Failed to appear for a scheduled genetic testing draw pursuant to a valid genetic testing order.

Additional Guidelines

- The legal father shall not have the right to recover child support paid before the filing of the petition to disestablish paternity.
- The legal father's support obligation shall not be suspended while the petition is pending except for good cause. However, the court may order that child support payments be held by the court or the Department of Human Services until the paternity disestablishment issue is resolved.
- The legal father shall pay any fees associated with genetic testing.
- The court on its own motion, or on the motion of any party, may order the biological mother and child to submit to genetic testing.
- If the legal father is not successful in disestablishing paternity, he shall be assessed the court costs, genetic testing fees and reasonable attorney fees.

A SIMPLE ACKNOWLEDGMENT OF PATERNITY (ASAP)

Legal Base

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93) amended Title IV-D of the Social Security Act to require states to adopt procedures for a simple civil process for the voluntary acknowledgment of paternity. This simple civil process is available in hospitals as well as outside hospitals. This procedure is recognized as a basis for seeking a support order without requiring any further proceedings by the court to establish paternity.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that signed voluntary acknowledgments of paternity be considered as legal findings for paternity subject to the right of either parent to rescind the acknowledgment within the earlier of: one (1) year, or the date of a judicial proceeding relating to the child (including a proceeding to establish a support order) in which either parent is a party.

Miss. Code Ann. 93-9-9, 93-9-28, and 41-57-23 provides for procedures to secure a voluntary acknowledgment of paternity from the mother and father of any child born out of wedlock in Mississippi. The completed voluntary acknowledgment of paternity shall be filed with the Mississippi State Department of Health (MSDH), Vital Records. All sections referred to above state that a signed voluntary acknowledgment of paternity is subject to the right of any parent to rescind the acknowledgment within the earlier of: one (1) year or the date of a judicial proceeding relating to the child, including a proceeding to establish child support.

Rights and Responsibilities

The rights and responsibilities of acknowledging paternity must be explained verbally and in written form to both the mother and alleged father. The rights and responsibilities are clearly and simply explained on the acknowledgment forms. A video explaining the voluntary acknowledgment of paternity is available at all hospitals and birthing centers.

The acknowledgment forms state that the execution of the acknowledgment of paternity carries with it the same legal effect as if the father and mother were married at any time between conception and birth of the child. The form also clearly indicates the right of the alleged father to request genetic testing through the Department of Human Services within the one (1) year time period, and the adverse effects and ramifications if the alleged father does not avail himself of this one-time opportunity of definitively establishing the paternity of the child. Once paternity is acknowledged by this process, the duty to financially support the child is created.

In-Hospital Paternity Program

As part of A Simple Acknowledgment of Paternity (ASAP), the In-Hospital Paternity Program has been developed. All public and private birthing hospitals/centers are required to participate.

A signed voluntary acknowledgment of paternity is subject to the right of any signatory (either parent) to rescind the acknowledgment within the earlier of:

- One (1) year; or
- The date of a judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

During the one (1) year time period, the alleged father may request genetic testing through the Department of Human Services. The one (1) year time limit for the right of the alleged father to rescind the signed voluntary acknowledgment of paternity shall be suspended from the date the alleged father files his formal request for genetic testing with the Department of Human Services until the date the test results are revealed to the alleged father by the department.

After the expiration of the one (1) year, not including the period for the purpose of acquiring genetic testing, a signed voluntary acknowledgment of paternity must be challenged in court only on the basis of fraud, duress, or material mistake of fact. The burden of proof rests with the challenger. The legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge except for the proof of good cause.

Definitions

Birthing Hospital is a hospital that has an obstetric care unit or that provides obstetric services.

Birthing Center is a facility physically located outside a hospital that provides obstetric services.

Recipients of Services

ASAP provides services to all unwed mothers and alleged fathers, regardless of their participation in IV-A or IV-D programs.

RESPONSIBILITIES FOR ADMINISTERING ASAP

Birthing Hospital/Birthing Center

Upon the birth of a child to an unmarried woman, the hospital/birthing center must:

- Provide to the mother and alleged father, if present:
  - Written materials about paternity establishment;
  - Forms necessary to voluntarily acknowledge paternity;
  - A written description of the rights and responsibilities of acknowledging paternity; and
  - The opportunity to speak with Customer Service staff, via the telephone, who can clarify information and answer questions about paternity establishment.
- Provide the opportunity to voluntarily acknowledge paternity in the hospital;
- Ensure that an obtained voluntary acknowledgment is signed by both parents, and that the parents' signatures are authenticated by a notary; and
- Forward completed acknowledgments to the Mississippi State Department of Health (MSDH), Vital Records.

IV-D Agency

In IV-D cases needing paternity establishment, the IV-D agency must, as appropriate:

- Provide an alleged father the opportunity to voluntarily acknowledge paternity after the birth of the child;
- Develop and furnish birthing hospitals/centers written and audiovisual aids for use in explaining ASAP;
- Determine if identifying information about a voluntary acknowledgment has been recorded with MSDH, Vital Records by written request;
- Establish a support order either by stipulated agreement or by court process;

- Assess each birthing hospital's/center's program on at least an annual basis; and
- Give full faith and credit to a determination of paternity made through voluntary acknowledgment by any other state.

Mississippi State Department of Health, Vital Records

Mississippi State Department of Health (MSDH), Vital Records, has been designated as the entity to which birthing hospitals/centers must forward copies of completed voluntary acknowledgments.

The MSDH, Vital Records, is responsible for:

- Providing training, guidance, and written instructions to the staff of the birthing hospitals/centers regarding the completion of the paternity affidavits;
- Recording the identifying information about the acknowledgments and any subsequent rescission; and
- Providing the IV-D agency, in a timely manner, with the recorded information and, upon request form MDHS, providing a certified copy of the birth certificate with the Acknowledgment of Paternity affixed to the back.

Procedures for Paternity Established via ASAP

Form No. 564, *Acknowledgment of Paternity,* and Form No. 564A, *Acknowledgment of Paternity,* are the two forms used in the ASAP program. MSDH, Vital Records, furnishes these forms to the local child support offices. These forms are used for official business only and distributed for the sole purpose of acknowledging paternity voluntarily. No other form or copy of this form shall be used.

Form No. 564 is used by DFO and other designated entities for the voluntary acknowledgment of paternity of children born prior to January 1, 2013. Form No. 564A is used by DFO and other designated entities for the voluntary acknowledgment of paternity of children born from January 1, 2013 to present. The child support worker will use Form No. 555, *Transmittal for Acknowledgment of Paternity,* to forward Form No. 564 and 564A to MSDH, Vital Records, to process the Acknowledgment of Paternity or to process the Acknowledgment of Paternity and request a certified copy of the birth certificate.

After the execution of Form No. 564, *Acknowledgment of Paternity,* or Form No. 564A, *Acknowledgment of Paternity,* the name of the father will be entered on the birth certificate. Both forms clearly state that the execution of the form has the same legal effect as if the father and mother were married at the time of the child's birth. When either of these forms has been completed according to the established procedures and the signatures of both the mother and father have been notarized, then such voluntary acknowledgment will constitute a full determination of the legal parentage of the child.

NOTE: When the mother signs Form No. 564A, the father may be unavailable and unable to sign the same form. For example, the mother signs the Form No. 564A after she has the baby, and the father is stationed in Germany with the military, another Form No. 564A may be mailed to the father. When his acknowledgment is returned, signed and notarized, both forms should be forwarded to the Mississippi State Department of Health, Vital Records.

The forms also state that the signed voluntary acknowledgment of paternity may be rescinded by either parent within the earlier of:

- One (1) year; or
- The date of a judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

During the one (1) year time period, the alleged father may request genetic testing through the Department of Human Services. The one (1) year time limit for the right of the alleged father to rescind the signed voluntary acknowledgement of paternity shall be suspended from the date the alleged father files his formal request for genetic testing with the Department of Human Services until the date the test results are revealed to the alleged father by the department.

After the expiration of the one (1) year, not including the period for the purpose of acquiring genetic testing, a signed voluntary acknowledgment of paternity must be challenged in court only on the basis of fraud, duress, or material mistake of fact. The burden of proof rests with the challenger. The legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge except for proof of good cause. If the child's name appears on the ASAP screen in METSS and the custodial parent has a copy of the birth certificate with the father's name appearing on the face, the child support worker will accept this as verification that paternity has been established and proceed with establishing a child support obligation or enforcement of the obligation. A copy of the birth

certificate must be scanned to the case record. The reason for not having an original certified copy of the birth certificate in the case record must be documented on CONT in METSS.

Other Means of Paternity Establishment

Court Orders

For paternities established by adjudication, when a copy of the court order is not available, a certified copy of the birth certificate must be requested from MSDH, Vital Records. The birth certificate will have either information regarding the court order or the paternity acknowledgment form superimposed on the reverse side. If the mother and father were married, if a court order adjudicating the father's paternity was filed, or if a voluntary acknowledgment of paternity was executed by the mother and father, the father's name will appear on the birth certificate and full legal parentage is established. Certified copies of birth certificates are to be scanned, front and back, to the case and then be filed on the left side of the case record.

Marriage; Preceding Birth

In some instances, the father and the mother were married at the time of conception, at the time of birth or anytime in between, but the mother did not provide the father's name and other information at the hospital. Form No. 547, *Legitimation,* is used to add the legal father's information to the birth certificate. Child support case workers must check the date of marriage against the date of the child's birth. MSDH, Vital Records, requires a certified copy of the marriage license and a ten ($10.00) dollar fee to be attached to the original Form No. 547. DFO does not pay this fee or for the certified copy of the marriage license. Once completed and sent to MSDH, Vital Records, parents do not have the right to rescind the information. No other form or copy of this form will be accepted.

Marriage; Subsequent to Birth

Form No. 514, *Legitimation-A,* is provided by the MSDH, Vital Records, specifically for cases where the mother was not married while she was pregnant and marries the biological father after the birth of the child. Child support staff must obtain a certified copy of the marriage license for verification of the date of marriage and the ten ($10.00) dollar fee required by MSDH, Vital Records. DFO does not pay this fee or for the certified copy of the marriage license. This form does allow both parents the right to rescind the acknowledgement within one (1) year of signing the original. This right must be explained to both parents. No other form or copy of this form will be accepted.

Rescission of Paternity Acknowledgment

In order for either the mother or father to rescind a completed Acknowledgment of Paternity, or a completed Legitimation-A, Form No. 513, *Rescission of Acknowledgment of Paternity,* or Form No. 513A, *Rescission of Acknowledgement of Paternity* must be completed and sent to the Mississippi State Department of Health (MSDH), Vital Records. Form No. 513 only requires the signature of one parent, either the mother or father. Form No. 513A requires the signature of the father. MSDH, Vital Records, will attempt to notify the other parent of the rescission and will provide DFO with a list of rescissions each month. Once MSDH, Vital Records, receives Form No. 513 or Form No. 513A, the father's information will be removed. If the child's name was changed as a result of the Acknowledgment of Paternity or Legitimation-A, the name will return to what appeared on the original birth certificate. No other form or copy of this form will be accepted. Once a rescission is processed by MSDH, Vital Records, changes involving the child's name and legal father information must be made through a Mississippi Chancery Court. DFO may establish paternity by court order; however, DFO will not take any actions to specifically change the child's surname.

MDHS/MSDH Interface

METSS has an automated interface with the MSDH, Vital Records, which provides DFO with information regarding paternity establishment by either voluntary paternity acknowledgments from 1989 to the present, or by court order.

The information sent includes:

- Father's name and social security number;
- Mother's maiden name and social security number; and
- Child's name, sex, date of birth and birth certificate number.

When METSS receives this information, the system searches the cases in METSS to determine if there is an existing case for this child with this set of parents. If a match or a possible match is found, METSS sends an alert to the child support worker. The child support worker will review the information by using the ASAP function in METSS. The ASAP function allows the child support worker to review all possible matches and select one, if correctly matched. If no match is found, the information from MSDH, Vital Records, is saved in METSS for later use. If that child is ever added to METSS, METSS will determine if the child is a possible match or an exact match. The worker will be notified of the match and will use the ASAP function to either

review or resolve the match. If a match is found, paternity has been legally established. The child support worker must request a certified copy of the birth certificate from MSDH, Vital Records.

The birth certificate will have an acknowledgment form or a court order affixed to the back. The child support worker will proceed to enforce the existing court order or obtain a support order either by stipulated agreement or by court process.

Certified copies of birth certificates will be ordered using Mississippi State Department of Health Form No. 522, *Application For Certified Mississippi Birth Certificate.* The child support worker must complete the form in its entirety, including signature of the child support worker, and the return address must be that of the DFO County making the request. The birth certificate is scanned to the case and filed on the left side of the case record folder and becomes a permanent part of the record.

If paternity has been established by court order, the information regarding the court order, including the county in which the court order was obtained, will be on the reverse side of the birth certificate. The child support worker must obtain a copy of the court order in order to proceed with enforcement. Once the voluntary paternity alert is resolved and it is determined that there is a match, the child support worker will update the paternity status accordingly on the KID.XX screen in METSS.

At any time, after filing with the court, an acknowledgment of paternity in which a provision of support has not been entered, upon notice, the defendant shall be required to appear in court (time and place named in the notice) to show cause why the court should not enter an order for support. The order may include provisions for reimbursement for medical expenses incident to the pregnancy and the birth of the child. Notice by DFO to the defendant shall be given by certified mail, restricted delivery, return receipt requested at his last known address and without the requirement of a summons. Notice shall be deemed complete as of the date the delivery as evidenced by the return receipt. The required notice may also be delivered by personal service in accordance with the Mississippi Rules of Civil Procedure.

A written stipulated agreement may also be used to obtain support payments for a dependent child when acknowledged before a clerk of the court having jurisdiction or a notary public and filed with and approved by a judge. This stipulated agreement shall have the same force and effect, retroactively and prospectively, as an order of support entered by the court.

Attached are samples of the forms listed in this section:

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Acknowledgement of Paternity

(Information needed to identify original birth certificate)

CHILD'S NAME	1. CHILD – NAME (First) (Middle) (Last)	2. DATE OF BIRTH (Month, Day, Year)	3. COUNTY OF BIRTH
FATHER'S INFORMATION TO APPEAR ON REVISED CERTIFICATE AND RESIDENCE INFORMATION	4. NAME (First) (Middle) (Last)	5. RACE (Specify: White, Black, American Indian, etc.)	6. DATE OF BIRTH (Month, Day, Year)
	7. STATE OF BIRTH	8. ORDER OF BIRTH (Specify: 1st, 2nd, 3rd, Twin, Triplet, etc.)	9. SOCIAL SECURITY NUMBER
	10. RESIDENCE—STATE	11. COUNTY	12. CITY OR TOWN

I, _____
(Name of Father)
certify and acknowledge that I am the natural father of the child whose name appears in item 1 above, and that all information in items 4-14 is correct. My rights and responsibilities and right to rescind (cancel) paternity have been explained to me. It is also understood that I have the right to request a genetic test through the Department of Human Services within one year.

SIGNATURE _____

Sworn to and subscribed before me this the _____ day of _____

SIGNATURE OF NOTARY _____ SEAL

My commission expires: _____

I, _____
(Name of Mother)
certify and acknowledge that the person named in item 4 is the father of the child whose name appears in items 1, and that all information in items 1-3 is correct. My rights and responsibilities and right to rescind (cancel) paternity have been explained to me.

SIGNATURE _____

Sworn to and subscribed before me this the _____ day of _____

SIGNATURE OF NOTARY _____ SEAL

My commission expires: _____

Rights and Responsibilities:

Execution of this acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of the child. The Office of Vital Records may make this acknowledgement of paternity available to the Division of Child Support Enforcement of the Mississippi Department of Human Services for use in establishing paternity and child support obligations. The father has the right to request a genetic test within the one year time frame through the Mississippi Department of Human Services. Once the one year the time frame expires, executing of this acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of the child.

Right to Rescind:

A signed voluntary acknowledgement of paternity is subject to the right of any signatory to rescind the acknowledgement within the earlier of: (1) one year or (2) the date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

Instructions

1. This form cannot be used for paternity acknowledgement if the mother is married or was married at any time between the conception and birth of the child.
2. All information requested on this form must be supplied.
3. The completed form must be signed and sealed by a Notary Public.
4. If the mother's name has been changed, by marriage, court order or other means, from that which is recorded on the birth certificate, documentation of the change (such as the marriage license or court order) must be included to explain the difference between the notarized signature and the name on the birth certificate.
5. Send to the address at the top of this form:
   a. this completed form;
   b. any required accompanying documentation;
   c. the fee of $25.00 check, bank, or postal money order

A certified copy of the amended certificate will be issued upon receipt and processing of these documents and the correct fee. **BASED ON THIS ACKNOWLEDGEMENT OF PATERNITY THE BIRTH CERTIFICATE WILL REFLECT THE LAST NAME OF THE CHILD TO BE THE SAME AS THAT OF THE ACKNOWLEDGED FATHER.**

Mississippi State Department of Health — Revised 11-9-11 — Form No. 564

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Acknowledgement of Paternity

(Information needed to identify original birth certificate)

CHILD'S NAME	1. CHILD- NAME (First) (Middle) (Last)	2. DATE OF BIRTH (Month, Day, Year)	3. COUNTY OF BIRTH
FATHER'S INFORMATION TO APPEAR ON REVISED CERTIFICATE AND RESIDENCE INFORMATION	4. NAME (First) (Middle) (Last)		
	5. FATHER'S RACE (Check one or more races to indicate what the father considers himself to be) ☐ White ☐ Black or African American ☐ American Indian ☐ Chinese ☐ Filipino ☐ Japanese ☐ Korean ☐ Vietnamese ☐ Native Hawaiian ☐ Guamanian or Chamorro ☐ Samoan ☐ American Indian or Alaska Native (Name of the enrolled or principal tribe) ☐ Other Pacific Islander (Specify) ☐ Other Asian (Specify) ☐ Other (Specify)		
	6. DATE OF BIRTH (Month, Day, Year)	7. STATE OF BIRTH	
	8. FATHER OF HISPANIC ORIGIN? (Check the box that best describes whether the father is Spanish/Hispanic/Latino) ☐ No, not Spanish/Hispanic/Latino ☐ Yes, Mexican, Mexican American, Chicano ☐ Yes, Cuban ☐ Yes, Puerto Rican ☐ Yes, Other Spanish/Hispanic/Latino (Specify)	9. SOCIAL SECURITY NUMBER	
	10. FATHER'S EDUCATION (Check the box that best describes the highest degree or level of school completed at the time of delivery) ☐ 8th grade or less ☐ 9th - 12th grade, no diploma ☐ High school graduate or GED completed ☐ Some college, no degree ☐ Associate degree (e.g., AA, AS) ☐ Bachelor's degree (e.g., BA, AB, BS) ☐ Master's degree (e.g., MA, MS, MEng, MEd, MSW, MBA) ☐ Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD) ☐ Unknown		
	11. RESIDENCE – STATE	12. COUNTY	13. CITY OR TOWN	14. STREET AND NUMBER OR RURAL LOCATION

I, _____
(Name of Father)
certify and acknowledge that I am the natural father of the child whose name appears in item 1 above, and that all information in items 4-14 is correct. My rights and responsibilities and right to rescind (cancel) paternity have been explained to me. It is also understood that I have the right to request a genetic test through the Department of Human Services within one year.

SIGNATURE _____

Sworn to and subscribed
before me this the _____ day of _____

SIGNATURE OF NOTARY _____

My commission expires: _____

SEAL

I, _____
(Name of Mother)
certify and acknowledge that the person named in item 4 is the father of the child whose name appears in item1, and that all information in items 5-3 is correct. My rights and responsibilities and right to rescind (cancel) paternity have been explained to me

SIGNATURE _____

Sworn to and subscribed
before me this the _____ day of _____

SIGNATURE OF NOTARY _____

My commission expires: _____

SEAL

This form to be used for birth certificates 2015 and after

Rights and Responsibilities:
Execution of this acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of this child. The Office of Vital Records may make this acknowledgement of paternity available to the Division of Child Support Enforcement of the Mississippi Department of Human Services for use in establishing paternity and child support obligations. The father has the right to request a genetic test within the one year time frame through the Mississippi Department of Human Services. Once the one year time frame expires, execution of this acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of this child.

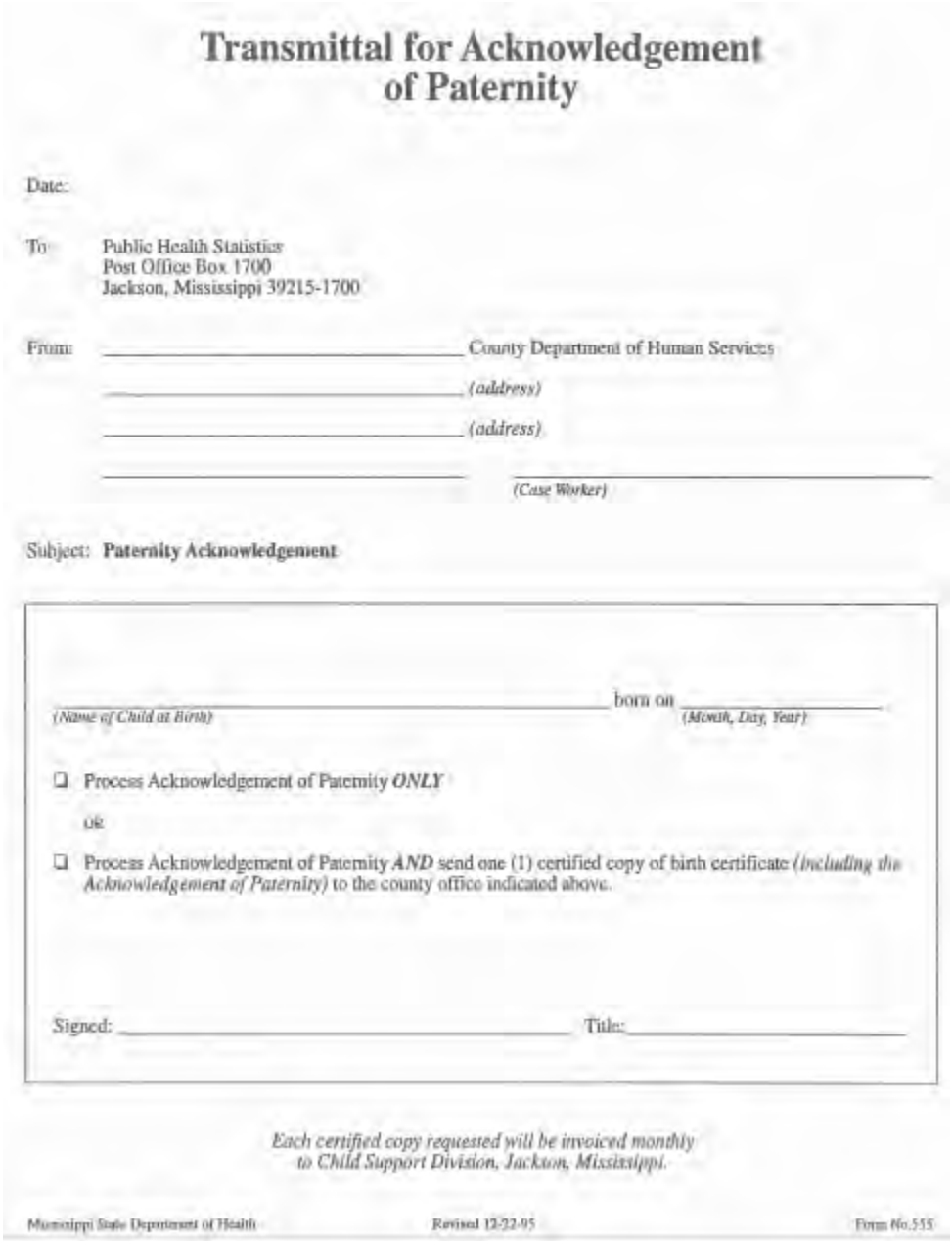
Right to Rescind:
A signed voluntary acknowledgement of paternity is subject to the right of any signatory to rescind the acknowledgement of paternity within the earlier of (i) one year, or (ii) the date of judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

Instructions

1. This form cannot be used for paternity acknowledgement if the mother is married or was married at any time between the conception and birth of this child.
2. All information requested on this form must be supplied.
3. The completed form must be signed and sealed by a Notary Public.
4. If the mother's name has been changed, by marriage, court order or other means, from that which is recorded on the birth certificate, documentation of that change (such as the marriage license or court order) **must be included** to explain the difference between the notarized signature and the name on the birth certificate.
5. Send to the address at the top of this form:
   a. this completed form
   b. any required accompanying documentation
   c. the fee of $25.00 check, bank, or postal money order.

A certified copy of the amended certificate will be issued upon receipt and processing of these documents and the correct fee. **BASED ON THIS ACKNOWLEDGEMENT OF PATERNITY THE BIRTH CERTIFICATE WILL REFLECT THE LAST NAME OF THE CHILD TO BE THE SAME AS THAT OF THE ACKNOWLEDGED FATHER.**

Mississippi State Department of Health 02/26/2014 Form No. 564A



Transmittal for Acknowledgement of Paternity

Date:

To: Public Health Statistics
Post Office Box 1700
Jackson, Mississippi 39215-1700

From: _____ County Department of Human Services

_____ *(address)*

_____ *(address)*

_____ _____
(Case Worker)

Subject: **Paternity Acknowledgement**

_____ born on _____
(Name of Child at Birth) *(Month, Day, Year)*

❑ Process Acknowledgement of Paternity ***ONLY***

OR

❑ Process Acknowledgement of Paternity ***AND*** send one (1) certified copy of birth certificate *(including the Acknowledgement of Paternity)* to the county office indicated above.

Signed: _____ Title: _____

Each certified copy requested will be invoiced monthly to Child Support Division, Jackson, Mississippi.

Mississippi State Department of Health Revised 12-22-95 Form No. 555

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Legitimation

(Father and mother WERE MARRIED at time of conception, at the time of birth, or at anytime between conception and birth of this child.)

FATHER'S INFORMATION TO APPEAR ON REVISED CERTIFICATE	1. NAME: (First) (Middle) (Last)	2. RACE (Specify: White, Black, American Indian, etc.)	3. DATE OF BIRTH (Month, Day, Year)	
	4. STATE OF BIRTH	5. ORIGIN OR DESCENT (Specify Cuban, Afro American, Mexican, etc.)	6. SOCIAL SECURITY NUMBER	7. EDUCATION (Highest Grade Completed) Elementary / Secondary / College
INFORMATION NEEDED TO IDENTIFY ORIGINAL BIRTH CERTIFICATE	8. CHILD - NAME: (First) (Middle) (Last)			
	9. DATE OF BIRTH (Month, Day, Year)	10. COUNTY OF BIRTH		

I, _____
(Name of Father)

certify and acknowledge that I am the father of the child whose name appears in item 8 above, and that all information in items 1-7 is correct.

SIGNATURE: _____

Sworn to and subscribed before me this the _____ day of _____, _____

SIGNATURE OF NOTARY _____

My commission expires: _____

I, _____
(Name of Mother)

certify and acknowledge that the person named in item 1 is the father of the child whose name appears in item 8, and that all information in items 8-10 is correct.

SIGNATURE _____

Sworn in and subscribed before me this the _____ day of _____, _____

SIGNATURE OF NOTARY _____

My commission expires: _____

Instructions

A change to Section 93-17-1, (2) enacted April 1981 states, "An illegitimate child shall become a legitimate child if the natural father marries the natural mother and acknowledges the child."

If filing under this statue, send this affidavit, a certified copy of the marriage license and a fee of $25.00. The father's name will be entered on the birth certificate and the surname of the child shall be changed to that of the father.

Action can not be taken under this section if the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate. Court action must be taken under Section 41-57-23 to add or change the name of the father. Proceedings brought under this section must be brought against the State Board of Health.

Note: A certified copy of the changed certificate will be sent upon receipt and processing of these documents. The last name of the child will be that of the natural father.

The Office of Vital Records may make this legitimation available to the Division of Child Support Enforcement of the Mississippi Department of Human Services for use in establishing paternity and child support obligations.

Mississippi State Department of Health Revised 1-15-08 Form No. 547

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Legitimation – A

(Father and mother were NOT MARRIED at time of conception, at the time of birth, or at anytime between conception and birth of this child.)

FATHER'S INFORMATION TO APPEAR ON REVISED CERTIFICATE	1. NAME (First) (Middle) (Last)		2. RACE (Specify White, Black, American Indian, etc.)	3. DATE OF BIRTH (Month, Day, Year)
	4. STATE OF BIRTH	5. CITIZEN OF (Specify Country, If Not U.S.A.)	6. SOCIAL SECURITY NUMBER	7. EDUCATION (Highest Grade Completed) Elementary / Secondary / College
INFORMATION NEEDED TO IDENTIFY ORIGINAL BIRTH CERTIFICATE	8. CHILD – NAME (First) (Middle) (Last)			
	9. DATE OF BIRTH (Month, Day, Year)	10. COUNTY OF BIRTH		

I, _____
(Name of Father)
certify and acknowledge that I am the father of the child whose name appears in item 8 above, and that all information in items 1-7 is correct. My rights and responsibilities and right to rescind have been explained to me. It is also understood that I have the right to request a genetic test (through the Department of Human Services within one year.

SIGNATURE _____

Sworn to and subscribed
before me this the _____ day of _____

SEAL

SIGNATURE OF NOTARY _____

My commission expires: _____

I, _____
(Name of Mother)
certify and acknowledge that the person named in item 1 is the father of the child whose name appears in item 8, and that all information in items 8-10 is correct. My rights and responsibilities and right to rescind (cancel) paternity have been explained to me.

SIGNATURE _____

Sworn to and subscribed
before me this the _____ day of _____

SEAL

SIGNATURE OF NOTARY _____

My commission expires: _____

Rights and Responsibilities:
Execution of this legitimation shall result in the same legal effect as if the father and mother had been married at the time of the birth of this child. The Office of Vital Records may make this legitimation available to the Division of Child Support Enforcement of the Mississippi Department of Human Services for use in establishing paternity and child support obligations. The father has the right to request a genetic test within the one year time frame through the Mississippi Department of Human Services. Once the one year time frame expires, execution of this legitimation shall result in the same legal effect as if the father and mother had been married at the time of the birth of this child.

Right to Rescind:
A signed voluntary legitimation is subject to the right of any signatory to rescind the legitimation within the earlier of : (i) one year; or (ii) the date of judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

Instructions

A change to Section 93-17-1, (2) enacted April 1981 states, "An illegitimate child shall become a legitimate child if the natural father marries the natural mother and acknowledges the child."

If filing under this statue, send this affidavit, a certified copy of the marriage license and a fee of $25.00. The father's name will be entered on the birth certificate and the surname of the child shall be changed to that of the father.

Action can not be taken under this section if the mother was married at the time of conception of birth, or at any time between conception and birth, or if a father is already listed on the birth certificate. Court action must be taken under Section 41-57-23 to add or change the name of the father. Proceedings brought under this section must be brought against the State Board of Health.

Note: A certified copy of the amended certificate will be sent upon receipt and processing of these documents and the correct fee. The last name of the child will be amended to that of the natural father.

Mississippi State Department of Health Revised 08-15-2011 Form No. 519

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Rescission of Acknowledgement of Paternity

INFORMATION NEEDED TO IDENTIFY ORIGINAL BIRTH CERTIFICATE	1. CHILD - NAME (First) (Middle) (Last)	2. DATE OF BIRTH (Month, Day, Year) / 3. COUNTY OF BIRTH
	4. FATHER - NAME (First) (Middle) (Last)	(OPTIONAL) 4a.
	5. MOTHER - NAME (First) (Middle) (Last)	(MAIDEN)
RESCINDING PARTY'S INFORMATION	RELATIONSHIP TO CHILD: ☐ Legal Father ☐ Mother	
	7. NAME (First) (Middle) (Last)	8. SOCIAL SECURITY NUMBER / 9. DATE OF BIRTH (Month, Day, Year)
	10. PRESENT ADDRESS (Street and Number or Rural Location)	(City) (ZIP)
RESCISSION STATEMENT	I understand that by completing this form and filing it with the Bureau of Vital Statistics, I am rescinding the legal finding of paternity for the above-named child created by a previously completed Acknowledgement of Paternity. I understand that the father's information will be removed from the child's birth certificate and the child's surname may revert to the original legal name of the mother.	SIGNATURE OF RESCINDING PARTY ▶ _____ Sworn to and subscribed Before me this the _____ day of _____ SIGNATURE OF NOTARY ▶ _____ My commission expires: _____

Instructions

1. This form is used to rescind *(cancel)* the legal claim of paternity created by a previously completed Acknowledge of Paternity. It must be completed and filed with the Bureau of Vital Statistics within the earlier of:
   a. one year from the date of the last signature on the Acknowledgement of Paternity, or
   b. the date of a proceeding to establish child support for the child.
2. This form may be completed by either person *(father or mother)* who originally signed the Acknowledgement of Paternity.
3. This form must be signed by the rescinding party *(father or mother)* in the presence of a notary public.
4. When this form is properly completed and filed with the Bureau of Vital Statistics, the party listed as the father on the Acknowledgement of Paternity will no longer be the legal father. **BASED ON THIS RESCISSION THE FATHER'S INFORMATION WILL BE REMOVED FROM THE BIRTH CERTIFICATE AND THE CHILD'S SURNAME MAY REVERT TO THE ORIGINAL LEGAL LAST NAME OF THE MOTHER.**
5. Send to the address at the top of this form:
   a. this completed form,
   b. any required accompanying documentation,
   c. the fee of $25.00 check, bank, or postal money order.

Mississippi State Department of Health — Revised 07-15-2011 — Form 0[illegible]

Mississippi State Department of Health
Vital Records
Post Office Box 1700 • Jackson, Mississippi 39215-1700

Rescission of Acknowledgement of Paternity

(This form to be completed by acknowledged father only)

INFORMATION NEEDED TO IDENTIFY ORIGINAL BIRTH CERTIFICATE	1. CHILD - NAME (First)	(Middle)	(Last)	2. DATE OF BIRTH (Month, Day, Year)	3. COUNTY OF BIRTH
	4. FATHER - NAME (First)	(Middle)	(Last)	(GENERATION, IF ANY)	
	5. MOTHER - NAME (First)	(Middle)	(Last)	(MAIDEN)	
RESCINDING PARTY'S INFORMATION	RELATIONSHIP TO CHILD: ☐ Legal Father				
	1. NAME (First)	(Middle)	(Last)	2. SOCIAL SECURITY NUMBER	3. DATE OF BIRTH (Month, Day, Year)
	4. PRESENT ADDRESS (Street and Number or Rural Location)			(State)	(ZIP)
RESCISSION STATEMENT	I understand that by completing this form and filing it with the Bureau of Vital Statistics, I am rescinding the legal finding of paternity for the above-named child created by a previously completed Acknowledgement of Paternity. I understand that the father's information will be removed from the child's birth certificate and the child's surname may revert to the original legal name of the mother.			SIGNATURE OF RESCINDING PARTY ► _____ Sworn to and subscribed Before me this the _____ day of _____ SIGNATURE OF NOTARY ► _____ My commission expires: _____	SEAL

Instructions

1. This form is used to rescind *(cancel)* the legal claim of paternity created by a previously completed Acknowledge of Paternity. It must be completed and filed with the Bureau of Vital Statistics within the earlier of:
   a. one year from the date of the last signature on the Acknowledgement of Paternity, or
   b. the date of a proceeding to establish child support for the child.
2. This form to be completed by the father who originally signed the Acknowledgement of Paternity.
3. This form must be signed by the rescinding party (father) in the presence of a notary public.
4. When this form is properly completed and filed with the Bureau of Vital Statistics, the party listed as the father on the Acknowledgement of Paternity will no longer be the legal father. **BASED ON THIS RESCISSION THE FATHER'S INFORMATION WILL BE REMOVED FROM THE BIRTH CERTIFICATE AND THE CHILD'S SURNAME MAY REVERT TO THE ORIGINAL LEGAL LAST NAME OF THE MOTHER.**
5. Send to the address at the top of this form:
   a. this completed form,
   b. any required accompanying documentation

Mississippi State Department of Health (10-01-2012) Form (6) 593A

LEGAL PROCEDURES

A legally enforceable support obligation for the noncustodial parent will be established and enforced by one of the means described below:

- An order of a court having jurisdiction over the parties and subject matter;
- A stipulated agreement to support a dependent child(ren) by periodic payments executed by the responsible parent and approved by the court. Once the stipulated agreement is approved by the court, it is a court order in force and effect, retroactively and prospectively;
- A stipulated agreement of support and admission of paternity for a child(ren) executed by the putative father for the dependent child(ren) when accompanied by a written affirmation of paternity executed and sworn to by the mother and approved by the court. This stipulated agreement, once approved by the court, has the same force and effect, retroactively and prospectively, as any order of filiation and support entered by the court;
- A stipulated agreement for the provision of periodic payments towards an arrearage approved by the court. This stipulated agreement, once approved by the court, has the same force and effect, retroactively and prospectively, as a judgment for overdue support entered by the court. The stipulated agreement is enforceable and subject to modification in the same manner as is provided by law for any order entered by the court; or
- A stipulated agreement for modification executed by the responsible parent when acknowledged before a clerk of the court or a notary public and approved by a judge. Upon approval by the court, this stipulated agreement has the same force and effect, retroactively and prospectively, as an order for modification of support entered by the court.

Court Order - Regular

When the court has entered an order requiring a noncustodial parent to provide a certain amount of support for a child(ren), the amount specified in the court order constitutes the obligation for child support.

No obligation shall be held to exist prior to the date of the order or the beginning date of the obligation as specified in the order.

Miss. Code Ann. 43-19-35 requires court orders of support to specify that the defendant pay support to the Department of Human Services for disbursement.

In accordance with Miss. Code Ann. 93-11-71, failure of the noncustodial parent to comply with an order for support for a period of 30 days shall be directed to the court having jurisdiction of the matter for contempt proceedings or execution in the manner prescribed by State statute. Refer to the discussion of enforcement below.

Stipulated agreement procedures are described below and will be followed in all appropriate cases.

Court Order - Stipulated Agreement, Legal Parent

Miss. Code Ann. 43-19-33 provides that the Division may use a written stipulated agreement for support of a dependent child in lieu of the formal court proceedings described above. A legally enforceable stipulated agreement consists of the following provisions:

- The legal parent must execute the agreement to support the child(ren) by acknowledging the facts before the clerk of the court having jurisdiction over the matter or before a Notary Public;
- The agreement is to provide for periodic payments by the parent on behalf of the child(ren);
- The staff attorney will file and submit the agreement to the court for approval; and
- The agreement, when approved by the Judge, has the same force and effect, retroactively and prospectively, in accordance with the terms of the agreement, as any order of support entered by the court. This order is enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

Court Order - Stipulated Agreement and Admission of Paternity

Miss Code Ann. 43-19-33 provides for the execution of a written admission of paternity containing a stipulated agreement to support executed by the putative father of the dependent child(ren) support that may be used in lieu of formal court proceedings.

This section requires that:

- An affirmation of paternity be executed and sworn to by the mother of the dependent child , Form 577;
- The putative father must acknowledge the child's paternity before a clerk of the court

LEGAL PROCEDURES

A legally enforceable support obligation for the noncustodial parent will be established and enforced by one of the means described below:

- An order of a court having jurisdiction over the parties and subject matter;
- A stipulated agreement to support a dependent child(ren) by periodic payments executed by the responsible parent and approved by the court. Once the stipulated agreement is approved by the court, it is a court order in force and effect, retroactively and prospectively;
- A stipulated agreement of support and admission of paternity for a child(ren) executed by the putative father for the dependent child(ren) when accompanied by a written affirmation of paternity executed and sworn to by the mother and approved by the court. This stipulated agreement, once approved by the court, has the same force and effect, retroactively and prospectively, as any order of filiation and support entered by the court;
- A stipulated agreement for the provision of periodic payments towards an arrearage approved by the court. This stipulated agreement, once approved by the court, has the same force and effect, retroactively and prospectively, as a judgment for overdue support entered by the court. The stipulated agreement is enforceable and subject to modification in the same manner as is provided by law for any order entered by the court; or
- A stipulated agreement for modification executed by the responsible parent when acknowledged before a clerk of the court or a notary public and approved by a judge. Upon approval by the court, this stipulated agreement has the same force and effect, retroactively and prospectively, as an order for modification of support entered by the court.

Court Order - Regular

When the court has entered an order requiring a noncustodial parent to provide a certain amount of support for a child(ren), the amount specified in the court order constitutes the obligation for child support.

No obligation shall be held to exist prior to the date of the order or the beginning date of the obligation as specified in the order.

Miss. Code Ann. 43-19-35 requires court orders of support to specify that the defendant pay support to the Department of Human Services for disbursement.

In accordance with Miss. Code Ann. 93-11-71, failure of the noncustodial parent to comply with an order for support for a period of 30 days shall be directed to the court having jurisdiction of the matter for contempt proceedings or execution in the manner prescribed by State statute. Refer to the discussion of enforcement below.

Stipulated agreement procedures are described below and will be followed in all appropriate cases.

Court Order - Stipulated Agreement, Legal Parent

Miss. Code Ann. 43-19-33 provides that the Division may use a written stipulated agreement for support of a dependent child in lieu of the formal court proceedings described above. A legally enforceable stipulated agreement consists of the following provisions:

- The legal parent must execute the agreement to support the child(ren) by acknowledging the facts before the clerk of the court having jurisdiction over the matter or before a Notary Public;
- The agreement is to provide for periodic payments by the parent on behalf of the child(ren);
- The staff attorney will file and submit the agreement to the court for approval; and
- The agreement, when approved by the Judge, has the same force and effect, retroactively and prospectively, in accordance with the terms of the agreement, as any order of support entered by the court. This order is enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

Court Order - Stipulated Agreement and Admission of Paternity

Miss Code Ann. 43-19-33 provides for the execution of a written admission of paternity containing a stipulated agreement to support executed by the putative father of the dependent child(ren) support that may be used in lieu of formal court proceedings.

This section requires that:

- An affirmation of paternity be executed and sworn to by the mother of the dependent child , Form 577;
- The putative father must acknowledge the child's paternity before a clerk of the court

having jurisdiction or a notary public, Form 100;

- The child support attorney will file and submit the above documents to the judge of said court,

- The agreement, when approved by the judge, shall have the same force and effect, retroactively and prospectively, in accordance with the terms of the agreement, as an Order of Filiation and Support entered by the court, and shall be enforceable and subject to modification in the same manner as provided by law for orders of the court in such cases.

Staff-Assisted Genetic Testing Collection

Prior to the commencement of a paternity action, the alleged father may request genetic testing. After genetic testing has been requested, child support staff will perform the on-site staff-assisted genetic testing collection unless the case requires the genetic testing vendor to perform the collection. DCS staff who perform staff-assisted genetic testing collections shall follow the chain of custody procedures form provided by DCS genetic testing vendor, which shall include instructions on properly verifying identification of the parties, collecting the genetic testing sample, and preparing the genetic testing packet for shipment.

The Regional Director shall ensure that all child support supervisors and child support workers receive training to perform on-site staff-assisted genetic testing collections for the alleged father, mother and child(ren).

Stipulated Agreement for Genetic Testing

Upon the alleged father's request for genetic testing, DCS shall require all parties to submit themselves for genetic testing. The following steps will be followed when the alleged father requests genetic testing at the initial interview:

- The child support worker will secure the alleged father's signature on the form A121, Stipulated Agreement for Genetic Testing, and if possible, the A128, Joint Petition to Determine Paternity and Other Relief. After signing the form A121 and, if possible, the form A128, the child support worker will perform the staff-assisted genetic testing collection of the alleged father on-site. If the child support worker cannot perform the staff-assisted genetic testing collection, the child support supervisor or a designee trained in staff-assisted genetic testing collections shall perform the genetic testing collection. If the child support supervisor or a designee is not available to perform the genetic testing collection, then the alleged father shall be scheduled with an appointment so he can be

collected at a later time.

- The A121 is an agreement that allows for genetic testing to be conducted once signed by the alleged father. The A128 serves as a waiver of service of process once signed by the alleged father, thereby setting a court date for paternity and support issues to be addressed pending genetic testing results. If the alleged father's genetic testing sample cannot be collected on-site by DCS upon request, the A128 also sets/schedules the genetic test appointment. If the court allows for a paternity judgment to be obtained pursuant to the filing of an A128, the A128 should always be used if a judicial determination of paternity is needed.

- When an A121 and A128 are generated, the case should be entered in METSS as an un-filed case in CTRK as genetic testing fees will be requested after the testing is completed.

- The child support worker or the child support attorney will sign the A121. Appointment letters will be sent to the alleged father and the custodial parent and the mother, if different from the custodial parent. NOTE: The alleged father will only be sent an appointment letter if he was unable to be drawn on-site after requesting genetic testing.

- When performing the staff-assisted genetic testing collections, all alleged fathers, mothers 18 years or older, and guardians must present a photo ID. Mothers under the age of 18 must have a parent/guardian sign a statement of consent and release to be collected. Minor mothers under the age of 18 shall not be required to present a photo ID.

- If the alleged father does not appear for the genetic testing, the child support attorney will refer the case to the child support worker. The child support worker will then refer the case as a paternity and support action to the child support attorney to be filed in court. Genetic testing may be ordered by the court, and if the alleged father does not appear for genetic testing, the issue of his paternity of the child(ren) may be resolved against him.

- After the genetic testing results are received from the genetic testing laboratory, the child support attorney/child support worker will code the APPD.KID screen to reflect the results.

- A copy of the results will be sent to the custodial parent and noncustodial parent.

- If the alleged father is excluded as being the father of the child(ren), the child support attorney will refer the case to the child support worker with the original results and a copy of the court's order of dismissal.

- If the alleged father is not excluded as being the father of the child, the child support attorney will refer the case to the child support worker with the original results. The child support worker will schedule an appointment with the noncustodial parent for the purpose of securing a stipulated agreement for support and admission of paternity.

- After the stipulated agreement is signed, the child support worker will refer the case back to the child support attorney to secure an order approving the stipulated agreement and to file the original genetic testing results with the court.

- If the noncustodial parent fails to appear for the appointment with the child support worker, the case will be referred with the original genetic testing results to the child support attorney for filing of a Paternity and Support Action.

NOTE: Genetic testing scheduling may be performed by the child support worker rather than the child support attorney, if necessary to effect the completion of genetic testing.

Genetic Testing For Parties Who Cannot Be Drawn On-Site

The following circumstances require DCS to schedule the parties through its genetic testing vendor, who shall perform the genetic testing collections if:

- The party is incarcerated;

- The party resides out-of-state; or

- The court orders additional genetic testing upon the disputed results of a previous genetic test.

Temporary Support

Miss. Code Ann. 93-11-65 allows temporary support to be ordered by a court if there is clear and convincing evidence of paternity. Temporary support makes the benefit of child support available to the child(ren) at the earliest possible date. If there is a barrier preventing the order for support or divorce decree from being finalized, child support attorneys may file to request temporary support. Attorneys have the ability to obtain temporary support orders in situations such as, but not limited to:

- An alleged father disagrees with a positive genetic test and requests another test be performed. The staff attorney may petition the court for a temporary support obligation while awaiting the results of the second genetic test.

- A divorcing couple is battling over a property settlement or custody/visitation rights and this is causing a delay in the establishment of a support obligation. If the custodial parent is not represented by private counsel, the staff attorney may petition the court for a temporary support amount to be enforced until the divorce is final.

Stipulated Agreement Procedures

When a noncustodial parent has been known to have admitted paternity for a child born out of wedlock and has in the past or is presently contributing voluntarily to the support of the child(ren), it is likely that he will be willing to enter into a stipulated agreement for support and voluntarily admit paternity. Likewise, a legal parent who has maintained contact with the child(ren) and who has or is contributing to the support of the child(ren) may be willing to enter into a stipulated agreement for support.

The child support worker will arrange and schedule an interview with the noncustodial parent or putative father in order to:

- Explain to the putative father that he has been named by the mother of the child as the father.

- Review with the putative or legal father the kind of agreement he formerly had and the circumstances under which he entered into it. During the interview, notice his responses indicating his interest, or lack of interest in the child(ren), his relationship with the custodial parent, and determine his history of contributions and other forms of help, if any, he has provided for the child(ren).

- Explain the federal regulations and state statutes as simply as possible, including the reason why he must make his child support payments, if he is not now doing so. Refer to Volume VI, Chapter 2 for a discussion of the meaning of the assignment of support rights and pertinent points.

- Explain what the Stipulated Agreement for Support or Stipulated Agreement for Support and Admission of Paternity is and how it must be signed before a Notary Public and approved by the judge. If he is willing to sign the agreement, complete the agreement with him.

- Reach an agreement with the noncustodial parent or putative father as to the amount of support which he will pay based on "Guidelines for Setting Child Support Obligations" in Volume VI, Chapter 3. If the noncustodial parent will not agree to the amount, a stipulated agreement cannot be processed and a regular court order must be initiated by

the attorney.

- Explain that if the noncustodial parent fails to make the support payment in accordance with the stipulated agreement when approved by the judge, legal action can be taken to enforce it, just as a person can be held to be in contempt if he fails to comply with a court order.

- If the noncustodial parent or putative father is willing to sign the stipulated agreement, arrange for the noncustodial parent to sign the agreement before a Notary Public.

- Include with the stipulated agreement a statement from the noncustodial parent including information on his income on which the support obligation was set. This will give the judge the information which was the basis for the amount the noncustodial parent agreed to pay.

- Follow procedures set by the individual judge and attorney in obtaining the judge's approval.

Attorney Procedures in Accepting and Handling Cases

Once determined that legal action is required, the child support worker refers the case to the staff attorney. The attorney will:

- Review the case record to determine appropriate action.

- If stipulated agreement procedures are appropriate, follow the procedures set out above under the heading, Stipulated Agreement Procedures.

- If a regular court hearing seems appropriate.

  - The staff attorney will prepare a complaint from information contained in the case record. The petition should contain the information listed below under the heading "Elements Contained in a Properly Prepared Child Support Petition or Complaint" to ensure accuracy and protection to the Division in filing the petitions.

  - The staff attorney will file the petition with the appropriate clerk of the court and follow through with legal action.

Elements Contained in a Properly Prepared Child Support Petition or Complaint for Paternity and/or Support

A child support petition or complaint should include the following:

- Statements to the effect that the custodial parent of the child(ren) for whom support is being sought or for whom paternity is to be established is a resident of the county. If the child(ren) are recipients of IV-D services, this statement must be included in the petition.
- The child(ren)'s name and facts concerning the child(ren), such as mother's name, father's name, birth dates, addresses, etc., are stated.
- An Affidavit and Affirmation of Paternity signed by the mother of the child(ren) accompanies each petition to establish paternity and the affidavit names the same man as father of the child(ren) as named in the petition.
- The address of the defendant is stated in the complaint.
- The complete petition or complaint is without errors on the face of the document such as a missing page, transposed name, etc.
- The Attorney of Record's name, address, telephone number and Bar number are entered on the last page of the petition or complaint.

When the above elements are present, the petition or complaint will then be filed with the appropriate court clerk by the attorney.

- A divorcing couple is battling over a property settlement or custody/visitation rights and this is causing a delay in the establishment of a support obligation. If the custodial parent is not represented by private counsel, the staff attorney may petition the court for a temporary support amount to be enforced until the divorce is final.

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- The child(ren)'s name and facts concerning the child(ren), such as mother's name, father's name, birth dates, addresses, etc., are stated.
- An Affidavit and Affirmation of Paternity signed by the mother of the child(ren) accompanies each petition to establish paternity and the affidavit names the same man as father of the child(ren) as named in the petition.
- The address of the defendant is stated in the complaint.
- The complete petition or complaint is without errors on the face of the document such as a missing page, transposed name, etc.
- The Attorney of Record's name, address, telephone number and Bar number are entered on the last page of the petition or complaint.

When the above elements are present, the petition or complaint will then be filed with the appropriate court clerk by the attorney.

DEFAULT JUDGMENTS IN PATERNITY CASES

Legal Base

Miss. Code Ann. 93-9-9 provides that a default judgment (order) will be entered against an alleged father in a paternity action if he does not appear or answer the complaint.

Procedures

In a paternity action against an alleged father in which the Division of Field Operations is a party, the court enters a default judgment establishing paternity of the child(ren) when:

- The alleged father fails to appear or respond for a scheduled hearing,
- The alleged father is served with process or notice consistent with the Mississippi Rules of Civil Procedure,
- The court receives a sworn Affidavit of Paternity completed by the mother attesting the alleged father's paternity of the child(ren), and
- The sworn Affidavit of Paternity accompanies the complaint to decide paternity.

If the above conditions are met, the affidavit is sufficient grounds for the court's finding of the alleged father's paternity. The presence or testimony of the mother of the child(ren) is not necessary in court; however, certain exceptions exist. Upon a motion from DFO, a judgment of paternity is rendered.

VOIDING OF FRAUDULENT TRANSFERS

Legal Base

Public Law 104-193 known as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that states have a law in effect specifying indicia (signs or indications) of fraud which create a prima facie case (one that prevails until contradicted and overcome by other evidence). The prima facie case shows that a noncustodial parent transferred income or property to avoid payment of child support. States are also required to have procedures to seek to void the transfer or obtain a settlement in the best interest of the child support case when a prima facie case exists.

Procedures for Setting Aside Fraudulent Transfers

In any case in which the child support worker has knowledge of a transfer by a noncustodial parent and a prima facie case exists, refer the case to the child support attorney, who will:

- seek to void such transfer, or
- obtain a settlement in the best interest of the child.

GENETIC TESTING

Legal Base for Administrative Orders for Genetic Testing

Miss. Code Ann. 93-9-21 of the Mississippi Code of 1972 allows the Division of Field Operations (DFO), upon sworn statements of the mother, putative father or DFO alleging paternity, to issue an administrative order for paternity testing in all IV-D cases. The administrative order requires the mother, putative father and minor child(ren) to submit themselves for genetic testing.

Miss. Code Ann. 93-9-27 provides that parties to an action to establish paternity shall not be entitled to a jury trial.

Notification

Once an administrative order for paternity testing is generated, DFO sends the putative father by certified mail, restricted delivery, return receipt requested, a copy of the administrative order for genetic testing, a *Notice for Genetic Testing.* and a *Notice and Complaint to Establish Paternity.* The *Notice for Genetic Testing* includes the date, time and place for collection of his genetic sample. The *Notice and Complaint to Establish Paternity* specifics the date and time of the hearing. Notice is deemed complete the date delivered, as evidenced by the return receipt. Personal service of process may also be used.

Putative Father Consequences

In the event that the putative father does not submit to genetic testing on the scheduled date, time and place, the court shall, without further notice, on the date and time previously set through the *Notice and Complaint to Establish Paternity,* review the documentation of his refusal to submit to genetic testing and make a determination as to whether the complaint to establish paternity should be granted. The refusal to submit to such testing creates a presumption of an admission of paternity by the putative father.

Requests for Genetic Testing by Alleged Father

The alleged father may request genetic testing prior to the commencement of a paternity action. Upon the request of the alleged father, the Division requires all parties to submit themselves for genetic testing. If all parties agree, the prior filing of a complaint to order genetic testing is not required. If any party refuses to submit to such tests the court will resolve the issue. DFO pays for the requested genetic testing and recovers the cost from the putative father, if paternity is

established. If one of the parties contests the initial test results, additional testing may be done at the expense of the contesting party.

Payment of Genetic Testing Costs

In all cases in which DFO orders genetic testing, the Division will advance costs of the testing. If paternity is established, DFO will recover the costs from the father. If either party challenges the original test results, the Division may order additional testing at the expense of the challenging party.

EXPEDITED PROCEDURES

Expedited procedures give the Division of Field Operations (DFO) the authority to take the necessary actions to establish paternity or enforce support orders without the necessity of judicial proceedings.

Legal Base

Public Law 98-378 mandates that states have and use procedures under which expedited processes are in effect under the state judicial system for obtaining support orders.

Public Law 104-193 known as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to use expedited procedures to establish paternity and to establish, modify and enforce existing support obligations. DFO is allowed to execute some expedited procedures administratively.

Definition

Federal regulations at 45 CFR 303.101 define expedited processes as administrative and/or expedited judicial processes which increase effectiveness and meet processing timeframes in IV -D cases.

Basic Federal Requirements of Expedited Procedures

Expedited procedures must be:

- In effect and be used to establish and enforce support orders in intragovernmental and intergovernmental cases; and
- Completed from the time of successful service of process to the time of disposition within the following timeframes:

  - 75 percent in 6 months, or
  - 90 percent in 12 months

  NOTE: Activity between locate and service of process is measured by the 90 calendar day timeframe at 45 CFR 303.4(d) rather than the expedited process timeframe at 45 CFR 303.10 l(b)(2)(i).

- Referred to the full judicial system for resolution in cases involving complex issues after

establishing a temporary support obligation.

Appointment of Masters

The State of Mississippi provides expedited process within the judicial system through the appointment of Family Masters in Chancery Court (Miss. Code Ann. 9-5-255). A Family Master may be appointed in each of the Chancery Court districts with the approval of the Mississippi Supreme Court.

Functions of Masters

Family Masters have the power to take testimony and establish a record.

Family Masters must evaluate evidence and make recommendations to establish and enforce orders.

Expedited Process Procedures

Family Masters are authorized to hear cases and recommend orders establishing, modifying and enforcing orders for support. The Family Master makes his recommendation by filing a report with the court. The court may accept, reject, or modify the Family Master's findings of fact or refer the matter back to the Family Master with instructions. The Family Master's reports, once adopted by the court, have the same force and effect under state law as orders established by a judge, and the judge does not set aside the report unless there is overwhelming weight of the evidence (Rule 53(g)(2) MRCP).

The due process rights of the parties are protected. The Family Master is a Master of the Chancery Court (Rule 53 MRCP) and as such is governed by the Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence.

The parties must be provided a copy of the order recommended by the Family Master. The Clerk of the Court is under a duty to provide a copy of any order to any person who requests and pays for it.

Ratification

The recommendation of the Family Master is ratified by the referring judge. Upon receipt of the Family Master's report, the referring judge under Miss. Code Ann. 9-5-255 may:

- Accept in whole or in part the findings or recommendations made and reported by the Family Master;

- Reject in whole or in part the findings or recommendations made and reported by the Family Master;
- Modify in whole or in part the findings or recommendations made and reported by the Family Master; or
- Recommit the matter to the Family Master with instructions.

Judicial Review

Action taken by a Family Master may be reviewed under the state's general judicial procedures (Rule 53, MRCP).

IV-D Administrative Actions

The administrative actions include: I) genetic testing; 2) administrative subpoena; 3) access to utility companies, cable television and bank records; 4) access to state and local government records; 5) change of payee; 6) immediate income withholding on arrears; 7) interception of unemployment. worker's compensation, other state benefits; 8) judgments and settlements for arrears; 9) attachment and seizure of bank assets from an obligor's bank account to satisfy child support arrears; 10) attachment of public and private retirement funds to pay child support arrears; and 11) attach property automatically, impose liens, and force the sale of property to satisfy arrears.

Issuing Subpoenas for Specified Customer Records

As permitted by Miss. Code Ann. 43-19-45, customer records of utilities and cable television companies are obtained by administrative subpoena issued by DFO. Customer names and addresses and the names and addresses of the customer's employers are the only information that may be subpoenaed. The information obtained is used only for locating parents or alleged parents who have a duty to provide support and maintenance for their children.

DFO can administratively subpoena banking and financial institutions for information which includes: account numbers, names, and social security numbers of record for assets, accounts and account balances. This information is obtained from individuals, financial institutions, businesses or other entities, public or private. The information is requested and used solely for the purposes of establishing, modifying or enforcing a support order. All uniform administrative subpoenas issued by other state child support units must be given full faith and credit.

The recipient of an administrative subpoena supplies DFO with all information relative to the

location, employment, and employment related benefits including the availability of medical insurance, income and property.

Access to State and Local Government Records

The Mississippi Department of Information Technology Services (ITS) and any agency in the state using the facilities of ITS permits DFO to obtain certain information from their files, ITS provides information for the purpose of locating non-supporting parents and alleged parents as outlined in Miss. Code Ann. 43-19-45. DFO uses such information for the sole purpose of investigating a support order. DFO secures information from the records of the Mississippi Employment Security Commission (MESC) for the purpose of locating non-supporting parents and alleged parents. Upon the request of DFO, all departments, boards, bureaus and agencies of the state provide DFO with verification of employment, address and social security number of the absent or non-supporting parent or alleged parent. In addition to the above state entities, any private employer or payor of any income to a non-supporting parent or alleged parent provides DFO with verification of employment or payment and the address and social security number of the person so named. Full faith and credit must be given to all such notices issued by child support units in other states.

Privacy Safeguards

All records and information obtained administratively or otherwise are confidential and are used solely to locate non-supporting parents and alleged parents and to establish paternity and establish, modify and enforce child support orders. Any entity complying with a subpoena issued by DFO is not liable in any civil action or proceeding as a result of compliance by supplying the requested information.

Violations of the privacy safeguards discussed here and elsewhere in this policy manual shall be unlawful, and any person convicted of violating the provisions of these requirements will be guilty of a misdemeanor and shall pay a fine of not more than $200.00. Any DFO or contractual employee guilty of violating the confidentiality of the information may be issued a group three offense and subject to dismissal.

Changing Payees to DFO

Court orders of support for any child(ren) receiving services through the IV-D program shall be amended, by operation of law, to direct child support payments to DFO. Refer to Volume VI, Chapter 3, *Redirection of Support Payments,* for further discussion.

Immediate Income Withholding of Arrears

All child support orders enforced by the Division must contain a provision for monthly income withholding procedures to take effect immediately. The employer is required to withhold an additional amount specified for arrears upon the receipt of an affidavit of accounting, a notarized record of overdue payments of an attested judgment for delinquency or contempt. Refer to *Income Withholding* for specific information on this topic.

Securing Assets

For cases in which the noncustodial parent owes support arrears, the Division has the ability to secure assets to satisfy the arrears. The Division has the ability to intercept or seize periodic or lump sum payments from:

- A state or local agency, including unemployment compensation, workers' compensation and other benefits; and
- Judgments and settlements.

The Division may also attach and seize:

- Assets of the noncustodial parent which are held in financial institutions,
- Public and private retirement funds, and
- Real and personal property, by imposing liens and, in some cases, forcing the sale of property and distributing the proceeds.

Refer to the policy of Liens in Volume VI, Chapter 3 for more details.

Liens Against Workers' Compensation Benefits

The Division can place liens on a noncustodial parent's workers compensation benefits for payment of unpaid and delinquent child and spousal support. The unpaid and delinquent support must be for a minor child(ren) and the minor child(ren)'s other parent when the spousal support is collected by DFO in conjunction with child support.

Notice of the lien is filed with the Executive Director of the Mississippi Workers' Compensation Commission either by serving a certified copy of the court order by first class mail or by automated means. The lien is effective upon notice being filed with the Executive Director of the

Mississippi Workers' Compensation Commission. The notice contains the name, address and social security number (if known) of the delinquent noncustodial parent, the name of the custodial parent, and the amount of delinquent child and/or spousal support.

Any person, firm or corporation, including insurance carriers, making any payment of workers' compensation benefits to the noncustodial parent or to his attorney, heir or legal representative named in the notice, after receipt of the notice, can be held liable. In this situation, the lien can be enforced by the Division against any person, firm, or corporation making the workers' compensation benefit payment.

Upon receipt of a notice, the Executive Director of the Mississippi Workers' Compensation Commission mails a copy to the noncustodial parent or to all attorneys and insurance carriers of record. The parties are deemed to have received the notice within five (5) calendar days of the mailing of the notice by the Executive Director of the Mississippi Workers' Compensation Commission. The lien attaches to all workers' compensation benefits payable thereafter.

Any amount deducted from the noncustodial parent's workers' compensation benefits, is paid by the Commission to the Division for distribution to the custodial parent. The noncustodial parent is given credit toward the payment of his/her child/spousal support benefits for any amount received by the Division from the workers' compensation benefits.

STATEWIDE JURISDICTION/VENUE IN SUPPORT ACTIONS

Any action regarding paternity, support, enforcement or modification, in which the Division is a party, subsequent to an initial filing, may be heard in any county which has jurisdiction and venue. This process can occur without the need for application to the court.

The clerk of the court of the original county transfers a certified copy of the court file to the clerk of the appropriate transfer county, upon the written request of the child support attorney. The written request certifies that the Division issued timely notification of the transfer in writing to all involved parties.

The written request and notice is entered into the court file by the transferring clerk of the transferring court. The transferred action remains on the docket of the transferred court in which the action is heard, subject to another such transfer.

Deletion of Jury Trial in Paternity Actions

Public Law 104-193 known as The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires that noncustodial parents no longer have the right to a jury trial in paternity actions.

Miss. Code Ann. 93-9-15 states that parties to an action to establish paternity shall not be entitled to a jury trial.

Notification of Hearings

As a result of the PRWORA, the Division of Field Operations is required to notify all IV-D parents (custodial and noncustodial) of all proceedings in which support might be established or modified. The Division must also provide all IV-D parents (custodial and noncustodial) a copy of any order establishing or modifying a child support obligation, or a copy of the notice of determination that there will not be a change in the amount of the child support obligation. This documentation must be provided within 14 working days from the date the judge signs the document.

The custodial parent and the noncustodial parent must each be given a two week advanced notice of any proceeding to be held that would impact upon a child support award. The free form text in METSS is used for these notification purposes.

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Child Support Staff Responsibilities

The responsibility for notifying the parents of the hearing time and date, and/or the copying and mailing of the order depends upon the staffing situation in each county. The regional director and senior attorney must assign responsibilities as appropriate.

GUIDELINES FOR SETTING CHILD SUPPORT OBLIGATIONS

Legal Base

Public Law 98-378 requires each state to establish guidelines for setting child support award amounts The Family Support Act of 1988 (Public Law 100-485) requires use of the guidelines as a rebuttable presumption unless deemed inappropriate based on State established criteria. Miss. Code Ann. 43-19-101 and 43-19-103 establishes the guidelines and the criteria for use as a rebuttable presumption. The guidelines must be made available to all persons who determine child support awards. Specific descriptive and numeric criteria must be the basis for the guidelines which must result in computation of the support obligation (45 CFR 302.56).

The Department of Human Services must review the appropriateness of the guidelines every four years beginning January 1, 1994 and report its findings to the Legislature no later than the first day of the regular legislative session (Miss. Code Ann. 43-19-101). The Legislature will amend the guidelines as necessary to ensure that equitable support is awarded in all cases involving the support of minor children.

All orders involving support of minor children, as a matter of law, shall include reasonable medical support. Medical support can be private health insurance and/or cash medical support. Notice to the parent's employer that medical support has been ordered shall be on a form as prescribed by the Department of Human Services.

Background/Purpose/Source

Guidelines for setting child support obligations were first established by the Governor's Commission on Child Support to provide an equitable and uniform standard that would ensure awards are: 1) comparable for similarly situated children from similarly situated noncustodial parents; and 2) high enough to realistically meet the basic needs of the child(ren). The Commission reported that the lack of such a standard in Mississippi has contributed to a wide variation in the amount of support ordered on behalf of children in like circumstances and, in most cases, has resulted in child support obligations that do not provide for the minimum basic needs of the child(ren) involved.

Formula for Setting Child Support Obligations

The formula for setting child support obligations uses adjusted gross income as defined by Miss. Code Ann. 43-19-101. The obligation is determined by the court based on information presented.

However, the Child Support Worker must make the determination when the guidelines are being

used to determine a stipulated agreement for approval by the court. The basis for the determination must accompany the stipulated agreement when it is referred to the Child Support Attorney so it will be available for review by the Judge.

Compute annual adjusted gross income as follows:

- Determine gross income from all potential sources that may reasonably be expected to be available to the noncustodial parent including, but not limited to, the following:
  - Wages and salary income.
  - Income from self-employment.
  - Income from commissions.
  - Income from investments, including dividends.
  - Interest income.
  - Income on any trust account or property.
  - Noncustodial parent's portion of any joint income of both parents, including the current spouse.
  - Workman's compensation, disability, unemployment, annuity and retirement benefits, including an individual retirement account (IRA).
  - Any other payments made by any person, private entity, federal or state government or any unit of local government.
  - Alimony.
  - Any income earned from an interest in or from inherited property.
  - Any other form of earned income.
- Subtract any monetary benefits included above which are from a second household, such as income of the noncustodial parent's current spouse.

- Subtract the following legally mandated deductions:

  - Federal, state, and local income taxes. Contributions to the payment of taxes over and beyond the actual liability for the taxable year shall not be considered a mandatory deduction. Social Security contributions.

  - Retirement and disability contributions, except any voluntary retirement and disability contributions.

- Subtract the amount of the court-ordered support, if the noncustodial parent is subject to an existing court order for another child(ren).

- The court may subtract an amount that it deems appropriate to account for the needs of any biological child(ren) of the noncustodial parent residing with him/her. NOTE: When negotiating a stipulated agreement, staff of the DFO shall not subtract any such amount without first consulting with the child support attorney.

Compute the obligation amount by dividing the annual adjusted gross income by 12 for monthly adjusted gross income or by 52 for weekly adjusted gross income, then multiplying the result by the appropriate percentage from those listed below.

Number of Children Due Support	Percentage of Adjusted Gross Income That should be Awarded For Support
One (1)	14%
Two (2)	20%
Three (3)	22%
Four (4)	24%
Five (5) or More	26%

Obligation Amount

The Commission recommended that the child support obligation amount be expressed in the court order as a fixed monthly amount. Therefore, Child Support Attorneys must request orders with obligations expressed as fixed monthly amounts. Monthly obligations, regardless of how paid, simplify allocation and distribution of support payments and make computation of arrears easier for all parties to understand. A fixed monthly obligation would not prevent the order requiring or the noncustodial parent voluntarily paying the obligation in weekly or other more frequent installments. Neither would it prevent an employer withholding on a more frequent

basis.

Use of the Guidelines

The guidelines are a rebuttable presumption in all judicial or administrative proceedings regarding the awarding or modifying of child support obligations. They apply unless the judicial or administrative body makes a written finding or specific finding on the record that application of the guidelines would be unjust or inappropriate in a particular case according to the following criteria:

- Extraordinary medical, psychological, educational or dental expenses.
- Independent income of the child.
- The payment of both child support and spousal support to the custodial parent.
- Seasonal variations in one or both parents' incomes or expenses.
- The age of the child, taking into account the greater needs of older children.
- Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.
- The particular shared parental arrangement, such as where the non-custodial parent spends a great deal of time with the children thereby reducing the financial expenditures incurred by the custodial parent, or the refusal of the noncustodial parent to become involved in the activities of the child, or giving due consideration to the custodial parent's homemaking services.
- Total available assets of the noncustodial parent, custodial parent and the child.
- Payment by the custodial parent of child care expenses in order that the custodial parent may seek or retain employment, or because of disability of the custodial parent.
- Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt.

In cases in which the adjusted gross income is more than $100,000 or less than $10,000 per year,

the court must make a written finding in the record as to whether or not the application of the guidelines is reasonable.

The guidelines must be used as a rebuttable presumption for any temporary, final, or revised order for child support. Therefore, Child Support Workers must make every effort to determine the noncustodial parent's adjusted gross income and include the information in the investigation report/packet submitted to the Child Support Attorney.

Distribution of Guidelines

A copy of the guidelines and relevant information is sent once each year to all judges responsible for determining child support obligations.

A copy of the material may be obtained by any individual or organization who submits a written request and a certified check or money order for $3.00 payable to the Department of Human Services to:

Division of Field Operations
Attention: CSE Obligation Guidelines
Mississippi Department of Human
Services Post Office Box 352
Jackson, Mississippi 39205

Any individual may view the guidelines contained in Volume VI of the Division's manuals located in any child support office by making an appointment with the Child Support Supervisor. Give individuals requesting copies the above information regarding ordering copies.

ENFORCEMENT OF SUPPORT OBLIGATIONS

The child support worker is responsible for:

- Monitoring the compliance of each obligor with the support order, including provisions for health insurance for the child(ren). Refer to the policy in Volume VI, Chapter 2 regarding medical support in the form of health insurance,

- Following up when support obligations are not paid on the date the support is due by identifying the non-compliance with the court order. If the court order does not specify the exact day of the month that the support is due, the support is considered past due on the first working day of the next month, and

- Taking the appropriate action to enforce the court order.

Enforcement action is required within no more than 30 calendar days (if service of process is not needed) or 60 calendar days (if service of process is needed) of identifying a delinquency or other support related non-compliance, or location of the noncustodial parent, whichever is later.

Pursuant to Miss. Code Ann. 43-19-33(5) In lieu of legal proceedings for contempt, a written stipulated agreement for the provision of periodic payments towards arrears executed by the noncustodial parent, notarized and filed with the court, and approved by a judge, shall have the same effect as a judgment for overdue support entered by the court.

Contempt Filings

Prior to filing a contempt action with the court, child support staff must screen the case for information regarding the NCP's ability to pay or otherwise comply with the order. A contempt action should not be filed with the court if it is determined from the available information, or from a reasonable investigation, that the NCP does not have the ability to pay or otherwise comply with the order.

All contempt petitions must include, as an exhibit, the document entitled "Non-Custodial Parent Support Contempt Questionnaire." This form is intended to obtain income and asset information from the NCP and to clearly inform the NCP that his/her ability to pay constitutes a critical question. This form is available on Worksite under "CSE Only Items" and may change from time to time. Attorneys must verify that they are using the current version of the form. This form must be served on the NCP together with the summons and copy of the petition.

When presenting a contempt action in court, attorneys must provide the court with available information regarding the NCP's ability to pay. Child support attorneys should not request a contempt purge amount that is beyond the NCP's ability to pay.

SERVICE OF PROCESS

Legal Base

45 CFR 303.4(d) mandates that within 90 calendar days of locating the alleged father or noncustodial parent (regardless of whether paternity has been established) DFO must establish an order for support or complete service of process necessary to commence proceedings to establish a support order and, if necessary, paternity. Unsuccessful attempts to serve process, in accordance with the state's guidelines that define diligent efforts, must be documented. Diligent efforts to serve process are defined below.

Federal regulations at 45 CFR 303.3(c) requires the implementation of guidelines to ensure that diligent efforts are made to serve process.

Definition

Diligent efforts to obtain service of process is defined as the utilization of all available resources by the IV-D agency to ensure that the respondent has been served with notice of legal action within the specified time frames as prescribed by law. The requirements for diligent efforts to obtain service of process have not been met until all available resources have been exhausted and the unsuccessful attempts to serve process have been documented.

Guidelines for Diligent Efforts to Obtain Service of Process

Service of process attempts must be periodically repeated for cases in which previous attempts to serve process have failed but there exists adequate identifying and other information to attempt service of process. The child support worker must have verified that the residence and/or employment address of the noncustodial parent is sufficient for service of process before submitting the case to the child support attorney.

The child support attorney has the responsibility of ensuring that the guidelines for diligent efforts to obtain service of process are followed. Those guidelines are:

- The child support attorney must document on the summons, or attachment to the summons, any leads or information as provided by the child support worker as to the respondent's whereabouts including, but not limited to:
    - Directions to the noncustodial parent's place(s) of residence;

- Place of employment;
- Working hours;
- Known "hang-outs"; and
- Any distinguishing feature of the noncustodial parent's physical appearance.

- The child support attorney must submit the summons to allow time for the process server to serve the summons on the respondent at least 30 days for paternity and support or 7 days for contempt or modification, as determined by the Rules of Court, prior to the return date.

- If appropriate, the child support attorney may attempt service of process by certified mail, restricted delivery, return receipt requested, at any time after filing with the court having continuing jurisdiction of such matters as an acknowledgment of paternity wherein a provision of support has not been entered into or in cases enforced under title IV-D of the Social Security Act at least 30 days prior to the hearing. Service of process must be fully documented on CONT in METSS by the staff attorney. This method of service of process is universally allowed for out-of-state defendants, but is only allowed under certain circumstances for in-state defendants.

- If service of process is not successful, determine the reason and proceed accordingly. The date and the reason must be documented on CONT in METSS. It may be necessary to begin location efforts if the residence or employment of the noncustodial parent has changed. If there is no indication of a change of address, add to the summons any additional leads or information available and submit for a repeated attempt.

- At least three (3) documented attempts to serve process must be made within a calendar year for all cases in which the noncustodial parent has been located and the next appropriate action requires service of process. Document all actions taken on CONT in METSS.

- The child support attorney must use every available resource to ensure prompt action on the part of the person or law enforcement agency responsible for serving process or for ensuring service of process by certified mail, restricted delivery, return receipt requested, to the noncustodial parent's last known address, when this method of service is appropriate.

- The date of successful service of process must be documented in METSS in the SERV function. For cases where service of process is obtained through mail, service is deemed complete as of the date of delivery as evidenced by the return receipt. A copy of the receipt must be scanned, placed in the child support record and documented on CONT in METSS.

NOTE: Any individual who fails to comply with a subpoena relating to a paternity or child support proceeding after appropriate notice may be subject to license suspension. Refer to License Suspension in this chapter.

- Every action taken and the date taken must be accurately documented in METSS in SERV or CONT, as appropriate, by the child support attorney.

Other Actions Requiring Service of Process

Within 60 days of identifying non-compliance with the support order or of location of the noncustodial parent, whichever is later; take other appropriate enforcement action for which service of process is necessary, which may include service of process via certified mail, restricted delivery, return receipt requested, to the noncustodial parent's last known mailing address.

If process is not successfully served, diligent attempts (in accordance with required procedures) must be documented within 60 days of the identification of the delinquency.

Actions Not Requiring Service of Process

Within 30 calendar days of identifying the non-compliance or location of the noncustodial parent, whichever is later; take other appropriate enforcement action for which service of process is not necessary. An example of enforcement action that does not require service of process is contacting the noncustodial parent by telephone or by letter.

Revised 12-01-14

REDIRECTION OF SUPPORT PAYMENTS

Legal Base

Miss. Code Ann. 43-19-35(2) states that all court orders of support for any child(ren) receiving services through Title IV-D shall be amended, by operation of law, and without the necessity of a motion by the Division of Field Operations and a hearing thereon to provide that the payment of support shall be directed to the appropriate child support office and not to the recipient. The law further states that the noncustodial parent must be notified of the redirection prior to its taking effect.

Purpose of Redirection

Court orders of support originally directed to a IV-D client for any child(ren) receiving services through Title IV-D of the Federal Social Security Act shall be amended, by operation of law, to be directed to the MDHS State Disbursement Unit (SDU). The purpose of redirection is accountability.

Because TANF recipients have assigned their support rights to the state, they are required to forward their child/spousal support payments as they are received to the SDU. For clients who do not comply with this, redirection of the support payments will help with overpayments in TANF benefits. Also, redirection will help to assure proper accountability in the automatic tax intercept in METSS.

Responsibilities of Child Support Enforcement Officer

The noncustodial parent must be notified of such action, prior to its taking affect. A734, *Notice of Redirection of Child Support Payments* will be generated through METSS to ensure that the noncustodial parent receives this advanced notification. The child support enforcement officer (CSEO) will send notices simultaneously to all parties involved and the clerk of the court, thereby notifying all concerned that the redirection is taking affect.

The CSEO uses these notices to notify all IV-D recipients of child support services, the noncustodial parent, the employer of the noncustodial parent, and the clerk of the court that any recipient of child support services with an existing order for child and spousal support will, by operation of law, be redirected for payment to the local child support office.

Explanations should be made during the initial interview to a new client with an existing child support order that the DFO will have the order redirected to the MDHS.

Procedures for Arrears

Any referral or applicant for child support services (TANF or Non- TANF) with an existing court order must complete MDHS-CSE-650, Affidavit of Accounting, Child Support Arrears Worksheet. This notarized Affidavit serves as the basis of our arrears calculations. Prior to the commencement of any enforcement action, to include adding the arrears in METSS, a copy of the affidavit of accounting must be mailed to the noncustodial parent within three (3) days, with a letter notifying him/her to respond within fifteen (15) days.

If the noncustodial parent fails to dispute the alleged arrears within fifteen (15) days, enforcement actions of the alleged arrears shall commence. If the noncustodial parent disputes the arrears by providing payment records or other documentation, the custodial parent must be notified and given an opportunity to respond. After notifying the custodial parent, if an agreement cannot be reached between the custodial parent and noncustodial parent as to the arrearage amount, the case must be referred to a Staff Attorney for legal action to determine the amount of arrears.

Note: When the arrears are in dispute and the case is set for court, DFO will continue to enforce the current support obligation unless otherwise directed by the court.

Canceling Redirection

Once the redirection of support payments has been implemented, the Non-TANF client may decide that he/she no longer wants child support services and may wish to close the case. In this situation closure reasons set forth in policy should be followed. The case would be changed from a IV-D case to a non IV-D case, and the custodial parent would contact outside counsel to have the child support payments redirected.

Notice Procedures

When the A733, *Notice of Redirection of Child Support Payments,* is addressed to the custodial parent, the name of the noncustodial parent and the cause number must be referenced. When the A734, *Notice of Redirection of Child Support Payments,* is addressed to the noncustodial parent, reference the custodial parent's name and cause number and send a copy of this notice to the clerk of the court. When the A735 notice is sent to the employer or the A736 notice is sent to the clerk of the court, reference both the name of the custodial parent and the name of the noncustodial parent and the cause number.

The clerk of the court will need to receive a copy of the notice sent to every noncustodial parent

to file in the court file for verification that the noncustodial parent was indeed notified of the redirection prior to the redirection taking effect.

INCOME WITHHOLDING

Income withholding is the process whereby the employer of a noncustodial parent withholds from the income due the noncustodial parent an amount for payment of the current support obligation and additional amounts to be applied toward any past due support and fees owed, if applicable.

Legal Base

Public Law 98-378 requires that income withholding be triggered when arrears accrue that are equal to the support obligation for one month. Miss. Code Ann. 93-11-101 through 93-11-119 requires all new or modified orders issued on or after July 1, 1985 be accompanied by an order for income withholding. All support orders issued prior to July 1, 1985, are presumed to contain such an order. Neither modification of the support order nor further action by the court is required.

Miss. Code Ann. 93-11-103 states on or after October 1, 1996, any order for support entered for a custodial parent who is a recipient of IV-D child support services must have a separate order for withholding which takes effect immediately, regardless of whether support payments are delinquent. All withholding orders must be on a form as prescribed by the department.

Any order for support entered for a custodial parent who is not a recipient of IV-D child support services must have a separate order for withholding which takes effect immediately, regardless of whether support payments are delinquent. These orders will be excluded from immediate withholding only if the following conditions exist:

- If one of the parties (i.e., noncustodial or custodial parent) demonstrates, and the court finds, that there is good cause not to require immediate income withholding, or

- If both parties agree in writing to an alternative arrangement.

The Department of Human Services shall be the designated agency to receive payments made by income withholding in all child support orders.

Miss. Code Ann. 93-11-105 authorizes the Division of Field Operations (DFO) to implement administrative orders for withholding pursuant to a previously rendered order for support. A copy of the administrative order is transmitted to the obligor by first class mail to the last known address.

Public law 104-193, known as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), requires states to use an automated system to assist and facilitate the collection and disbursement of support payments. Automated transmission of orders and notices to employers (and other debtors) for income withholding is required. The standard form issued by the Federal Office of Child Support Enforcement (OCSE) must be forwarded to the employer within two (2) business days of receipt of new hire information or verified employment information from another source.

PRWORA requires that all orders for support issued prior to October 1**,** 1996, be amended to conform with the new provisions. All orders for support issued shall:

- Contain a provision for monthly income withholding procedures to take effect in the event the obligor becomes delinquent in paying the order for support, without further amendment to the order, or further action by the court; and,

- Require the payor to withhold an additional amount for delinquency, as specified in the order, when accompanied by an affidavit of accounting, notarized record of overdue payments or an attested judgment for delinquency or contempt.

Any person who willfully and knowingly files a false affidavit, record or judgment shall be subject to a fine of not more than $1,000.00.

Child support orders issued or modified in another state, but not subject to immediate income withholding, become subject to immediate income withholding on the date the child support payments are at least one month in arrears, or the earliest of:

- The date the noncustodial parent requests that withholding begin, or

- The date the custodial parent requests that withholding begin, or

- Such other date as may be determined by the court.

The clerk of the court shall submit copies of such orders to the noncustodial parent's employer and submit required information to the Mississippi Department of Human Services State Case Registry. The clerk of the court, the noncustodial parent's attorney, or the child support attorney may serve the immediate order for withholding by first class mail or personal delivery on the noncustodial parent's employer. There shall be no need for further notice, hearing, order, process or procedure prior to serving the order on the employer or on any additional or subsequent employer.

Income Subject to Withholding

For purposes of the income withholding process, income is defined as any form of periodic payments made to an individual, regardless of the source. Income includes, but is not limited to: 1) wages; 2) salary; 3) commission; 4) compensation as an independent contractor; 5) workers' compensation; 6) disability benefits (SSA); 7) annuity benefits; 8) retirement benefits; and 9) any payments made by any person or private entity, the federal government, any state government, or any unit of local government.

Income subject to withholding excludes, but exclusion is not limited to: 1) public assistance benefits; 2) any amounts required by law to be withheld, other than creditor claims, such as federal taxes, state taxes, local taxes, Social Security and other retirement and disability contributions; and 3) any amounts exempt according to Federal law including Supplemental Security Income (SSI).

Percentage of Income Subject to Income Withholding

The total amount of income withheld by an employer/payor, including any fees, must not exceed the amount permitted by the Consumer Credit Protection Act, as follows:

- Fifty percent (50%) of the noncustodial parent's disposable earnings, if the noncustodial parent is supporting a spouse or dependent child(ren) other than those required to be supported under the support order, unless a greater percentage is applicable as indicated below.

- Sixty percent (60%) of the noncustodial parent’s disposable earnings, if the noncustodial parent is not supporting a spouse or dependent child(ren), unless a greater percentage is applicable as indicated below.

- If the unpaid support is past due for more than 12 weeks, the percentage to be withheld as described in items one and two above is increased by 5% to 55% and 65% respectively.

The amount withheld, not to exceed the maximum deductions allowed by the Consumer Credit Protection Act, must include:

- An amount for payment of the support obligation for the current month, including spousal support and/or cash medical support being enforced by the IV -D agency;

- An amount not less than 20% of the support obligation to be applied to payment of past due support unless a different amount has previously been ordered by the court;

- An amount for fees for the employer/payor and the IV-D agency, as specified below.

The order for withholding must be honored above any prior or subsequent garnishments, attachments, wage assignments or any other claims of creditors under State law. However, some federal claims may take priority. In cases in which more than one order for withholding for the same noncustodial parent has been served, the employer/payor must honor the orders on a pro rata basis to result in withholding an amount for each order that is in direct proportion to the percentage of the noncustodial parent's adjusted gross income that the orders represent.

The employer/payor must honor all such orders to the extent that the total amount withheld does not exceed the maximum amount permitted by the Consumer Credit Protection Act, as specified above.

Administrative Order for Withholding

DFO is authorized by state law to implement administrative orders for income withholding without the necessity of obtaining a withholding order through judicial proceedings. The administrative order for withholding is implemented pursuant to a previously rendered order for support. The administrative order for withholding is subject to the same requirements as any other income withholding order.

A copy of the administrative order is sent to the obligor by first class mail to the last known address.

The administrative order for income withholding is sent to the employer by first class mail and directs the employer:

- to withhold an amount equal to the order for the current support obligation;
- to withhold an additional amount equal to 20% of the current support obligation, unless a different amount has previously been ordered by the court, until payment in full of any delinquency; and,
- not to withhold in excess of the amount allowed under the Consumer Credit Protection Act.

Immediate Income Withholding

Immediate income withholding is the deduction of support payments from a noncustodial parent's income on the date the order for withholding is received by the employer, whether or not

support payments are in arrears.

If the noncustodial parent is employed when the order for income withholding is entered, the income withholding order must be transmitted to the employer within two (2) business days of receipt of the order by the county office. If the noncustodial parent's employer changes, the income withholding order must be transmitted within two (2) business days of verifying any subsequent employer. There is no need for further notice, hearing, order, process or procedure prior to service on any subsequent employer/payor. Immediate orders for income withholding must specifically indicate whether or not the employer/payor is required to withhold an additional amount specified for delinquency at the time the income withholding order is served.

The noncustodial parent may contest, if grounds exist, the serving of the order for income withholding on additional or subsequent employers/payors, by filing an action with the issuing court. This action shall not stay the noncustodial parent's duty to pay support pending judicial determination of the noncustodial parent's claim.

If the noncustodial parent does not have income which can be reached through withholding when the support order is entered, an order for immediate income withholding is still required. When it is determined that the noncustodial parent does have income that can be withheld, the income withholding order must be implemented without further action by the issuing court.

State and National Directories of New Hires

DFO receives employer information from the State Directory of New Hires (SDNH) and National Directory of New Hires (NDNH). Employer information received from SDNH and NDNH is considered verified and income withholding orders are to be transmitted to the employers within two (2) business days. Refer to policy in Volume VI, Chapter 3 on State and National Directories of New Hires.

Notice of Additional Withholding

All existing orders for support shall become subject to additional withholding when arrears accrue. DFO must notify each delinquent noncustodial parent via notice A750, *Delinquency Notice,* that the withholding on the delinquency has commenced. The A750, along with an affidavit of accounting, or a notarized record of overdue payment completed by the recipient of services, or an attested judgment of delinquency/ contempt is sent to the employer at the same time the A750 is sent to the noncustodial parent. Both are delivered by first class mail.

The noncustodial parent has the right to file an action with the issuing court on the grounds of

mistake of fact within 30 days of receipt of the notice A750. This action shall not stay the noncustodial parent's duty to pay support pending judicial determination of the noncustodial parent's claim.

Any employer who complies with an income withholding notice that is regular on its face and is accompanied by the required affidavit of accounting, notarized record of overdue payments or attested judgment of delinquency or contempt shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.

Active Income Withholding Orders

An income withholding order is considered "active" when the first payment is received. If the order is enforced through the interception of unemployment benefits, etc., it is activated upon receipt of the alert: "The noncustodial parent has applied for or is receiving unemployment benefits."

Inactive Income Withholding Orders

An income withholding order is considered "inactive" when the withholding order has not yet been served on an employer or cannot be enforced through other sources such as unemployment benefits.

NOTE: When changing the modifier on the ORDR panel in METSS from an “I” to an “A” or vice versa, **extreme caution** must be exercised with the Change Date Field. Special precautions must be utilized when a noncustodial parent pays to multiple custodial parents through active income withholding orders.

Employer Penalties

When an employer willfully fails to withhold or to submit income withheld pursuant to a valid order for withholding, the following penalties shall apply:

- The employer shall be liable for a civil penalty of not more than $500.00 or $1000.00 in any situation where the failure to comply is the result of collusion between the payor and the payee.

- The court may enter a judgment and direct the employer to pay the total amount that was willfully not withheld or submitted.

In cases in which a payor discharges, disciplines, refuses to hire or otherwise penalizes an obligor, as a result of a withholding order having been issued to said payor, the court shall fine the payor an amount not to exceed $50.00.

Any obligee, DFO, or obligor who willfully initiates a false proceeding or who willfully fails to comply with the requirements of Miss. Code Ann. 93-11-101 through 93-11-119 may be held in contempt of court.

Responsibility for Income Withholding Procedures

In order to ensure the basic income withholding requirements are met in a timely manner, it is necessary for individuals and entities to be responsible for certain actions related to initiating and maintaining income withholding procedures. The basic responsibilities are discussed below.

Designated Income Withholding Agency

DFO is the designated income withholding agency for the state; and, as such, it is publicly accountable for services provided and actions taken in complying with federal and state laws and regulations regarding income withholding. Also, DFO must provide services related to income withholding in all cases appropriately referred from another state, regardless of the source of referral.

The state IV-D agency must document, track, and monitor support payments through the income withholding process when the order specifies that such payments be made to the IV-D agency. In Mississippi, the IV-D agency receipts and disburses these payments through the MDHS State Disbursement Unit (SDU) via the METSS automated system in accordance with applicable federal and state laws.

Clerks of the Court

At the time an income withholding order (immediate or upon delinquency) is entered by the court, the Clerk of the Court is responsible for:

- Submitting copies of all orders issued or modified to the noncustodial parent's employer/payor, any additional or subsequent employer/payor, and submit order information to the Mississippi Department of Human Services State Case Registry.
-

- Providing copies of the order for withholding and the order for support to the noncustodial parent, along with a statement of the rights, remedies and duties of the noncustodial parent.

- Serving an immediate order for income withholding on the employer/payor by first class mail or personal delivery, or provide a copy of the order for income withholding to the custodial parents or IV-D agency's attorney to serve on the employer/payor.

- Making copies of the order for support and the order for withholding available to the custodial parent and to the IV-D agency or its local attorney.

- Placing service of process notices in the court file once process has been completed by the IV-D agency's attorney or the custodial parent's attorney.

NOTE: Many court clerks do not undertake the above duties. Consult with the child support attorney for clarification regarding specific court clerks.

IV-D Child Support Office

The local child support office is responsible for:

- Verifying employers via notice A417, *Request to Employer,* in METSS on APPD.ABSP.EMPL when employment information is received from sources other than NDNH/SDNH.

- Requesting notice A818, *Order/Notice to Withhold Income for Child Support,* and notice A433, *Notice of Income Withholding,* from METSS and mailing them to the employer when employment is verified manually as mentioned above and the employer is not available through the electronic income withholding process. When the employer is available through the electronic withholding process, the worker will request the A818, but the A823 will be sent electronically.

- Providing a copy of the A818 and A433 to the noncustodial parent.

- Reviewing ACTN for the transmission of the income withholding orders sent automatically by METSS, to the employer/payor and any subsequent employer/payor (see Clerks of the Court above) within two business days of receiving verified employment information from NDNH and SDNH.

- Transmitting the income withholding order to the employer for all incoming UIFSA and

interstate income withholding IV-D child support cases when certified orders for withholding are included.

- Updating METSS with all new information provided by the employer on notice A413, *Notice to Employer/Payor.*

- Monitoring payments and taking enforcement action as required by policy, which includes notifying the attorney when an employer/payor fails to withhold income in accordance with the provisions of the income withholding orders.

- Referring the case to the child support attorney to:

  - Modify, suspend or terminate the order for withholding because of a modification, suspension or termination of the underlying order for support; or,

  - Suspend the order for withholding because of inability to deliver income withheld to the custodial parent due to the custodial parent's failure to provide a mailing address or other means of delivery.

- Notifying the employer/payor by issuing an updated A818, *Order/Notice to Withhold Income for Child Support,* within seven (7) calendar days of the date the arrears balance equals zero, or the IV- D agency is no longer authorized to receive payments for the custodial parent, i.e., the child reaches the age of majority.

- Requesting and mailing notice A750, *Delinquency Notice,* and an affidavit of accounting, notarized record of payment or attested judgment to the employer/payor when the noncustodial parent becomes 30 days delinquent.

- Sending each noncustodial parent who is thirty (30) days delinquent a copy of the A750, *Delinquency Notice,* indicating:

  - The withholding on the delinquency has commenced;

  - The information, along with the required affidavit of accounting, notarized record of overdue payment, or attested judgment of delinquency or contempt has been sent to the employer/payor; and,

  - The noncustodial parent may file an action with the issuing court on the grounds of mistake of fact within thirty (30) days of receipt of notice. This does not say the

noncustodial parent's duty to pay support pending judicial determination of the noncustodial parent's claim.

NOTE: No amount owed may be collected/enforced without prior notice to the noncustodial parent.

- Refunding the employer/payor any payment received that is improperly withheld from the noncustodial parent's income.

- Issuing notice A417, *Request to Employer,* to the employer when updated wage information is needed.

Mississippi Enforcement Tracking of Support System (METSS) Automated Procedures

METSS functions:

- Receiving noncustodial parent employment information through interfaces.

- Alerting child support case worker of information received.

- Issuing notice A823, which is a combination of notice *A818, Order/Notice to Withhold Income for Child Support,* and notice A433, *Notice of Income Withholding,* automatically within two business days of receipt to the employer when employment information is received from the National Directory of New Hires (noted in ACTN with W4) or the State Directory of New Hires (noted in action with NHIR). This information is considered verified upon receipt. No child support case worker intervention is necessary. This notice complies with PRWORA mandates requiring the use of a standardized order for income withholding.

  When METSS issues the A823, all case workers with a case involving the noncustodial parent receive an alert stating: "Employer income withholding notice sent based on NDNH/SDNH info- Use ACTN to view notice." If necessary, the case worker must send the A750, *Delinquency Notice,* and affidavit of accounting according to the policy above.

Notice A823 is not issued automatically by METSS when one of the following is true:

- The previous month's obligation (s) was met for any of the noncustodial parent's cases.

- There is an existing verified employer for the noncustodial parent and the information

received lists a different employer.

- The employer received is an existing verified employer.
- The income withholding order, in any of the noncustodial parent's cases, is coded "active".
- The case is coded for closure the following month.
- There is a mismatch between FCR SSN and the METSS SSN.
- The family violence code is marked on any of the noncustodial parent's cases.
- The employer is a Mississippi Social Security Administration (SSA) and there is no mailing address for the NCP.
- The current obligation, arrears, and fees balance is $0.
- There is no active child in any of the NCP's open subcases.

In these situations, METSS sends the case worker an alert. The case worker must review the case and decide how to proceed.

NOTE: Notice A823 is not accessible by county staff and is used only when METSS issues an automatic income withholding or when the worker generates the A818, and the employer is available for the electronic income withholding process.

- Issues notice A413*, Notice to Employer/Payor,* to the employer ten (10) days after withholding order is issued, requesting insurance information.
- Sends the child support case worker an alert stating: "No payment received within forty-five (45) days of the withholding order being issued, Review case for enforcement action."

Employer/Payor

The employer/payor is subject to the following requirements:

- Reporting noncustodial parents' name, address, date of birth, social security number, and

employer's name, address, State and Federal Employer Identification Number to the State Directory of New Hires within fifteen (15) days of hiring, rehiring or returning to work of employees.

- Withholding child support and required fees from the wages of noncustodial parents, not to exceed the maximum amounts permitted under the Consumer Credit Protection Act.

- Combining all withheld amounts from noncustodial parents' wages and making a single payment to the SDU when the individual noncustodial parents' names and amounts are identified.

- Implementing income withholding no later than the first pay period that occurs after fourteen (14) days from the date the order or notice was received.

- Sending the withheld amount to the SDU within seven (7) working days of the date the wages/income is withheld.

- Notifying the local child support office promptly when the noncustodial parent terminates employment, and providing the noncustodial parent's last known address and the name and address of the new employer/payor, if known.

- Withholding and sending a $5.00 fee to the SDU for administrative costs.

- Withholding a $2.00 processing fee for each intrastate withholding from the income of the noncustodial parent, in addition to the support payments, regardless of the number of times per month income withholding occurs. This processing fee is retained by the employer. However, in all interstate withholding, the rules and laws of the state where the noncustodial parent works shall determine the employer's/payor's processing fee.

- Honoring the income withholding order until the noncustodial parent is no longer employed, or until notified by the court or the child support office.

- Withholding any fees indicated on the income withholding order, i.e., court costs, genetic testing fees, etc.

NOTE: An employer/payor who complies with an income withholding order notice, which is accompanied by the required affidavit of accounting, notarized record of overdue payments, or attested judgment of delinquency or contempt shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.

An employer who has been served with an order for withholding, which includes a provision of payment of arrears, shall notify the Mississippi Department of Human Services (MDHS) before making any lump-sum payment of more than Five Hundred Dollars ($500.00) to the obligor. Notification of intent to make a lump-sum payment must be sent to MDHS at least forty-five (45) days before the planned date of the lump-sum payment, or as soon as the decision is made to make the payment, should that be less than forty-five (45) days. The employer shall not release the lump-sum to the obligor until thirty (30) days after the intended date of the payment or until authorization is received from the MDHS, whichever is earlier.

Upon receipt of notice to pay a lump sum from an employer, MDHS shall provide the employer with a Notice of Lien in accordance with Miss. Code Ann. 93-11-71, specifying the amount of the lump sum to be withheld for payment of child support arrearages. Unless the lump sum is considered severance pay, any amount of the lump sum up to the entire arrearage may be withheld. If the lump sum is for severance pay, the amount withheld for child support arrearages may not exceed an amount equal to the amount the employer would have withheld if the severance pay had been paid as the employee's usual earnings.

Child Support Attorney

The child support attorney is responsible for:

- Representing the IV-D agency at any hearing set by the court to consider the facts of the case when the noncustodial parent contests the initiation of income withholding.

- Petitioning the court for a hearing when an employer/payor does not honor an income withholding order in a IV-D case.

- Petitioning the court at any time to:

  - Modify, suspend or terminate the order for withholding because of a modification, suspension or termination of the underlying order for support; or

  - Suspend the order for withholding because of inability to deliver income withheld to the custodial parent due to the custodial parent's failure to provide a mailing address or other means of delivery.

- Filing other legal actions as necessary.

Noncustodial Parent

A noncustodial parent who begins working for a new or additional employer/payor must give written notification to the local child support office within seven (7) days of the change in employment. Also, at any time, the noncustodial parent may petition the court to:

- Modify, suspend or terminate the order for withholding because of a modification, suspension or termination of the underlying order for support; or,

- Suspend the order for withholding because of inability to deliver income withheld to the custodial parent due to the custodial parent's failure to provide a mailing address or other means of delivery.

Custodial Parent

A custodial parent who has a change in residence or mailing address must notify the local child support office within seven (7) days of the address change. Also, a custodial parent who is a recipient of TANF must provide a copy of any filed Notice of Delinquency, which the custodial parent caused to be initiated, to the local child support office or IV-A office.

IV-D Cases

For all IV-D cases in which support payments are made through income withholding, there are responsibilities that must be performed immediately by the county staff when:

- Payments cease and no notice of change in employment is received, the child support worker must contact the employer/payor to obtain the status of the income withholding. If legal action is necessary, the child support worker must refer the case to the child support attorney for enforcement.

- The employer/payor sends notification that the noncustodial parent has left employment and a new verified employer/payor is known, the child support worker sends notice A818, notice A433, notice A750 and attaches the affidavit of accounting, notarized record of overdue payment, or attested judgment of delinquency to the new employer/payor within two (2) business days. METSS automatically sends notice A413 to the new employer.

- Circumstances or court actions occur that change the amount of the current monthly obligation, such as a child reaching the age of majority, or a modification due to review

- and modification proceedings.

- Location activities must begin at any time the forwarding address of the noncustodial parent and/or the identity and address of the new employer/payor is not known.

The county child support staff is responsible for reviewing the Delinquency Report monthly to determine if the noncustodial parents' support payments have become thirty (30) days past due. If the noncustodial parent is delinquent, the child support worker requests Notice A750, *Delinquency Notice,* and attaches copies of the affidavit of accounting, notarized record of overdue payment, or attested judgment of delinquency or contempt. Copies must be sent by first class mail to the employer/payor and the noncustodial parent.

A narrative must be recorded on CONT by the child support worker indicating that copies have been forwarded to the appropriate parties.

Non IV-D Cases

Non IV-D support payments made through income withholding are receipted and disbursed only. For cases originating in Mississippi, the custodial parent must be notified and given the opportunity to complete an application and pay the fee to receive child support services. If payments cease, no action is taken to enforce the order.

Upon request of the court or the custodial parent, the IV-D agency must submit an accounting of support payments (Affidavit of Accounting). This accounting may be provided to the attorney of the custodial parent if the custodial parent submits a written authorization.

If payments are received and the address of the custodial parent is not known, county staff must attempt to contact the custodial parent to obtain the address. If the attempts are unsuccessful and two or more payments are being held for disbursement, refer the case to the child support attorney who will petition the court to:

- Suspend the order for income withholding; and/or,

- Allow payments to be disbursed to the clerk of the court for establishment of a trust account, or other appropriate action ordered by the court.

Terminating or Suspending Income Withholding

- An order for income withholding remains in effect as long as the underlying order for support on which it is based remains in effect. Once income withholding is initiated, it is

not terminated unless:

- The underlying order for support is terminated because of the emancipation of all children or the child(ren) reaches the age of majority and no arrearage exists;
- The court terminates the order for income withholding because of termination of the underlying order for support and no arrearage exists; or
- The court terminates the order for income withholding after a hearing in which it is determined that there is a mistake of fact that makes the income withholding improper.

The court may suspend the order for income withholding when:

- The custodial parent fails to provide a mailing address or other means by which the IV-D agency can deliver income withheld; or
- The underlying order for support is suspended.

To suspend or terminate an order for income withholding, refer the case to the child support attorney for evaluation and appropriate action.

Voluntary Entry

Any person who is the obligor in a support order from any other state may obtain a voluntary order for withholding by filing with the court a request for such withholding and certified copy of the support order of the other state. The court must issue an order for withholding pursuant to the act. Payments must be made to the SDU.

WITHHOLDING CHILD SUPPORT AND APPORTIONMENTS FROM DEPARTMENT OF VETERANS AFFAIRS

Legal Base

Section 459 of the Social Security Act, as amended, provides for the withholding of certain Federal payments for the enforcement of child and spousal support. The test to determine if a payment is subject to withholding is whether the payment is remuneration for employment. Benefits paid by the Department of Veterans Affairs (VA) are generally based on either the veteran's disability and wartime service or disability from service-connected injury or disease, neither of which is considered remuneration for employment, and are generally excluded.

The Social Security Act and 42 U. S. C. 659(h)(I)(B)(iii) provide one exception by which dependents may obtain financial support from veterans' benefits. This exception is explained below.

VA Benefits Eligible for Child Support Withholding

An example is provided which details the laws or regulations under which benefits paid by VA can be paid for child and spousal support obligations through withholding.

42 D.S.C. 659(h)(1)(A)(ii)(V) of the Social Security Act provides that if a veteran is eligible to receive military retired/retainer pay and has waived a portion of his/her retired/retainer pay in order to receive disability compensation from VA, that portion of the VA benefit received in lieu of retired/retainer pay is subject to withholding.

VA Withholding Procedures

The child support worker arranges for withholding by contacting the VA Regional Office that provides the noncustodial parent’s benefits. VA provides a toll free number to help in determining which regional office is appropriate (1-800-827-1000), or refer to 5 CFR Part 581. The VA office will determine if the veteran has waived any portion of his/her retired/retainer pay in order to receive VA benefits. Send service of process for withholding to the regional office serving the veteran.

Then child support worker will:

- Address the letter to the VA Regional Office serving that veteran’s benefits. Use the toll free number to determine which regional VA office is appropriate (1-800-825-1000);

- Attach a copy of the current support order; and
- Attach an Affidavit of Accounting.

VA Benefits Eligible for Apportionment

Where a hardship is shown to exist, 38 CFR Section 3.451 authorizes a special apportionment of a beneficiary's pension, compensation, emergency officer's retirement pay, or dependency and indemnity compensation between the veteran and his/her dependents. The apportionment is based on the facts in the individual case and may not cause undue hardship to the other persons in interest.

An example is provided which details the laws and regulations under which benefits paid by VA can be paid for child and spousal support obligations through apportionment.

38 U.S.C. 5307 provides for an apportionment of VA benefits between the veteran and his/her dependents under certain circumstances. VA regulations at 38 CFR Section 3.450 (a)(I)(ii) provide that, if the veteran is not residing with his/ her children and/or spouse and the veteran is not reasonably discharging his/her responsibility for the spouse's or children's support, all or any part of the veteran's pension, compensation, or emergency officers' retirement pay may be apportioned.

Determining Hardship

Factors which determine the basis for special apportionment include the amount of VA benefits payable, other resources and income of the veteran and those dependents in whose behalf apportionment is claimed, and special needs of the veteran, the dependents and those applying for apportionment. Usually, the VA considers that an apportionment of more than 50 percent of the VA benefits would constitute undue hardship on the veteran, while an apportionment of less than 20 percent would not provide a reasonable amount for any dependent.

VA Apportionment Procedures

The child support worker assists the custodial parent in applying for apportionments by contacting the VA Regional Office that provides the noncustodial parent's benefits. VA provides a toll free number to help in determining which regional office is appropriate (1-800-827-1000), or refer to 5 CFR Part 581. Send service of process for withholding to the regional office serving

the veteran.

The child support worker will:

- Write the Department of Veterans Affairs using agency letterhead to request an apportionment review. The letter should be signed by both the child support worker and the custodial parent;
- Complete and attach VA Form 21-4138, *Statement in Support of Claim*. This form is used to provide information regarding income and net worth;
- Attach a copy of the current support order; and
- Attach an Affidavit of Accounting.

OMB Approved No. 2900-0075
Respondent Burden: 15 minutes

Department of Veterans Affairs

STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA Programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. VA uses your SSN to identify your claim file. Providing your SSN will help ensure that your records are properly associated with your claim file. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. The VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We need this information to obtain evidence in support of your claim for benefits (38 U.S.C. 501(a) and (b)). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at www.reginfo.gov/public/do/PRAMain. If desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN *(Type or print)*	SOCIAL SECURITY NO.	VA FILE NO. C/CSS -

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE	DATE SIGNED	
ADDRESS	TELEPHONE NUMBERS *(Include Area Code)*	
	DAYTIME	EVENING

PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.

VA FORM AUG 2011 **21-4138** EXISTING STOCKS OF VA FORM 21-4138, AUG 2004, WILL BE USED CONTINUE ON REVERSE

ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS FROM MEMBERS OF THE ARMED FORCES

Legal Base

Section 465 [42 U. S. C. 665] states that in any case in which child/spousal support payments are owed by a member of one of the uniformed services on active duty, the member shall be required to make allotments from his pay and allowances as payment of such support. When the member has failed to make payments under a support order and the resulting delinquency is in a total amount equal to the support payable for two months or longer, that member shall be required to make allotments (i.e., involuntary allotments) from his pay and allowances as payment of such support.

Location of a Member of the Armed Forces

The Expanded Federal Parent Locator Service (EFPLS) interfaces with the Department of Defense (DOD) to furnish the address of a member of the Armed Forces. The address furnished by DOD will be the member's residential address except for the member:

- Who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or
- With respect to whom the DOD makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

In these two situations the member's duty address will be provided.

Criteria for Requesting an Involuntary Allotment

In order to seek an involuntary allotment from the pay and allowances of a member of the uniformed services, the following criteria must be met. The member must:

- Have an order to pay child support or child and spousal support,
- Have failed to make periodic payments under a support order, and
- Have a delinquency in a total amount equal to the support payable for two months or longer.

Procedures to Obtain an Involuntary Allotment

DFO must notice the member of the uniformed services designated official. The notice must contain an affidavit of accounting, a notarized record of overdue payment or attested judgment of delinquency or contempt. The notice must also specify the person to whom the allotment is to be paid. The designated official will, in turn, give the notice and attachment to the affected member.

NOTE: The uniformed services will take no action to require an allotment from the pay and allowances of any member of the uniformed services until the member has had a consultation with a judge advocate, law specialist, or legal officer to discuss the legal and other factors involved or until 30 days have elapsed after the notice is received.

Leave for Attendance at Hearings

The Secretary of each military department and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy shall grant leave to a member of the Armed Forces when:

- Leave is needed for the member to attend a hearing to:
  - Determine whether a member of the Armed Forces is a natural parent of a child; or
  - Determine an obligation of a member of the Armed Forces to provide child support.
- The member is not serving in or with a unit deployed in a contingency operation; and
- The demands of military service do not otherwise require that such leave not be granted.

NOTE: The member of the armed forces may request a continuance pursuant to the Service Members Civil Relief Act (SCRA).

Department of Defense - Employer Addresses

EMPLOYEE ADDRESS					
Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests
Civilian	Civilian	Civilian	NAF	NAVY Active & Reserve	AIR FORCE Active & Reserve
FEIN - 570717652	FEIN - 311575142	FEIN - 841191345	FEIN - 751744396	FEIN - 349990000 (Active) FEIN - 341586724 (Reserve)	FEIN - 849990000 (Active) FEIN - 849980000 (Reserve)
DFAS Charleston DFAS Charleston Operating Location Code P P.O. Box 118056 Charleston, SC 29423-8056	DFAS Pensacola DFAS Pensacola Operating Location Code P 130 West Ave., Suite A Pensacola, FL 32508-5120	DFAS Denver DFAS Denver Center (DFAS DE FN) 6760 East Irvington Place Denver, CO. 80279-4000	DFAS Texarkana DFAS NAF Financial Services P.O. Box 6111 Texarkana, TX 45505-6111	DFAS Cleveland Center DRAS Cleveland ATTN: DFAS CL MUI 1240 E. 9th Street Cleveland, OH 44199-8002	DFAS Denver Center DFAS Denver ATTN: DFAS DE PCC. 6760 East Irvington Place Denver, CO. 80279-8000
EMPLOYER OPTIONAL ADDRESS					
Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only
DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301

Department of Defense - Employer Addresses

EMPLOYEE ADDRESS				
Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests	Address for Employment Verification Requests
ARMY Active & Reserve	MARINE CORPS ACTIVE	MARINE CORPS RESERVE	MILITARY RETIREES Army, Air Force, Navy & Marine Corps	COAST GUARD Active & Reserve
FEIN - 359990000 (Active) FEIN - 351819323 (Reserve)	FEIN - 539990000	FEIN - 539990000	FEIN - 340727612	FEIN - 529980000
DFAS Indianapolis Center DFAS Indianapolis ATTN: DFAS IN FJEF 8899 East 56th Street Indianapolis, IN 46249-0865	DFAS Kansas City Center DFAS Kansas City Kansas City Center (FCRAF) 1500 E. 95th Street Kansas City, MO 64197-0001	DFAS Kansas City Center DFAS Kansas City Kansas City Center (FCRAF) 1500 E. 95th Street Kansas City, MO 64197-0001	DFAS Cleveland Center DFAS Cleveland ATTN: DFAS CL MUI 1240 E. 9th Street Cleveland, OH 44199-8002	USCG USCG Human Resources Service and Info Center 444 S.E. Quincy St Topeka, KS 66683-3591
EMPLOYER OPTIONAL ADDRESS				
Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only	Income Withholding Orders Only
DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301	DFAS Cleveland Center ATTN: DFAS CL L P.O. Box 998002 Cleveland, OH 44199-8002 Garnishment Customer Service # (216) 522-5301

DFAS Contacts for Identifying Checks

The Defense Finance Accounting Service (DFAS) has identified the following contacts if a child support office or state disbursement unit (SDU) has a problem identifying a DFAS child support payment:

Air Force (active and reserve and some civilian employees paid from DFAS-Denver)
Denver, CO
Harry Miller or Cindy Cowan
(303) 676-7211 (active and reserve); (303) 676-1284 (civilian employees)

Marine Corps (active and
reserve) Kansas City, MO
Paula Flickinger or Carole Smith (816) 926-7011

[Contact for setting up EFT/EDI with Marines: Tom
Reedy (816) 926 7281]

Army (active and
reserve)Indianapolis, IN
Ann Mader (or
Sheila) (317) 510-
0585

Navy (active and reserve, all retired military service personnel, and civilian employees paid by checks issued from DF AS-Cleveland)
Cleveland, OH
Linda Gratz
(216) 522-3417

Coast Guard
Steve Maupin
(785) 357-3505
smaupin@hrsic.uscg.
mil

DFAS Customer Service Line for Garnishment Questions: (216) 522-5301

STATE AND NATIONAL DIRECTORIES OF NEW HIRES

Legal Base

P. L. 104-193 known as the Personal Responsibility and Work Opportunity Reconciliation Act and Miss. Code Ann. 43-19-46 requires each employer doing business in the state to report the hiring of any person who resides or works in the state to whom the employer anticipates paying wages and the hiring or returning to work of any employee who was laid off, furloughed, separated, granted leave without pay, or was terminated from employment.

State Directory of New Hires (SDNH) - Information from Employers

Each employer reports information including noncustodial parent's name, address, date of birth and social security numbers, and the employer's name, address State and Federal Employer Identification Number to the SDNH within 15 days of hiring, rehiring or the returning to work of the employees.

The Division of Field Operations (DFO) receives employer information from the SDNH by an automatic interface with METSS. Employer information from the SDNH is considered to be verified, because it is current (not more than 25 days old when received). However, the Notice A417, *Request to Employer,* is automatically sent by METSS to obtain other required information related to insurance coverage and wages.

If there is an order in the case, the child support worker receives an alert on DAIL stating "Employment received from new hire directory - See ACTN and send income withholding, if applicable." The worker must immediately check the name and SSN and other relevant information to make sure the information is for the correct person and case. The child support worker must view ACTN, enter the employer information on EMPL and verify. If the case meets the criteria for income withholding per Volume VI policy, an income withholding order must be transmitted within 2 business days by first class mail to the employer, and, if applicable, notice A 750, *Delinquency Notice,* must be attached.

Example: The noncustodial parent's employment was terminated by a previous employer and DFO had been receiving current child support and arrears payments. DFO receives new employer information from the SDNH. The new employer must be sent an income withholding order and notice A750, *Delinquency Notice,* by first class mail, along with other appropriate documents within 2 business days. When this action is taken, the alert may be removed. If the income withholding order is not sent, the reason must be documented in CONT.

If there is not an order in a case, the alert will read "Employment Received From New Hire

Directory take appropriate actions." The worker must check the name, SSN, and other relevant information to make sure the information is for the correct person and case. The child support worker must view ACTN, enter the employer information on ABSP. EMPL, verify and take the next appropriate action as required by policy.

National Directory of New Hires (NDNH) - Information from Employers

The SDNH forwards new hire information to the National Directory of New Hires (NDNH), and DFO receives information from the NDNH via Expanded Federal Parent Locator Service (EFPLS) interface with METSS. This information is processed in the same manner as the information received from the SDNH (refer to the previous page). Note: This information is considered verified upon receipt. However, notice A417 is automatically sent to obtain other required information related to insurance coverage and wages.

Employer Penalty

In cases in which an employer fails to report as required to SDNH, a penalty not to exceed $25.00 per instance, may be levied against the employer. A penalty, not to exceed $500, may be levied against an employer, per instance, when the failure to report or the report is false or incomplete and is a result of a conspiracy between the employer and employee.

TAX OFFSET

Tax Offset is the interception of a noncustodial parent's federal and/or state income tax refunds. It is a primary method for the collection of child support arrears. This collection of court order based arrears may be used to collect regular past due child support, spousal support, and medical support.

Legal Base

Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, specifies that the collection of past due child support obligations owed on behalf of children who receive TANF, and have assigned their rights of support to the state, can be made by an offset process against federal income tax refunds.

Public Law 98-378, the Child Support Enforcement Amendments of 1984, expanded the Internal Revenue Service (IRS) Tax Offset Program to include the collection of past due child support on behalf of IV-E Foster children and other children when the custodial parent applies for services as a Non-TANF applicant. This federal law also provides for the collection of past due child support in TANF, IV-E Foster Care, and Non-TANF cases by an offset process against state income tax refunds. State §43-19-31 and §27-7-501 conform to the federal requirements.

Public Law 100-203, effective July 1, 1988, authorizes the collection of past due support in Medicaid-only cases by the tax offset process against federal and state income tax refunds.

Public Law 109-171, Deficit Reduction Act of 2005, authorizes the collection of past due support on behalf of children who are not minors.

Criteria for Submittal

Criteria have been established for the submittal of cases for tax offset. METSS determines which IV-D cases meet the criteria for submittal and submits the case for offset.

Certified Arrears

For the purpose of tax offset, certified arrears are unpaid court ordered child support obligations which have accrued as of September 30th of each year as documented and/or substantiated by records. Cases where the child support payments are directed to the Division have documented arrears. Cases submitted prior to payments being directed to the Division must have sworn arrears affidavits executed by the Non-TANF custodial parent before a chancery clerk or notary.

Refer to Volume VI, Chapter 3, for further information regarding certified arrears.

METSS Selection Criteria

TANF and IV-E foster care cases must have court ordered arrears. The arrears must be at least $150.00. The noncustodial parent's name, current address (at the time of the original submission) and Social Security number must be verified. METSS combines the arrears of TANF related cases for the same noncustodial parent. Non-TANF cases must have court ordered support arrears of at least $500.00 as of the submittal date. The noncustodial parent's name, current address (at the time of the original submission) and Social Security number must be verified.

Safeguards

The Mississippi Department of Human Services, Division of Field Operations is prohibited by the Internal Revenue Services (IRS) Privacy Act of 1974 from disclosure of an individual's tax or refund information. Therefore, a non-custodial parent's Federal Tax Information should not be divulged at any time to a third party, including during court proceedings or hearings. An affidavit of accounting is the only document that should be used or presented in court as evidence of a non-custodial parent's payment history, since it does not disclose the payment source. Also, if a tax offset payment needs to be discussed in court it should only be referred to as an "involuntary payment" or an "administrative payment".

Improper inspection or disclosure of Federal Tax Information should be reported within 24 hours to The Mid-States Field Division of the US Treasury Inspector General for Tax Information by phone at (713) 209-3711. If unable to contact the Mid-States Field Division, the report may be made to the Hotline number at 1-800-366-4484. Additional information may be found on the website at www.treas.gov/tigta.

Electronic Mail/Faxing

The Division of Field Operations prohibits the transmitting of Federal Tax Information via email or fax.

Retention and Disposal

Printing of Cognos reports containing Federal Tax Information, or FLOG, INTC, and ADDR screens in METSS should be limited to **only when absolutely necessary**. When these reports or screens are printed, they should be shredded after usage and the document destruction must be recorded on the form MDHS-FO-112, *Federal Tax Information/Confidential Data Destruction Log* and be retained for five (5) years in the county's Administrative File.

Users of FTI are required by Internal Revenue Code (IRC) Section 6103 (p)(4)(F) to take certain actions after using FTI to protect its confidentiality. This information will be made "undisclosable" by shredding paper documents, reports or imaging software copies of FTI to a size of 1mm x 5 mm or smaller fragments and reported on the MDHS-FO-112, *Federal Tax Information/Confidential Data Destruction Log.*

Information to the NCP

The noncustodial parent has the right of access to Federal Tax Information maintained about him/her. NOTE: The noncustodial parent does not have access to the custodial parent's social security number, address, or other personal information.

Information to Non-TANF Custodial Parent

The Non-TANF custodial parent must be given certain information concerning the Tax Offset Program. These items are covered on the MDHS-CSE-675, Application for Child Support Services and the pamphlet MDHS-CSE-614.

Custodial Parents can be told the case was submitted for tax offset. Once the payment is received by MDHS, the custodial parent can also be told the amount, the date, the source, and that the payment may be held for up to six months. If a joint tax collection is being held for six months, this information can only be shared with the noncustodial parent and their spouse. Tax offset collections cannot be shared with any division of the Mississippi Department of Human Services (MDHS).

Former TANF Client

If the client is a former TANF client, all tax offset collections will first be applied to offset the TANF recovery.

Spousal Support

If spousal support is a specified part of the child support order, spousal support arrears will be subject to tax offset.

No Guarantee

There is no guarantee that a collection will be made, regardless of the amount of the arrears.

Joint Returns

Non-TANF IRS joint tax collections are held six months to give the noncustodial parent's current spouse time to file an amended (Injured Spouse) return. The collection will be released prior to the end of the six months if the spouse's portion has been refunded. If the noncustodial parent and current spouse sign Form 438, *IRS Release Form*, stating that they are not filing an injured spouse form and present it to the proper county, the county may then request the Tax Offset Unit to release the collection.

The state tax refund is held for 30 days to allow the noncustodial parent or current spouse to contest the collection. The Tax Offset Unit handles the injured spouse claim for state tax collections.

Improper Distribution

If the collection is improperly disbursed to the custodial parent, the custodial parent is personally liable for the return of any amount improperly received.

Reporting Changes in Certified Arrears

METSS reports changes in certified arrearage on a weekly basis as collections on past due support are received by the MDHS State Disbursement Unit (SDU).

METSS also reduces the arrearage as collections are received and disbursed from IRS or state tax offset refunds. The certified arrearage is not reduced by a joint IRS collection that is being held for six months, until the collection goes through the distribution process.

Modification of Arrears

METSS reports reductions in certified arrears as county offices receive collections on past due support or adjust arrears balances. Certified arrears cannot be increased, only reduced after September 30th each year.

Deletion of Arrears

METSS reports deleted cases as arrears balances are reduced to zero. This may result from

county collections, arrears adjustments or tax offset collections. Closure of a case does not create a deletion of the tax offset certified arrears. Only a reduction in the certified arrears will cause a deletion.

State Payments

METSS reports state payments when all or part of the IRS collection is returned to the noncustodial parent.

IRS Adjustments

Adjustments occur when the IRS takes back all or part of a refund previously received for tax offset. Adjustments may be created by the current spouse filing an "Injured Spouse" claim, errors in the original claim, or for some other reason. If the collection has been credited to TANF recovery, there is no overpayment. If the collection has been disbursed to the custodial parent, a claim is established against the custodial parent. Adjustments can occur up to six years after the filing of the original tax return.

Intergovernmental Cases

Cases classified as Intergovernmental (Responding) must not be submitted for tax offset. State tax offset is initiated only upon written request from the other state. METSS will bypass cases with "Responding" codes.

Federal tax information should only be shared on a case by case basis with other state agencies to ensure the proper arrearage amounts and to accurately reflect the payment record.

Access to FTI by Federal Auditors

Federal Auditors should have access to all FTI.

PASSPORT DENIAL PROCESS

Legal Base

Section 370 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) provides for the denial, revocation or limitation of passports. Effective October 1, 2006, an amendment to Section 7303 of the Deficit Reduction Act (DRA) of 2005 reduced the threshold amount. Upon certification by a state IV-D agency that a noncustodial parent owes child support arrears in an amount exceeding $2500.00, the Secretary of State may refuse to issue a passport to the individual, or revoke, restrict and/or limit a passport previously issued to such an individual.

Procedures

METSS automatically submits a noncustodial parent's name for passport denial to the Office of Child Support Enforcement (OCSE) via tax offset submittal process when his/her arrears exceed $2500.00. Arrears reductions, i.e., modifications and/or deletions, are reported to OCSE by METSS weekly. Once received, OCSE updates the Department of State on a weekly basis. Reductions in arrears below $2500.00 result in exclusion from the passport denial process. Refer to **Exclusions** below.

The pre-tax offset notice affords the noncustodial parent a one-time only notification of possible passport denial, should his/her child support arrears exceed $2500.00. The notice also offers the noncustodial parent 30 days from the date of the notice to request an administrative review. Failure to file a review request will bar the noncustodial parent from contesting the passport denial at a later date.

NOTE: Should the noncustodial parent request an administrative review within the 30 day time frame, follow the procedures for *Complaints/Administrative Review* for Tax Offset outlined in Volume VI, Chapter 5.

As new noncustodial parents are entered into METSS, the system determines when an offset notice is due and sends as appropriate. When applying for a passport, the noncustodial parent, having an arrears in excess of $2500.00, is notified of the passport denial by the Department of State.

Exclusions

Some situations require a noncustodial parent to be manually excluded from the submission for

passport denial. The following are appropriate exclusion examples:

- Noncustodial parent provides a lump sum payment on arrears which substantially reduces the arrears balance. Before accepting a minimal payment to lower the arrears, the staff attorney must negotiate the largest payment possible. Once a passport is reinstated/issued, it is valid for 10 years.

  If the arrears balance remains greater than $2500.00, the exclusion must be made manually. However, if the payment reduces the arrears to below $2500.00, METSS will automatically exclude the noncustodial parent.

- Court order requires the exclusion of passport denial.

- Court orders including retroactive support of more than $2500.00 must be excluded until the noncustodial parent becomes 30 days delinquent. See Example below.

- Noncustodial parents involved in a bankruptcy must be excluded. Refer to **Bankruptcy** policy in Volume VI, Chapter 3.

When it is determined that a case is to be excluded from passport denial, the child support case worker accesses the EXCL screen in METSS and places a "Y" in the appropriate blank for passport denial. This screen requires the worker to explain the exclusion before exiting the screen.

Ticklers must be set by the child support worker to add and remove the exclusion indicator/marker as appropriate. Also, a quarterly report provides the child support supervisor with all the cases containing manual exclusion. This report must be reviewed by the worker and county supervisor upon receipt.

EXAMPLE**:** A court order containing $2600.00 in retroactive support is obtained. The case worker must place a manual exclusion on the case for passport denial until the noncustodial parent becomes 30 days delinquent. Alerts must be set to monitor the case. Also, every three months, the quarterly exclusion report must be reviewed, and the cases must be evaluated to determine if the exclusion indicator is still required. Once the noncustodial parent becomes delinquent, the manual exclusion must be removed to allow submission for passport denial.

If a case is considered for exclusion of passport denial for any reason not listed above, the regional director must review the case, approve the exclusion and document the case on CONT.

Reinstatement

Reductions of arrears below the $2500.00 minimum will, in effect, reinstate eligibility for a passport. Unique circumstances, such as life and death situations and reporting the wrong person, require special attention to get passports reinstated prior to the next METSS interface.

Emergency Reinstatement Process

The state IV-D agency submits an automated update file to OCSE on a weekly basis via tax offset interface file adding and removing noncustodial parents from the passport denial process. OCSE provides the updates to the Department of State on a weekly basis as well. The only exceptions to this process include life or death situations or the erroneous submittal of an individual. Life and death situations involve immediate family members only. Immediate family is defined as: parent or guardian of obligor, child(ren), grandparent, sibling, aunt, uncle, step-child(ren), step-parent, stepsibling, or spouse. An erroneous submittal is limited to the denial of an individual who has **never** owed child support, not an individual that owed child support at the time of submittal/denial and has since made payment.

All exceptions require verification and must be properly documented in the case record and METSS. The Department of State requires a letter from a doctor or notification from the Red Cross as verification of a life or death situation. Only in these emergency situations, can a state request OCSE to expedite notification to the Department of State that the noncustodial parent's passport should be reinstated.

In an emergency situation, the county child support office will telephone the Division of Field Operations, Customer Service Unit, in the state office to explain the case details. If the situation meets criteria, as described above, for an emergency reinstatement, the Customer Service Unit will complete the Emergency Notice of Withdrawal of Passport Denial form on the State Service Portal for electronic submission to OCSE, who contacts the Department of State for processing the passport reinstatement.

NOTE: The county child support office will be responsible for all inquiries from the noncustodial parent regarding passport denials and reinstatements. If a reinstatement is required, the county office will be a liaison between the noncustodial parent and the Customer Service Unit. Only the county office will contact the Customer Service Unit. At no time is the noncustodial parent told to contact the Customer Service Unit directly. The reinstatement, even with State Office intervention, is not an instantaneous process.

CREDIT BUREAU REPORTING

Legal Base

Miss. Code Ann. 93-11-69 requires that information regarding the amount of overdue support owed by a noncustodial parent be provided to consumer reporting agencies upon request. The noncustodial parent must be given advance notice and an opportunity to contest the accuracy of the information to be provided to the consumer reporting agency.

Public Law 104-193, known as Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that states report periodically to consumer reporting agencies. States are required to report the name of any noncustodial parent who is delinquent in the payment of child/spousal support and the amount of overdue support.

State statute defines a consumer reporting agency as any person who for monetary fees/dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling consumer credit or other information on consumers for the purpose of furnishing consumer reports to third parties and who uses any means or facility of interstate commerce for preparing or furnishing the report (Miss. Code Ann. 93-11-69).

Purpose of Credit Reporting

Credit reporting refers to the process by which a noncustodial parent's name and child/spousal support payment history are reported to credit bureaus. The purpose of the reporting is to notify the consumer reporting agency that the noncustodial parent has a support obligation and whether or not the payments are being made as ordered.

Credit reporting is an effective enforcement technique for several reasons: it could negatively impact the noncustodial parent's credit history, thus endangering his/her purchasing power, and it could be particularly effective in cases involving the self-employed.

Criteria for Releasing Information

Before releasing the information to the consumer reporting agency, the following conditions must be met:

- The noncustodial parent must have a child support order and have delinquent support that has remained unpaid for at least 60 days after the payment is due. Overdue support also includes payments that are ordered by a court to be paid for maintenance of a spouse in cases in which the Division is collecting the spousal support in conjunction with

child support.

- The noncustodial parent has advance notice concerning the proposed release of the information and the methods for contesting the accuracy of the information. METSS automatically sends advance notice A405, *Credit Bureau Submittal,* to the noncustodial parent who meets the criteria.

Information to be Released to Consumer Reporting Agency

The Division of Field Operations furnishes information on a noncustodial parent who meets the criteria for reporting to the consumer reporting agency. The information is provided on a monthly basis and is automatically shared via interface. The consumer reporting agency receives name, address and social security number along with the monthly obligation amounts, the total arrears, and the date of the last payment. The case opening date and the case closing date, if the noncustodial parent is no longer required to make payment is also provided.

Confidential Nature of Information Submitted to Credit Bureau

As a result of reporting information to the credit bureau, lending institutions and credit card companies may contact the county child support offices regarding the information they receive. The information reported to the credit bureau is confidential and cannot be discussed with these agencies/companies by the county child support staff. The county staff must not verify (discuss or release) by telephone, information reported to the credit reporting agency. The child support staff may discuss the information reported with the noncustodial parent upon a signed written request from the noncustodial parent. The Division can release to the noncustodial parent an affidavit of accounting and/or other specific payment information upon written request.

DFO reports credit information to several credit reporting agencies. If the credit reporting agency submits a written request for verification of child support information reported to them, child support must respond to their request within 30 days of request receipt. Failure to do so will cause the child support information to be deleted from the credit bureau files. Until further notice, the forms must be completed by State Office Staff. The county office should forward any forms requesting verification to: METSS Operations, State Department of Human Services, P. O. Box 352, Jackson, MS 39205.

In addition to verification forms, the county office may also receive Consumer Dispute Verification (CDV) forms. These forms must also be sent to METSS Operations at the address given above.

Information in the Report Not Contested

Within 15 days after the A405 notice is mailed, if the noncustodial parent has not contested the accuracy of the information, METSS automatically notifies the credit bureau of the noncustodial parent's payment history and account information via the interface tape on the next monthly run.

Information in the Report Contested

If the noncustodial parent contests the accuracy of the proposed report, he/she must notify DFO in writing within 15 days of notice A405 being mailed. The written statement must state the nature of the alleged inaccuracies contained in the report.

Immediately upon receipt of the noncustodial parent's statement contesting the proposed reporting, the child support worker must enter a narrative on CONT in METSS and the child support supervisor must enter the "hold submission" code "H" on the CRDT screen. Since CRDT can only be accessed by a child support supervisor, the supervisor is responsible for updating the CRDT screen each time CRDT is accessed.

Within five days of receipt of the noncustodial parent's written statement, the child support worker must examine the payment record and other relevant information submitted by the noncustodial parent. If after review, it is found that the arrears balance needs to be adjusted, the adjustment will be made immediately. If the adjustment leaves no overdue arrears amount, the child support worker notifies the noncustodial parent, via notice A406, *Credit Bureau Follow Up,* that he/she will not be submitted to the credit reporting agency. A case narrative entry must be made on CONT. The child support supervisor must update CRDT to remove the "hold submission" code. The correct interface code is a “blank” field.

If the report is found to be correct or if the arrears adjustments made to the case are not sufficient for deletion of the noncustodial parent's name from the report, the child support worker notifies the noncustodial parent via notice A406. A tickler must be set for ten days from the date the notice is mailed to allow the noncustodial parent time to contest the report again.

If within ten days of notice A406 being mailed, the noncustodial parent does not contest the accuracy of the reexamined report, the child support worker must enter a case narrative on CONT and the supervisor must update the interface code on CRDT. METSS writes the noncustodial parent's payment history and account information to the interface tape on the next monthly run.

If within ten days of notice A406 being mailed, the noncustodial parent again contests the accuracy of the report, the child support worker informs the noncustodial parent via notice A406

that the overdue child support is being reported to the consumer reporting agency. However, the report states that the noncustodial parent does contest the information. The supervisor updates the interface code on CRDT to "C". The "C" code denotes in the report to the consumer reporting agency that the information is contested.

Criteria for Credit Bureau Submission

The following conditions must be met in order for a noncustodial parent to be submitted as overdue to the credit bureau:

- The noncustodial parent must not be flagged for suppression,
- The noncustodial parent must have been previously notified that he/she may be submitted to the credit bureau,
- For noncustodial parents who pay weekly or bi-weekly, the arrears amount at the end of the month must be equal to the payment amount for weekly payments or half the payment amount for bi-weekly payments, and
- Arrears amounts must be calculated on open IV-D cases and on orders which currently are in effect.

Removal from Credit Reporting Interface

When the noncustodial parent's arrears are reduced to zero or are less than 60 days old, his/her name is automatically removed from the credit reporting interface and METSS notifies the credit bureau in the next monthly run that the noncustodial parent is in good standing. The noncustodial parent is not specifically notified of his/her good standing. However, the "good standing" status may be viewed on CRDT and ACTN. Subsequently, another A405 is automatically generated should the child support become overdue and remain unpaid for at least 60 days.

There are situations in which the noncustodial parent must never be subject to credit reporting. The "X" code entered on CRDT prevents credit bureau reporting. An example of when to use the "X" code is if a court order states that the noncustodial parent is not to be submitted. The "X" code is not to be used arbitrarily. When it is used, the child support supervisor must access CONT and enter justification documentation.

Also, the noncustodial parent must not be subject to credit reporting when there is a retroactive court order. EXAMPLE: A Judge signs an order making the payments retroactive for one year. This would cause the noncustodial parent's case to have an arrears balance, but the noncustodial parent is not delinquent. In this situation, the noncustodial parent must not be submitted to the credit bureau.

This scenario does not warrant a permanent removal reason. The "X" code is used, but the case requires monitoring. When the "X" code is used, the child support supervisor must access CONT and enter justification documentation. If the noncustodial parent becomes overdue, the "X" code is removed; the noncustodial parent is submitted to the credit bureau for the full amount of retroactive arrears ordered.

Mississippi, as the responding state, is responsible for credit reporting of noncustodial parents. The responding state is usually responsible for implementing enforcement actions (except for Federal Income Tax refund offset).

The responding state may coordinate credit reporting with the other enforcement techniques. Also, the responding state may have the most current payment and location information regarding the noncustodial parent.

Finally, since the noncustodial parent normally lives in the responding state, the responding state is more likely to report to credit reporting agencies which focus on the area where the noncustodial parent lives.

Revised 10-01-13

LICENSE SUSPENSION

Legal Base

The Mississippi legislature enacted §Miss. Code Ann. 93-11-151 et seq. of the Mississippi Code of 1972 to allow the state IV-D agency to order license suspension. The law also allows for a recipient of services, through their attorneys, to petition for the suspension of a license issued by an agency of the State when past due child support is owed. These state issued licenses include professional and occupational licenses, hunting and fishing licenses, driver licenses, and business licenses.

Purpose

The purpose of the license suspension process is to impress upon noncustodial parents the seriousness of a child support obligation by encouraging noncustodial parents to pay their child support regularly and to pay arrears in full or through negotiated payment arrangements. License suspension is to be used in conjunction with other enforcement tools as a means of collecting child support.

Definitions

Adjusted Gross Income: The gross income from all sources less any legally mandated deductions and court ordered child support.

Department: The Mississippi Department of Human Services.

Division: The Division of Field Operations which is charged with the state administration of Title IV-D of the Social Security Act.

Licensing Entity: Any state agency that issues a license or registration authorizing a person to drive, hunt or fish, or engage in a business, profession or occupation in Mississippi. The Supreme Court of Mississippi, which has authority over attorneys licensed to practice law in Mississippi, is considered the licensing entity for the legal profession.

License: A license, certificate, permit, credential, registration, or any other authorization issued by a licensing entity that allows a person to engage in a business, occupation or profession, to operate a motor vehicle, or to hunt and fish. This law applies to licenses that are issued in the name of an individual person, not a corporation.

Licensee: Any person holding a license issued by a licensing entity.

Order for Support: Any judgment or order, temporary or final, enforced in Mississippi that provides for payments of a sum certain at a prescribed time(s) for the support of a child(ren), and includes, but is not limited to, an order for reimbursement of public assistance or an order for making periodic payments on support arrears.

Out of Compliance: To be out of compliance with an order for support means that the noncustodial parent is delinquent in making payments in full for current support or in making payments on support arrears, or has failed to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving appropriate notice.

Delinquency: Any payments, of a sum certain ordered by a court to be paid at a prescribed time(s) by a noncustodial parent for the support of a child, that have remained unpaid for at least 30 days after payment is due. Delinquency also includes payments of a sum certain ordered by a court to be paid at a prescribed time(s) for maintenance of a spouse that have remained unpaid for at least 30 days.

Criteria for License Suspension

Before initiating the license suspension procedure, one of the following conditions must exist: 1) the noncustodial parent has failed to comply with a subpoena or warrant relating to paternity or child support proceedings and the case contains a last known address for the NCP; or 2) the noncustodial parent is one or more months delinquent in making payments in full for current support and support arrearage and the case contains a last known address for the NCP; or 3) the NCP becomes delinquent after agreeing to a payment plan.

However, even if the NCP meets the above criteria, his license shall not be suspended if he has filed for bankruptcy (Chapter 13).

Information Provided by Licensing Entities

All licensing entities must provide the Division of Field Operations with information on licensees for use in establishment, enforcement and collection of child support obligations. The Division has access to the name, address, social security number, sex, date of birth, employer's name and address, type of license, effective date of the license, expiration date of the license, and active or inactive license status for the noncustodial parent. The Division receives this information on a quarterly basis. Noncustodial parents, who are identified through METSS as meeting the criteria for license suspension, are matched with persons who hold licenses.

State Parent Locate Unit and other authorized staff may access the Driver's License Search screen (DRIV) in METSS to verify the noncustodial parent's name, social security number, sex,

race, date of birth and address. DRIV displays the information available on the driver's license file.

PROCEDURES FOR LICENSE SUSPENSION

Noncompliance with Subpoena or Warrant

Any noncustodial parent who fails to comply with a properly served subpoena or warrant relating to paternity or any child support proceedings may be subject to license suspension. As soon as possible upon learning of the noncompliance, the child support staff attorney must document METSS concerning the noncompliance and code the Complied w/Subpoena or Warrant field on APPD.ABSP screen with a 'N' indicating that the noncustodial parent failed to comply. Once this code is entered, METSS searches for a license held by the noncustodial parent. If the noncustodial parent has a license, METSS will send notice A458 to the last known address of the noncustodial parent. This notice informs the noncustodial parent that his/her license may be suspended in 90 days and lists the steps the noncustodial parent must take to stop the license suspension process.

If the noncustodial parent wishes to stop the license suspension process, he/she must contact the Division of Field Operations in writing within 95 days (90 day notice and 5 days mailing) from the date the notice was sent. The noncustodial parent may request a review for two reasons: 1) mistake in identity, and/or 2) compliance with a subpoena or warrant.

If the noncustodial parent does not contact the child support office within 95 days, METSS alerts the child support worker. The child support worker is responsible for informing the staff attorney. The staff attorney must ensure that the noncustodial parent is out of compliance and request via Regional E-mail, using the E-100 form, that the noncustodial parent's license(s) be suspended due to noncompliance with a subpoena or warrant. The request is then made that any license held by that person be suspended. The licensing entity(ies) notifies the noncustodial parent that his/her license is suspended.

To have a suspended license(s) reinstated, the noncustodial parent must contact the child support attorney and comply with the subpoena or warrant. Upon compliance, the child support staff attorney removes the 'N' on APPD.ABSP. METSS sends the child support worker an alert stating, "AP has complied with subpoena/warrant. Review case(s) for reinstatement of licenses." If the noncustodial parent is in compliance on all cases, notice A409 is requested from WORD and sent to the licensing entity.

NOTE: There is not an alert when the noncustodial parent does not comply with a subpoena or warrant. It is imperative that the staff attorney monitor compliance and code the case when

necessary.

Noncompliance with a Court Order

When the noncustodial parent is out of compliance with a child support order, METSS automatically sends notice A407 to NCP's who have valid licenses eligible for suspension. The noncustodial parent is informed that at the end of 90 days the licensing entity may be notified to suspend his/her license(s). The notice informs the noncustodial parent of steps to take to stop the license suspension process. For time frame purposes, it is presumed that the noncustodial parent receives the notice five days after the notice is mailed.

If the noncustodial parent wishes to stop the license suspension process, he/she must contact the local county child support office within 95 days of the date of the notice to schedule an appointment. Any verbal appointment date and time must be confirmed with an appointment letter generated through METSS. The child support worker must explain the two options available to the noncustodial parent: 1) he/she may pay the entire arrears amount owed according to the accounting records of the Division; or 2) she/he must enter into a stipulated agreement or agreed judgment establishing a schedule for the payment of the arrears.

If the noncustodial parent pays the entire arrears balance(s) owed, the arrears balance(s)*on FBAL in METSS is reduced to zero, and the license suspension process is stopped.

NOTE: If the noncustodial parent meets the criteria for license suspension in more than one case, the license suspension process cannot be stopped unless all arrears balances in all cases are reduced to zero.

When the noncustodial parent enters into a stipulated agreement or agreed judgment, after paying a lump sum, the child support worker enters the agreement date on the APLD screen* in METSS. The date the noncustodial parent pays the lump sum payment and signs the stipulated agreement and agreed judgment is the date entered on APLD. The license suspension process is stopped when the date is entered on the APLD Screen.

NOTE: If the noncustodial parent meets the criteria for license suspension in more than one case, the noncustodial parent must enter into a stipulated agreement and agreed judgment for all cases in which he meets the criteria for license suspension before the license suspension process will be stopped.

When an order is signed by a judge approving the stipulated agreement or agreed judgment, child support county staff must update the ORDR screen in METSS to show the increased arrears obligation amount and the change date of the new order.

If, after receiving notice A407, *90 Day License Suspension Warning Notice*, the noncustodial parent does not contact the Division within 95 days, METSS sends an informational alert to the child support worker with the name of the noncustodial parent who meets the criteria for license suspension. To determine that a noncustodial parent meets the license suspension criteria, METSS concludes that the following conditions exist:

- There is an arrears balance equal to one or more months child support payments;
- There is no stipulated agreement and agreed judgment date on APLD;
- There is not a suppression date on APLD; and
- There is a last known address for the noncustodial parent.

NOTE: METSS does not send A407 unless the noncustodial parent has a valid/active license. If the noncustodial parent has a license(s), but it is suspended, METSS continually matches. The A407 is sent when the license is reinstated.

The license enforcement date is read by METSS to ensure the noncustodial parent is eligible for license suspension based on a delinquency. This date is originally populated by METSS on ORDR.APLD and coincides with the latest of either the date the arrears obligation becomes effective or the latest change date on the ORDR screen.

If the obligation or the payment frequency in the child support order changes, the license enforcement date must be updated by the child support worker. METSS sends a warning message notifying the child support worker to change the license enforcement date, if the update to ORDR requires it.

The Child Support Enforcement Officer (CSEO) or Child Support Enforcement Supervisor (CSES) must void the A407 if the license was not suspended within one year of the date of the Notice. The CSEO or CSES should access the Absent Parent 90 Day Notice Void (NTVD) screen in METSS and enter a "Y" to void the A407. The voided date will appear on the Absent Parent's License Information (APLI) screen.

Determination of Lump Sum Payment and Monthly Obligation for Stipulated Agreement or Agreed Judgment

If the noncustodial parent is unable to pay the entire arrears amount, the stipulated agreement or agreed judgment should include a lump sum payment. The amount of the lump sum payment is deducted from the arrears owed, as determined by METSS financial data. The lump sum

payment should be three times the existing current and arrears obligation amounts; however, if the noncustodial parent is not able to pay this amount, the child support worker refers the case to the staff attorney for negotiation of the lump sum amount. In cases which there are no longer a current obligation, the noncustodial parent will pay three times the former monthly obligation.

EXAMPLE: The noncustodial parent owes $2,000.00 in arrears, as determined by METSS financial data, and has an obligation of $100.00 current support plus $50.00 arrears. The lump sum payment should be $450.00 ($150.00 x 3). In this example, the noncustodial parent's arrears will be reduced by $450.00 leaving an arrears balance of $1,550.00, if the current support of $100.00 has already been paid.

Important: The noncustodial parent must not sign the stipulated agreement or agreed judgment until the lump sum payment, if there is one, is received in the child support office for forwarding to the SDU. **NOTE:** Receipt of the noncustodial parent's tax offset does not alleviate or replace the lump sum payment or stop the license suspension process, unless the tax offset pays the arrears in full.

Calculating the Monthly Obligation for the Stipulated Agreement or Agreed Judgment

For the stipulated agreement or agreed judgment, the monthly obligation is calculated by increasing the arrears payment by 20% of the current support obligation.

EXAMPLE**:** The noncustodial parent was ordered to pay $100.00 a month current support. The noncustodial parent has become delinquent in paying the support and now owes $2,000.00 in arrears. Notice A750, *Delinquency Notice,* was sent and the noncustodial parent's obligation became $100.00 current and $10.00 arrears. The noncustodial parent became delinquent in paying child support. After paying a lump sum amount of $330.00 ($110 x 3), the arrears are reduced to $1,670.00, if current sum of $100.00 has already been paid. The noncustodial parent entered into a stipulated agreement or agreed judgment which increased the arrears payment by 20% of the current support obligation. The monthly arrears obligation becomes $30.00. The noncustodial parent now owes, on a monthly basis, the sum of $130.00 ($100.00 x .20 = $20.00; $10.00 + $20.00 = $30.00; $100.00 + $30.00 = $130.00). When the arrears are paid, the noncustodial parent's monthly obligation will be $100.00.

Important: When the stipulated agreement or agreed judgment is signed by a judge, the arrears obligation amount is the only monetary change made on the ORDR screen. The child support current obligation amount does not change. The license suspension date is updated with this change.

Referral to Child Support Attorney for Negotiation

The CSEO must make every effort to work with the noncustodial parent in obtaining a stipulated agreement or agreed judgment using the guidelines contained in this section. The case must be referred to the child support attorney to negotiate the monthly amount for the stipulated agreement and agreed judgment, when the noncustodial parent does not agree to the 20% increase or to a lump sum payment. If the worker cannot reach an agreement with the noncustodial parent, the child support attorney must schedule an appointment using form A431 to meet with the noncustodial parent. If the child support attorney is in the office and able to meet with the noncustodial parent on the day that the child support worker attempts to reach an agreement with him/her, there is no need to schedule a later appointment. The amount agreed upon, through the use of the guidelines contained in this section or through negotiation, must be in addition to the licensee's current support obligation under the latest order for support.

Application of the guidelines used in this section may be viewed as unjust or inappropriate, if for example, the noncustodial parent has extraordinary medical, psychological, educational or dental expenses, or the noncustodial parent has more than one court ordered child support obligation. When the guidelines used in this section cannot be used, the child support attorney must document the reason on the Contact Entry (CONT) screen in METSS. Also, copies of verification of expenses indicated by the noncustodial parent must be scanned to the case record.

Child support staff attorneys have discretion and are encouraged to waive or reduce the lump sum requirement when a NCP has recently been released from incarceration, if doing so is appropriate in the situation. Staff should work with such NCPs for license suspension not to be a barrier to their re-entry into society.

Responsibilities for License Suspension Procedures

Child Support Worker

Upon receipt of the alert that a noncustodial parent meets the criteria for license suspension, the child support worker is responsible for:

- Explaining to the noncustodial parent, who responds to notice A407 or A458, the options that are available to avoid suspension of the license(s).

- Responding to a review request from the noncustodial parent who contests issues of identity or noncompliance.

- Encouraging the noncustodial parent to pay the entire arrears balance owed or pay the largest amount possible and enter into a stipulated agreement or agreed judgment establishing a schedule for the payment of the arrears, if applicable. When the noncustodial parent is out of compliance with a warrant or subpoena, the case worker is also responsible for encouraging him/her to comply.

- Explaining to the noncustodial parent that defaulting on the agreed judgment causes immediate suspension of the license with no notification from the Division.

- Referring the case to the attorney to negotiate a payment plan, when a lump sum payment amount cannot be reached.

- Referring the case to the attorney to file with the court for approval of the stipulated agreement and agreed judgment.

- Referring the case to the attorney to check for compliance with a subpoena or warrant.

- Referring the case to their Supervisor, who will submit the request for license suspension to their respective RD, via Regional E-mail, using the E-100 form.

NOTE: If for any reason there is a question as to whether, under special circumstances, a license suspension should not take place, the facts should be entered on the E-100 form.

- Responding within 48 hours of receipt of a request in writing delivered personally, by mail or by electronic means, from the licensee, licensee's attorney or other authorized representative for a copy of the Division's fiscal records of the licensee's payment history.

- Continuing with other enforcement methods; i.e., IRS tax offset, income withholding, liens, etc.

- Ensuring that the required screens (ORDR and APLD) in METSS are properly populated.

- Documenting all actions taken per established policy and procedure.

Child Support Legal Staff

The child support attorney is responsible for:

- Encouraging the noncustodial parent to pay the entire arrears balance owed or to enter into a stipulated agreement or agreed judgment establishing a schedule for the payment of the arrears using the guidelines, if applicable. .
- Negotiating with the noncustodial parent on a payment plan, when the use of the guidelines is determined inappropriate.
- Explaining to the noncustodial parent that defaulting on the stipulated agreement or agreed judgment causes suspension of the license with no further notification from the Division.
- Explaining to the noncustodial parent what must be done to comply with the subpoena or warrant issued relating to paternity or child support proceedings.
- Submitting a request to suspend the license of a noncustodial parent via Regional E-mail, using E-100 form, when noncompliance with a subpoena or warrant occurs.
- Submitting to the court the stipulated agreement or agreed judgment containing the payment schedule for the court's approval and filing with the chancery court clerk.
- Representing the Department at a hearing to establish a payment schedule agreement, if the stipulated agreement or agreed judgment is not approved by the court. This action does not stop the license suspension process.
- Documenting all actions taken per established policy and procedure.
- Determining if DFO should enter into another stipulated agreement or agreed judgment with the noncustodial parent should he/she fail to comply with the first stipulated agreement and agreed judgment.

Noncustodial Parent

The noncustodial parent is responsible for:

- Requesting a review with the Division when license suspension notice A407 or A458 is received. However, the only issues the noncustodial parent may raise at the review are

whether the licensee is the person required to pay under the order for support or whether the licensee is out of compliance with the order for support.

NOTE: Each request for a review must be handled promptly by the county child support staff. The review provides the noncustodial parent the opportunity to be heard concerning the evidence presented. The administrative review must follow the guidelines as outlined in ADMINISTRATIVE REVIEW, Volume VI, Chapter 5.

- Paying the arrears balance(s) to zero or participating in establishing a stipulated agreement(s) or agreed order(s).

- Appealing the license suspension to the Chancery Court of the county in which he/she resides or to the chancery court of the First Judicial District of Hinds County, Mississippi, within 30 days of the suspension. The division is the appellee in the appeal, and the licensing entity is not a party in the appeal.

NOTE: If there is an appeal, the appeal may, in the discretion of and on motion of the chancery court, stop the license suspension process.

- Complying with subpoena or warrant.

Customer Service

The Customer Services designee is responsible for:

- Reviewing the cases as referred by the county staff for accuracy.

- Notifying all applicable licensing entities, in writing, to suspend the noncustodial parent's license. This is accomplished by the Customer Service designee populating LISU, Noncustodial Parent License Suspension Screen. METSS sends notice A408 to the licensing entity.

- Inquiring against the licensing database files, when a licensed private attorney submits a request to the Division for licensing information. If a match is found, the requested information is returned to the attorney making the request. There is no further assistance from the Division.

Licensing Entities

The licensing entities are responsible for:

- Immediately suspending the license, without a hearing, upon written notification from the Division. Within three business days, notifying the licensee and the licensee's employer, when known, of the license suspension and the date of such suspension by certified mail, return receipt requested.

- Immediately reinstating the suspended licenses, upon written notification from the Division that the licensee has complied with the subpoena/warrant, has entered into a stipulated agreement or agreed judgment, no longer has arrears, or that the child support case has closed. Within three business days, the licensing entity notifies the licensee and the licensee's employer, when known, of the license reinstatement.

Second Offense by Noncustodial Parent

If a noncustodial parent, who enters into a stipulated agreement or agreed judgment, subsequently becomes out of compliance with the stipulated agreement or agreed judgment, the child support worker receives an alert stating "AP Delinquent After Agreed Upon Payment Plan. Review Cases and Suspend License." Noncompliance in this situation refers to a delinquency on the stipulated agreement equal to or greater than one month's arrears obligation. The child support worker reviews the case and, if the case meets the above stated criteria, immediately notifies the License Suspension Unit at MIS.Support@mdhs.ms.gov. If warranted, the License Suspension Unit notifies the licensing entity to immediately suspend the noncustodial parent's license(s). The noncustodial parent is not entitled to receive prior notification and there is no 90 day time period in which to resolve the issue. Upon notification from the Division, the licensing entity immediately suspends the license and within three business days, notifies the noncustodial parent and the noncustodial parent's employer, when known, in writing of the license suspension.

NOTE: If a stipulated agreement or agreed judgment was not entered pursuant to the first license suspension, the system will automatically send out a 90 Day License Suspension Notice (407). An alert will be displayed in 95 days and will state: "95 Days Since License Suspension Notice sent. AP Still Has Arrears And No Payment Agreement Has Been Reached. Proceed With Suspension Process." See Miss. Code Ann. 93-11-157(1,9).

After the suspension of the license(s), if the noncustodial parent subsequently enters into another stipulated agreement or agreed judgment, the Division shall notify the licensing entity in writing

within seven (7) days that the noncustodial parent is in compliance. Upon receipt of the notice from the Division, the licensing entity shall immediately reinstate the license and shall notify the licensee of the reinstatement within three (3) business days.

NOTE: If the noncustodial parent becomes out of compliance with the stipulated agreement or agreed judgment for a second time, he or she must pay the full amount of arrears unless the staff attorney makes the determination that it is appropriate to enter into another stipulated agreement and agreed judgment.

Intergovernmental Cases

In accordance with ongoing policy, an incoming UIFSA case is given the same full services as a Mississippi case. If Mississippi is enforcing a court ordered child support obligation and the noncustodial parent meets the criteria for license suspension, the UIFSA case is submitted for license suspension.

Any licensed private attorney, representing the party to whom support was ordered, may request licensing information from the Division for an individual who is out of compliance with a child support order not being enforced by the Division. The attorney submits a twenty-five dollar ($25.00) fee payable to the Division of Field Operations with the name of the noncustodial parent and a record of accounting showing an arrears balance.

Customer Service searches the METSS licensing data bases to determine what licensing information exists on the individual. The LIQU screen provides information on all licensed individuals, whether they have a child support case or not. Due to the extensive information provided, only the Customer Service staff, processing the license suspensions, has access. The results are sent to the inquiring attorney. The attorney proceeds with no further involvement from the Division.

Suppression of License Suspension Process

The license suspension process can be suppressed by a direct order of the court. The child support worker or supervisor is required to enter the suppression date on APLD. This suppression is in effect until the judge rescinds his order. When a suppression date is entered on APLD, all suspended licenses are reinstated and all pending 90-day notices are voided.

The license suspension process should be suppressed when a judge orders retroactive child support. When the order and the prior support are entered, the noncustodial parent would appear to have arrears; however, for license suspension purposes the retroactive support is not considered arrears unless the noncustodial parent becomes 30 days delinquent. In this situation, the license suspension process must be suppressed. The suppression remains in effect until the

noncustodial parent becomes out of compliance with the court order.

Reasons Not to Suspend License

The following are reasons for not suspending a noncustodial parent's license:

- Family Violence interview indicates that pursuing license suspension could result in harm to one of the parties in a child support case;
- The NCP is institutionalized;
- The NCP is incarcerated with a lengthy sentence;
- The NCP is disabled and/or receiving Social Security Disability (SSA)/Supplemental Security Income (SSI) benefits;
- The NCP is in a country that we do not have reciprocity with;
- The NCP is terminally ill; or
- The NCP is receiving TANF benefits.

License Reinstatement

One of the following criteria must exist before a license can be reinstated:

- The noncustodial parent's arrears balance(s) is zero;
- A stipulated agreement or agreed judgment date appears on the APLD screen(s);
- A suppression date and reason appear on the APLD screen; or
- The noncustodial parent has complied with a summons or warrant.
- The noncustodial parent provides proof that he/she has been recently released from incarceration for more than 180 days and the Child Support staff attorney determined reinstatement is appropriate.

If a case meets any one of the above listed criteria, METSS automatically sends notice A409 by first class mail to each applicable licensing entity, requesting that the license be immediately reinstated.

Case Closure After License(s) Suspension

When the noncustodial parent's license(s) is suspended and the case (40-1) closes, the license should be reinstated when:

- There are no TANF arrears, and
- Multiple cases are not involved.

Explanation: The noncustodial parent may meet the criteria for license suspension in more than one case. If more than one case is involved, the license cannot be reinstated unless the license should be reinstated in all cases.

To reinstate a suspended license when the case closes, the child support worker requests Notice A409 from WORD. Notice A409 is sent to each licensing entity requesting that the suspended license be reinstated.

LIENS

Legal Base

Miss. Code Ann. 93-11-71 requires that when a court orders any person to make periodic payments of a sum certain for the maintenance or support of a child, and when the payments due remain unpaid for a period of at least 30 days, a judgment by operation of law shall arise against the obligor in an amount equal to all payments which are then due and owing.

Imposition of Liens

Any judgment obtained under this provision shall have the same effect and be fully enforceable as any other judgment entered. A judicial or administrative action to enforce the judgment may be commenced at any time and any judgment arising in other states by operation of law shall be given full faith and credit. Any judgment arising shall operate as a lien upon all the property of the judgment debtor, both real and personal.

The child support attorney may furnish an abstract of the judgment for periodic payments for the maintenance and support of a child, along with sworn documentation of the delinquent child support, to the circuit clerk of the county where the judgment is rendered, and it shall be the duty of the circuit clerk to enroll the judgment on the judgment roll. As enrolling a judgment incurs additional fees from the circuit clerk's offices, the attorneys are allowed to take all circumstances into account before a judgment is enrolled.

Liens arising under the provisions of Miss. Code Ann. 93-11-71 may be executed upon and enforced in the same manner and to the same extent as any other judgment.

Assets Subject to Lien

Normally, to subject an asset, such as real property, to seizure, the judgment must be enrolled on the judgment roll of the county where the asset is located, according to the provisions stated above. However, the following assets are subject to interception or seizure without regard to the entry of such judgment on the judgment roll of the county where the assets are located and such assets shall apply to all child support owed including all arrears:

- Periodic or lump-sum payments from a federal, state, or local agency, including unemployment compensation, workers' compensation and other benefits;

- Winnings from lotteries and gaming winnings which are received in periodic payments made over a period in excess of thirty (30) days;

- Assets held in financial institutions;
- Settlements and awards resulting from civil actions; and
- Public and private retirement funds, only to the extent that the obligor is qualified to receive and receives a lump sum or periodic distribution from the funds; and
- Lump-sum payments.

Satisfaction of Liens

The child support attorney has the authority to release a judgment entered on the Judgment Roll by endorsing the Judgment Roll when the judgment has been paid in full. The circuit clerk must attest and subscribe such endorsements. When the judgment is otherwise released, the circuit clerk must make and subscribe the appropriate entry on the Judgment Roll (Miss. Code Ann. 11-7-189).

Duration of Liens

The judgment ceases to be a lien upon the noncustodial parent's property seven years from the date rendered unless renewed, if based on a judgment rendered in Mississippi. All other judgments cease to be a lien three years from the date rendered, unless renewed (Miss. Code Ann. 15-1-43, 15-1-45). The judgment should be renewed until the arrears are satisfied.

BONDS, SECURITY, OR OTHER GUARANTEE

Legal Base

Public Law 98-378 mandates that states have in effect procedures which require that a noncustodial parent give security, post a bond or give some other guarantee to secure payment of overdue support.

In Mississippi, whenever a Court has ordered a noncustodial parent to make periodic payments for support, State Law allows the Court to enter an order requiring that bond, sureties and other security be posted (Miss. Code Ann. 93-11-65, 93-9-31, 93-5-23).

Guidelines

The Child Support Attorney must make the determination whether to seek security, bond or other guarantee using the following guidelines:

- The noncustodial parent must be ordered by a court to make periodic payments for support;
- The noncustodial parent is at least 30 days in arrears;
- The noncustodial parent is not presently under a bond, security or other guarantee as to those payments;
- The noncustodial parent must be subject to the jurisdiction of the court; and
- The amount of past due support justifies the expenditures of time, funds and manpower to seek the bond, security or other guarantee.

Due Process Requirements

The Child Support Attorney must petition the Court to require the bond, security or other guarantee in accordance with all procedural and substantive due process.

The noncustodial parent must receive advance notice of the delinquency and the requirement of posting security, bond or guarantee. The noncustodial parent must be informed of his rights and the methods available for contesting the impending action.

Bonds, security and other guarantee must be sought only after all legal or other considerations have been reviewed. Caution is advised.

ENFORCEMENT OF CHILD SUPPORT FROM COUNTY, CITY OR STATE EMPLOYEES

Legal Base

Miss. Code Ann. 27-7-45 states if any officer or employee of the State of Mississippi, or any political subdivision thereof, is in arrears with child support for thirty (30) days after such payments become due and payable, his/her wages, salary or other compensation shall be withheld. Such withholdings may not exceed the amounts specified in Section 303(b) of the Consumer Credit Protection Act, 15 USCA 1673, as amended, and are paid to the Mississippi Department of Human Services (MDHS). These withholdings continue until all child support arrears, including any interest or penalty, if applicable, are paid in full.

Purpose

Enforcement of this law assures that noncustodial parents working for the State or a political subdivision thereof, and owing past due child support, pay their court ordered child support obligation.

Public Employees Retirement System (PERS) Interface

A quarterly interface between PERS and METSS matches state employees and noncustodial parents. The interface is used primarily for location; i.e., an address and employer, but also assists the child support worker in identifying noncustodial parents who are active State/Public employees or who are currently receiving retirement benefits and are delinquent in child support obligations. Location information is used for the establishment, enforcement and modification of child support obligations; however, collection methods described in Miss. Code Ann. 27-7-45 are only applicable for the collection of child support arrears owed by county, city or state employees.

The data received from the PERS/METSS interface is processed and recorded on ACTN and ADDR. Based on this information, METSS generates notice; i.e., A417, *Request to Employer,* and alerts the child support worker to review the information received.

Procedures for Intercepting Salaries of Officers/Employees Who Have a Child Support Case

When a noncustodial parent, who works for the State or a political subdivision, has a child

support case with the Division of Field Operations (DFO) and is identified as owing child support arrears for 30 days or more, the child support enforcement officer (CSEO) must review the noncustodial parent's case to ensure the case has been worked properly and the arrears are correct before proceeding.

NOTE: This law is enforced only on active IV-D cases.

If the noncustodial parent owes arrears, the CSEO notifies him/her via first class mail with Notice A440, *PERS AP Delinquency Notice.* This notice is mailed to his/her last known address and advises the noncustodial parent of DFO' s intention to initiate proceedings pursuant to Miss. Code Ann. 27-7-45. The noncustodial parent has 15 working days from the date the notice is mailed to satisfy the arrears in its entirety or to contact the county office handling the case for a review of the arrears.

If contacted, the child support enforcement supervisor must conduct a face to face review of the child support payment records with the noncustodial parent. If the noncustodial parent feels the arrears are not owed, the burden of proof is his/hers.

If the noncustodial parent satisfies the arrears or proves the arrears are not owed within the 15 working day time frame, the process is stopped. The case is thoroughly documented and any necessary adjustments are made to the case.

If the arrears are not satisfied or the noncustodial parent does not prove that the arrears are not owed within the 15 working day time frame, the CSEO must notify the noncustodial parent's employer or the appropriate fiscal officer that the child support payments have not been made. Notice A439, *PERS Withholding Notification,* is served as a lien or attachment on the salary or other compensations due the noncustodial parent. The employer or other fiscal officer must withhold a percentage, not to exceed that allowed in Section 303(b) of the Consumer Credit Protection Act, 15 USCA 1673, as amended, beginning with the next appropriate pay period and any subsequent pay periods. The amount withheld must be directed to the MDHS State Disbursement Unit (SDU) until all arrears are satisfied.

Procedures for Payment

The noncustodial parent must pay the entire arrears balance in order to avoid the lien/attachment. The full payment may be in the form of personal check, money order or certified check and must be payable to MDHS/SDU, P.O. Box 23094, Jackson, MS 39225. The noncustodial parent must

include his/her name and social security number on the payment. The amount(s) to be receipted to each METSS case(s) and the case number(s) must also be specified. Example: Joe Doe, 123-45-6789, pays $1,000.00. $600.00 goes to case number 600-00-0000, and $400.00 goes to case number 610-00-0000.

Hardship Waivers

The Division may waive the provisions of Miss. Code Ann. 27-7-45 on behalf of any public officer or employee in the event of an extended personal illness, an extended illness in his/her immediate family, or other emergency. All hardship waiver requests must be carefully considered and well documented in METSS and the case file.

Confidentiality

DFO staff must strictly adhere to policy regarding confidentiality. Divulging any case information is a Group Three Offense as explained in the Mississippi State Employee Handbook and may result in termination of employment.

UNSUCCESSFUL ATTEMPTS AT ENFORCEMENT

In cases in which enforcement attempts have been unsuccessful, at the time the attempt to enforce fails, examine the reason the enforcement attempt failed and determine the time in the future it would be appropriate to take an enforcement action, and take the enforcement action at that time. Such actions must be in accordance with the requirements cited above.

FEDERAL CRIMINAL PROSECUTION FOR NONSUPPORT

Legal Base

The Child Support Recovery Act of 1992, (18 U.S.C. 228) makes the willful failure to pay a past due support obligation with respect to a child living in another state a federal crime. This law is an especially useful enforcement tool for the Division of Field Operations in cases where DFO has been unable to enforce child support actions against such non-complying noncustodial parents for lack of jurisdiction.

The Deadbeat Parents Punishment Act of 1998 (The Act) amended 18 U.S.C. 288, establishes the failure to pay a legal child support obligation as a felony violation. The existence of a support order that was in effect for the time period charged in the indictment creates a rebuttable presumption that the noncustodial parent has the ability to pay. Punishment for a first offense violation of the criteria listed below can be by fine, imprisonment or both.

This policy explains the criteria for selection and the process for referral of cases to the United States Attorney's Office (USAO). This policy also explains the Division of Field Operation's responsibility for continual maintenance of cases after they have been referred.

Criteria for Selecting Noncustodial Parents for Referral

The noncustodial parents who qualify under this statute:

- Are not currently paying child support;
- Have not paid child support obligation for more than one year or have arrears greater than $5,000 (the penalty is a fine and/or imprisonment of up to six months); or
- Have not paid child support obligation for more than two years or have arrears greater than $10,000 (the penalty is a fine of up to $250,000 and/or a two year prison sentence); and,
- Have willfully taken steps to avoid a support obligation which has remained unpaid for a period longer than one year or arrears is greater than $5,000; i.e., unreported changes in employment, concealing assets or location, using false identification, or relocating out of state to avoid paying support.

NOTE: See http://oig.hhs.gov/fraud/child-support-enforcement/ for explanation of the penalties.

Criteria for Selecting Cases

Cases which qualify for referral for federal prosecution to the USAO are those in which:

- The case is active with DFO;
- One parent lives in Mississippi and the other lives in another state;
- Paternity has been established;
- There is a current support order; and
- All other enforcement remedies have been exhausted.

Procedure for Referral of Cases to the USAO

Referrals to the USAO should be made by the child support attorney through the child support senior attorney. Prior to referring the case for federal prosecution, the following conditions must be met:

- Each of the criteria listed for selecting noncustodial parents and cases listed above must be met.
- The custodial parent or the other IV-D agency, as applicable, must be contacted to verify the custodial parent's address and the fact that the child(ren) is still in his/her physical custody. The date of contact must be documented in METSS.
- The senior attorney must approve the referral.
- The USAO referral form must be completed and METSS documented in detail with the efforts that were made and when they were made for enforcing the child support order.
- A duplicate case record folder must be prepared and forwarded to Legal Operations in State Office. The duplicate file must contain:
  - printout of the case action log from METSS;

- an affidavit of arrears;
- copies and results of any administrative subpoenas issued in the case;
- income and asset verifications for the period in which child support was due;
- USAO referral form; and
- A chronological narrative summary of prior enforcement efforts. Copies of the referral form and the narrative should be scanned to the case. Legal Operations will conduct a final review of the case for referral and will be DFO's liaison with the USAO.

On-Going Case Maintenance

Referral of a case to the USAO is an enforcement tool. The child support worker and the staff attorney must continue with all appropriate case actions. The USAO, via Legal Operations, must be apprised of any updated information, activity, or successful enforcement of the case.

USAO must be provided updated information on a semiannual basis. This update will be provided by sending a copy of the initial referral form with dated changes and backup material. This will be done, even if there have been no changes, or if updated changes have already been provided in the past six months. A narrative of the changes will be included.

Cases Referred Directly to the USAO

Persons who directly contact the USAO or the Federal Bureau of Investigation (FBI) for prosecution of parents will be referred to DFO. If the person who is referred is not already receiving DFO services, DFO will offer to take an application from them.

DFO will process such applications like any other, with the exception, if the applicant states that he/she was referred by the USAO or the FBI, the senior attorney will be notified. It will be the senior attorney's responsibility to maintain a tracking process for such cases and to monitor the progress of these cases.

INTERGOVERNMENTAL/UIFSA CHILD SUPPORT CASES

Legal Base

Federal law (42 USC 654(9)) requires intergovernmental cooperation for the purpose of obtaining child support through services mandated by Title IV-D of the Social Security Act. Federal regulations governing provision of services in intergovernmental cases are found at 45 CFR 301, 45 CFR 302, 45 CFR 303, and 45 CFR 305. In addition to requirements regarding action and timing of action, a central registry must be established to coordinate the disposition of intergovernmental IV-D child support cases. UIFSA is codified in Miss. Code Ann. 93-25-01 et seq.

The Central Registry for Intergovernmental Child Support Cases in Mississippi is located in the Division of Child Support Enforcement of the Mississippi Department of Human Services.

Definitions

Central Registry - A single unit or office within the State IV-D Agency which receives, disseminates, and has oversight responsibility for incoming intergovernmental IV-D cases, including UIFSA petitions and requests for income withholding. The Central Registry may also perform these functions for outgoing intergovernmental IV-D Cases.

NOTE: The Central Registry in Mississippi does not perform all these functions for outgoing intergovernmental IV-D cases.

Agency - The Agency that is responsible for the administration of the child support program under Title IV-D of the Social Security Act. Some IV-D agencies contract with District and/or County Attorneys or other entities for provision of specific IV-D services; therefore, intergovernmental cases received from such offices are considered to be from the IV-D Agency.

Country - A foreign country (or a political subdivision thereof) declared to be a foreign reciprocating country (FRC) under section 459A of the Act and any foreign country (or political subdivision thereof) with which the State has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with Federal law as outlined in section 459A (d) of the Social Security Act.

Incoming Intergovernmental IV-D Cases - Incoming UIFSA and intergovernmental income withholding requests received from another State, Tribe and county for cases that meet the

definition of a IV-D case as stated in Volume VI, Chapter 2.

Incoming Intergovernmental Non-IV-D Cases - Incoming UIFSA and intergovernmental income withholding requests received from another state, Tribe or Country for cases that do not meet the definition of a IV-D case as stated in Volume VI, Chapter 2.

Initiating Agency - The state, or Tribal IV-D agency, or an agency in a country that originates the UIFSA or intergovernmental income withholding request. Mississippi is the initiating state when a UIFSA or intergovernmental income withholding request for a Mississippi case is sent to the IV-D Agency in another state.

Responding State - The state to which the UIFSA or intergovernmental income withholding request is sent. Mississippi is the responding state when a UIFSA or intergovernmental income withholding request is received from another state.

Substantive Requirements - Information/documentation needed to take required action on a case.

CSENet - A Nationwide Communication Network linking child support agencies. It allows information between local child support offices in different states to flow electronically. It also links state automated child support systems encompassing CSE offices and Central Registries.

UIFSA - Uniform Interstate Family Support Act.

Provision of Services in Intergovernmental IV-D Cases

The full range of child support services must be provided to all IV-D cases referred by other states, Tribal IV-D agency and country as defined previously. These services are:

- Locating a noncustodial parent who is residing in Mississippi;
- Establishing paternity;
- Establishing a child support obligation;
- Enforcing the support obligation of a noncustodial parent residing in Mississippi. The support obligation may be one established with a court order or an order of an administrative process conducted in the initiating State, Tribe or country. The obligation may be for child support and spousal support;

- Carrying out any other function required by policy for Mississippi IV-D cases, and

- Cooperating with requests for the following limited services: Quick locate, service of process, assistance with discovery, assistance with genetic testing, teleconferenced hearings, administrative reviews, Administrative Enforcement in Interstate Cases (AEI), and copies of court orders and payment records.

Incoming Non-IV-D UIFSA and Intergovernmental Income Withholding Cases

The requirements regarding time/action are not mandated by Federal regulation for non-IV-D UIFSA and non-IV-D intergovernmental income withholding cases. However, the Mississippi Department of Human Services must provide services to all incoming UIFSA and intergovernmental income withholding cases since State statute designates the Department as the income withholding agency for the State (Miss. Code Ann. 93-11-111) and mandates the Department to handle all incoming UIFSA requests (Miss. Code Ann. 93-11-23).

Central Registry

The Central Registry for Intergovernmental Child Support Cases (Central Registry) is responsible for receiving, entering the case into METSS, if appropriate, disseminating, and responding to inquiries on all incoming intergovernmental child support cases.

Incoming Intergovernmental Cases

The Central Registry must perform the following functions within the specified time frames for incoming intergovernmental IV-D cases:

- Within ten working days of receipt of an intergovernmental IV-D case from an initiating state, Tribal IV-D agency or country, the Central Registry must:

  - Review the documentation submitted with the case to determine whether it is complete and sufficient to take the requested action on the case;

  - Forward the case for necessary action, either to the State Parent Locator Unit for location of the noncustodial parent, or to the appropriate office for processing;

- Enter case information into METSS. If the case is already in METSS, the packet is forwarded to the county for processing;

- Acknowledge receipt of the case and request any missing/incomplete documentation from the initiating state; and

- Inform the initiating state, Tribal IV-D agency or country where the case was sent for action.

- If the documentation received with a case is incomplete for taking the requested action and cannot be remedied by the Central Registry without the assistance of the initiating state, Tribal IV-D agency or country, forward the case to the appropriate local office for any action that can be taken pending receipt of additional information/documentation from the initiating state, Tribal IV-D agency or country.

- Respond to inquiries from other states within five working days of receipt of the request for a case status.

NOTE: Mississippi local IV-D staff must respond to inquiries regarding all action/communication related to incoming intergovernmental cases in order for the Central Registry to be able to meet this requirement.

Outgoing Intergovernmental Cases

The Mississippi Central Registry will assist IV-D staff of the responding state, Tribal IV-D agency or country with inquires on outgoing cases and take appropriate action to ensure needed communication between agencies.

Initiating State Responsibilities

The initiating state, whether Mississippi or another state, is responsible for performing certain actions within specified time frames. The child support worker initiates an enforcement action through the intergovernmental process by:

- Determining whether or not there is a support order or orders in effect in a case using the Federal and State Case Registries, State Records, information provided by the recipient of services and other relevant information available;

- Determining in which State a determination of the controlling order and reconciliation of

- arrearages may be made when multiple orders exist:
- Within 20 calendar days of determining that the noncustodial parent is in another state, and whether it is appropriate to use long-arm to establish paternity and establish, modify

  and enforce a support order including medical support and income withholding, refer to the appropriate intrastate tribunal or responding state's office for a determination of the controlling order and reconciliation of arrearages, if needed;
- For all cases referred to the central registry of the IV-D Agency in another state, Tribal IV-D agency or country, send sufficient, accurate information and any documentation necessary for that agency to act on the case.

  - UIFSA Request - When initiating a UIFSA request to the responding state, prepare a UIFSA packet from UIFS in METSS to include:
    - Child Support Enforcement Transmittal (A806)
    - Uniform Support Petition (A811)
    - General Testimony (A810)
    - Child Support Agency Confidential Form (831)
    - Personal Information Form (832), and
  - Include with the packet:
    - Three copies of the court order (one of which is certified)
    - Letter of Transmittal Requesting Registration
    - All modifications
    - A certified statement of arrears, and
    - Mississippi's UIFSA Laws
  - Intergovernmental Income Withholding - When sending an intergovernmental income withholding request to the responding state, Tribal IV-D agency or

- country's appropriate office, submit under cover of an intergovernmental Child Support Enforcement Transmittal Form the information requested in the above section.

- Intergovernmental Administrative Review for Tax Offset - Refer to Volume VI, Chapter 5 for detailed procedures.

- CSENet States - Generate pleadings through METSS in UIFS. On the same date, initiate a request to the other state through CSENET using the CSRE panel in METSS.

- Within 30 calendar days of receipt of a request for information from the responding state:

  - Send the requested information, or

  - Notify the responding state's appropriate office of the date that the requested information will be provided, if there is a delay. Make the response on the INTS panel/WORD or CSENET panel CSRE.

- Within ten working days of receipt of new information that might affect the status of the case, send the information to the responding state's appropriate office. This includes, but is not limited to, such information as changes in case type from TANF to Non-TANF or Non-TANF to TANF, and legal action taken on the case. Some updates are made automatically; refer to METSS procedures.

- If no payments have been received for a case in which the noncustodial parent has an established support obligation and 90 calendar days have elapsed since the responding state sent a status report, request a status report from the responding state's appropriate office.

- Transmit requests for information and provide requested information electronically to the greatest extent possible.

- Instruct the responding agency to close its case and to stop any withholding order or notice the responding agency has sent to an employer before the initiating state transmits a withholding order or notice to the same or another employer unless the two states reach an alternative agreement on how to proceed.

Responding State Responsibilities

The full range of child support services must be provided to all IV-D cases referred by another state, a Tribal IV-D agency, or another country. These cases have equal priority and must receive the same services as all other IV-D cases, regardless of whether the initiating agency elected not to use remedies that may be available under the OSA's laws.

Time/Action Requirements

The responding state, whether Mississippi or another state, is responsible for performing certain activities within specified time frames. These activities are described below with basic procedures outlined for child support staff when Mississippi is the responding state:

- Upon receipt of an Intergovernmental Child Support Enforcement Transmittal Form, a UIFSA Action Request, or other alternative state form that has the same information in the same format, the office sets up the case folder and assigns it to a child support worker to review and determine the action to be taken. Required information, contained in the packet, is entered into METSS and scanned to the case.

- Within 75 calendar days of receipt, the state is required to:

  - Provide location services, if the request is for location, or if the information submitted does not include adequate location data on the noncustodial parent. If the request is for full services, the State Parent Locator Unit provides information obtained from available data, and forwards this information along with the case to appropriate local staff.

  - If the documentation provided by the initiating state meets substantive requirement but is not complete, the child support attorney or enforcement worker must make needed corrections/additions and proceed with provision of requested services, if possible. For example, if three copies of a specific document are required and only one was sent, make the additional copies and proceed. Make every effort to proceed with a case by remedying faulty documentation or accepting documentation not in the usual form, as long as the substantive requirements are met.

  - If the documentation provided by the initiating state does not meet substantive requirements or cannot be remedied without the assistance of the initiating state, the

child support worker must notify the initiating state's appropriate office of the necessary additions or corrections to the transmittal form or other documentation.

The case must be processed to the extent possible, pending necessary action by the initiating state. At any point that it is not possible to proceed further, document this fact and state the reason, giving notice to the initiating state's appropriate office. For example, if additional information is necessary to locate the employer of a noncustodial parent, but a support order has been established and criteria are met for imposing a lien against real or personal property of the noncustodial parent, action to impose such a lien must be initiated/taken by the child support attorney pending receipt of the additional information. If the additional location information still has not been received, the child support worker must send a reminder to the initiating state's central registry and document the reason for not proceeding further.

- Within ten working days of locating the noncustodial parent in a different Mississippi county, the child support worker must forward the case, with the transmittal form and documentation, to the county where the noncustodial parent currently resides, and notify the initiating state's appropriate office.

- Within ten working days of locating the noncustodial parent in a different state, the child support worker will either return the forms and documentation, including the new location, to the initiating state, or if the initiating state requests, forward the material to the central registry of the IV-D Agency in the state where the noncustodial parent currently resides. If this is done, notify the initiating state's appropriate office.

- No later than 15 calendar days after a collection is received, the county child support office must send the payment to the location specified by the initiating state, unless the court has ordered otherwise. Include:

  - The names of the noncustodial parent and the custodial parent, the case number, and other identifying information sufficient for the initiating state to be able to identify the case;
  - The date the collection was received;
  - The amount of the total collection and any fees/costs deducted; and
  - The FIPS code of the county in the responding state. For the FIPS code, refer to METSS Case panel. Process tax offset collections as directed in Volume VI, Chapter 4.

- At any time notice is served on the noncustodial parent, related to any legal action and/or court hearing that may result in an order establishing paternity/support or modification of an order, the agency must give the initiating state's appropriate office advance notice of the action/court hearing.

- Within ten working days of receipt of new information that might affect the status of the case (including action taken on the case), the child support worker must forward the information to the initiating state, Tribal IV-D agency or country's appropriate office using INTS panel/WORD or CSENET (CSRE).

- At the time a case is closed, the child support worker must notify the initiating state's appropriate office.

- Within 10 working days of receipt of instructions for case closure from an initiating State agency, stop the responding State's income withholding order or notice and close the intergovernmental IV-D case, unless the two States reach an alternative agreement on how to proceed.

Cost - Payment and Recovery in Intergovernmental IV-D Cases

Upon determination by the responding state that genetic tests are necessary in a paternity action, the responding state must pay the costs of genetic testing (45 CFR 303.7 (e)(1)). Mississippi will not advance costs of genetic tests in outgoing UIFSA cases.

Each State IV-D agency may recover its costs of providing services in intergovernmental non-IV-A cases from the individual who owes a support obligation to a non-IV-A family on whose behalf the IV-D agency is providing services, except that a IV-D agency may not recover costs from a foreign reciprocating country (FRC) or from a foreign obligee in that FRC, when providing services under sections 454(32) and 459A of the Act.

Genetic Testing - Specific Responsibilities/Procedures

Incoming UIFSA: If paternity is established in Mississippi for an incoming UIFSA and costs are paid by Mississippi and not the putative father, the child support attorney must attempt to obtain a judgment against the putative father for the costs of genetic testing.

Outgoing UIFSA: Mississippi will not advance costs of genetic tests in outgoing UIFSA cases.

UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)

Legal Base

In 1992, the Uniform Interstate Family Support Act (UIFSA) was drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and approved by that body and then approved by the American Bar Association on February 9, 1993. States began enacting UIFSA in 1993. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 revised the Social Security Act to require all states to enact UIFSA "as approved by the American Bar Association together with any amendments officially adopted before January 1, 1998, by NCCUSL". In July of 1996 NCCUSL revised UIFSA.

UIFSA, at section 311 (b), requires the use of the federally approved interstate CSE forms.

Effective July 1, 1997, UIFSA was adopted by Mississippi Law under Senate Bill 2164. Effective July 1, 2004, the UIFSA 2001 amendments were adopted. Effective July 1, 2015, the UIFSA 2008 amendments were adopted.

The Hague Child Support Convention will become effective for the United States on January 1, 2017. After that date, U.S. states will process cases with other countries that have ratified the Convention (Convention countries) under the requirements of the Convention.

Definitions

Child - an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is alleged to be the beneficiary of a support order directed to the parent.

Child Support Order - support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

Continuing Exclusive Jurisdiction (CEJ) - the authority to modify a support order.

Controlling Order - the order entitled to future enforcement.

Convention - the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at the Hague on November 23, 2007.

Duty of Support - an obligation imposed or that can be imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

Foreign country - country or political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) which has been declared under the law of the United States to be a foreign reciprocating country;

(B) which has established a reciprocal arrangement for child support with this state as provided in Section 308;

(C) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act; or

(D) in which the Convention is in force with respect to the United States.

Foreign support order - support order of foreign tribunal.

Foreign tribunal - a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

Home State - the state or foreign country in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with the parent.

Income - includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

Income withholding order - an order or other legal process directed to an obligor's employer or other debtor, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

Initiating Tribunal - the state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

Issuing foreign country - the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

Issuing State - in which a tribunal issues a support order or renders a judgment determining parentage of a child.

Issuing Tribunal - the state or foreign country that issues a support order or a judgment determining parentage of a child.

Law - decisional and statutory law and rules and regulations having the force of law.

Obligee –

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(B) a foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual oblige in place of child support;

(C) an individual seeking a judgment determining parentage of the individual's child; or

(D) a person that is a creditor in a proceeding under the convention.

Obligor - individual or the estate of a decedent that:

(A) owes or is alleged to owe a duty of support;

(B) is alleged but has not been adjudicated to be a parent of a child;

(C) is liable under a support order; or

(D) is a debtor in a proceeding under the convention.

Outside this state - a location in another state or a country other than the United States, whether or not the country is a foreign country.

Person - an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or government subdivision, agency, or instrumentality or any other legal or commercial entity.

Record - information that is inscribed on a tangible medium or that is stored in an electronic or other medium that is retrievable in perceivable form.

Register - to record, in a tribunal of this state, a support order or judgment determining parentage of a child issued in another state or foreign country.

Registering Tribunal - a court or an administrative agency in which a support order or judgment determining parentage is registered.

Responding state - a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for the filing from another state or foreign country.

Responding Tribunal - the authorized tribunal in a responding state or foreign country.

Spousal Support Order - a support order for a spouse or former spouse of the obligor.

State - a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian nation or tribe.

Support enforcement agency - a public official, governmental entity, or private agency authorized to:

(A) seek enforcement of support orders or laws relation to the duty of support;

(B) seek establishment or modification of child support;

(C) request determination of parentage of a child;

(D) attempt to locate obligors or their assets; or

(E) request determination of the controlling child support order.

Support Order - a judgment, decree, order, decision or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearage, retroactive support, or reimbursement for financial assistance provided to an individual oblige in pace of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

Tribunal - a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Overview

The purpose of UIFSA is to improve the effectiveness of interstate child support enforcement.

The main change brought about by UIFSA is the concept of a "one order at one time" system. The beginning point for a "one order at one time" system is to decide which one tribunal will have jurisdiction in the future over the child support issue. UIFSA eliminates the confusion of multiple orders by the determination of the controlling order. Because UIFSA establishes the rules for determining the controlling order, enforcement should be based on only one controlling current support amount. One of the main concepts of UIFSA is Continuing Exclusive Jurisdiction (CEJ). CEJ determines which state has the authority to modify a support order. By following this concept, multiple support orders issued by multiple states will eventually be eliminated. A state can no longer modify another state's order without first obtaining CEJ.

Continuing Exclusive Jurisdiction

UIFSA describes any tribunal that issues a valid order as having "continuing, exclusive jurisdiction." UIFSA provides the mechanism to identify the only tribunal that will have exclusive jurisdiction to modify the one order. The one order that is recognized as the controlling order issued by the tribunal with CEJ will be the order that specifies the terms and conditions of the prospective support obligation.

To become the tribunal with continuing, exclusive jurisdiction, a tribunal must have the ability to assert personal jurisdiction over an individual for whom one of the following applies:

- Resides in the state;
- Can be served in the state, even if not a resident of the state; or
- Has taken some action or committed some act in the state that justifies the tribunal's exerting jurisdiction over him or her, even if the person has later left the state, i. e. long arm jurisdiction.

A tribunal of the state issuing a support order consistent with the law of the state has continuing, exclusive jurisdiction over a child support order:

- As long as the state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
- Until all of the parties, who are individuals, have filed written consent with the tribunal of the state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

A tribunal of the state issuing a child support order consistent with the laws of the state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this act or law substantially similar to this act.

If a child support order of the state is modified by a tribunal of another state which had the legal authority to modify the order, the state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the state, and may only do the following:

- Enforce the order as to amounts accruing before the modification;
- Enforce non-modifiable aspects of that order; and,
- Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

Controlling Order Determination

When multiple orders exist, a controlling order determination must be made prior to any enforcement action being taken. The case worker may, if necessary, consult with the staff attorney to determine which order is valid and to make the controlling order determination. To determine the effective date of the controlling order, allow at least 30 days after the determination is made, and make the effective date the first of the following month. For example, if the controlling order determination is made on 10-20-97, the effective date would be 12-01-97.

A factor in determining the controlling order is to identify which state has CEJ and therefore, the authority to modify an order. The controlling order is the order to be prospectively enforced. Once a controlling order determination is made, all states involved in enforcing orders which affect the same parties, must be notified and must recognize the controlling order determination. By doing so, the problem of multiple orders being enforced by multiple states is eliminated.

Both the initiating and responding states have a responsibility in making the controlling order determination. The initiating state makes a preliminary determination and the responding state makes the final determination. UIFSA provides a priority scheme to determine which order is the controlling order as follows:

- If only one child support order exists, that order is the controlling order.

- If two or more orders exist but only one court has CEJ, the order issued by the court having CEJ is the controlling order.

- If two or more states have issued orders and can assert CEJ, the order from the state where the child resides is the controlling order.

- If two or more states have issued orders and can assert CEJ, but no state is the child's home state, the most recent order is the controlling order.

- If two or more states have issued orders but no court has CEJ under UIFSA, the responding state shall issue a new order and assume CEJ. Because the tribunal is issuing a new order rather than modifying an existing order, the issuing tribunal will establish all terms and conditions of the support order, including amount and duration.

NOTE: Determination of a controlling order is not necessary for enforcement of arrearage only cases, because a controlling order determination only affects prospective enforcement.

NOTE: For intrastate multiple orders, use the same process for determining orders as you would for interstate orders.

ESTABLISHMENT

In-State Process Using Long-Arm Jurisdiction

In a paternity establishment case, there is no existing order for child support, so there is no tribunal with continuing, exclusive jurisdiction over that issue. The tribunal that establishes the first order will be the tribunal with continuing, exclusive jurisdiction. A tribunal can establish the first order and become the tribunal with CEJ by asserting long-arm jurisdiction over the nonresident party provided the minimum contact requirement is met.

In an action to establish paternity, enforce, or modify a support order, a court may exercise jurisdiction over a nonresident, if any of the following applies:

- The noncustodial parent can be personally served with process within this state;

- The noncustodial parent submits to the jurisdiction of the court by consent, by entering a general appearance or by filing a responsive document which has the effect of waiving any contest to personal jurisdiction;

- The noncustodial parent resided with the child in Mississippi;
- The noncustodial parent resided in Mississippi and provided parental expenses or support for the child;
- The child resided in Mississippi, as a result of the act or directives of the noncustodial parent;
- The noncustodial parent engaged in sexual intercourse in Mississippi and the child may have been conceived by that act of intercourse;
- The noncustodial parent asserted parentage as provided by law of this state; or
- There is another basis consistent with the constitution of this state and the United States for the exercise of the personal jurisdiction.

The case worker makes the long-arm determination. If the long-arm provision is not appropriate, the case worker documents this information on CONT in METSS.

The long-arm provision should be used before any other interstate action, except contempt processing, when it is confirmed that the noncustodial parent lives in another state and one of the previous circumstances exist.

Two-State Process

If long-arm jurisdiction does not exist, then a two-state action must be initiated. In this situation, the case worker sends the following:

- Child Support Enforcement Transmittal #806;
- Uniform Support petition #811;
- General Testimony #810;
- Child Support Agency Confidential Information #831;
- Personal Information Form #832;
- UIFSA Declaration in Support Establishing Parentage #808 (if paternity is an issue); and
- Legal basis for paternity establishment i.e. marriage license, ASAP, birth certificate (if paternity is not an issue).

UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)

Legal Base

In 1992, the Uniform Interstate Family Support Act (UIFSA) was drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and approved by that body and then approved by the American Bar Association on February 9, 1993. States began enacting UIFSA in 1993. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 revised the Social Security Act to require all states to enact UIFSA "as approved by the American Bar Association together with any amendments officially adopted before January 1, 1998, by NCCUSL". In July of 1996 NCCUSL revised UIFSA.

UIFSA, at section 311 (b), requires the use of the federally approved interstate CSE forms.

Effective July 1, 1997, UIFSA was adopted by Mississippi Law under Senate Bill 2164. Effective July 1, 2004, the UIFSA 2001 amendments were adopted. Effective July 1, 2015, the UIFSA 2008 amendments were adopted.

The Hague Child Support Convention will become effective for the United States on January 1, 2017. After that date, U.S. states will process cases with other countries that have ratified the Convention (Convention countries) under the requirements of the Convention.

Definitions

Child - an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is alleged to be the beneficiary of a support order directed to the parent.

Child Support Order - support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

Continuing Exclusive Jurisdiction (CEJ) - the authority to modify a support order.

Controlling Order - the order entitled to future enforcement.

Convention - the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at the Hague on November 23, 2007.

Duty of Support - an obligation imposed or that can be imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

Foreign country - country or political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) which has been declared under the law of the United States to be a foreign reciprocating country;

(B) which has established a reciprocal arrangement for child support with this state as provided in Section 308;

(C) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act; or

(D) in which the Convention is in force with respect to the United States.

Foreign support order - support order of foreign tribunal.

Foreign tribunal - a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

Home State - the state or foreign country in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with the parent.

Income - includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

Income withholding order - an order or other legal process directed to an obligor's employer or other debtor, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

Initiating Tribunal - the state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

Issuing foreign country - the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

Issuing State - in which a tribunal issues a support order or renders a judgment determining parentage of a child.

Issuing Tribunal - the state or foreign country that issues a support order or a judgment determining parentage of a child.

Law - decisional and statutory law and rules and regulations having the force of law.

Obligee –

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(B) a foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual oblige in place of child support;

(C) an individual seeking a judgment determining parentage of the individual's child; or

(D) a person that is a creditor in a proceeding under the convention.

Obligor - individual or the estate of a decedent that:

(A) owes or is alleged to owe a duty of support;

(B) is alleged but has not been adjudicated to be a parent of a child;

(C) is liable under a support order; or

(D) is a debtor in a proceeding under the convention.

Outside this state - a location in another state or a country other than the United States, whether or not the country is a foreign country.

Person - an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or government subdivision, agency, or instrumentality or any other legal or commercial entity.

Record - information that is inscribed on a tangible medium or that is stored in an electronic or other medium that is retrievable in perceivable form.

Register - to record, in a tribunal of this state, a support order or judgment determining parentage of a child issued in another state or foreign country.

Registering Tribunal - a court or an administrative agency in which a support order or judgment determining parentage is registered.

Responding state - a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for the filing from another state or foreign country.

Responding Tribunal - the authorized tribunal in a responding state or foreign country.

Spousal Support Order - a support order for a spouse or former spouse of the obligor.

State - a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian nation or tribe.

Support enforcement agency - a public official, governmental entity, or private agency authorized to:

(A) seek enforcement of support orders or laws relation to the duty of support;

(B) seek establishment or modification of child support;

(C) request determination of parentage of a child;

(D) attempt to locate obligors or their assets; or

(E) request determination of the controlling child support order.

Support Order - a judgment, decree, order, decision or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearage, retroactive support, or reimbursement for financial assistance provided to an individual oblige in pace of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

Tribunal - a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Overview

The purpose of UIFSA is to improve the effectiveness of interstate child support enforcement.

The main change brought about by UIFSA is the concept of a "one order at one time" system. The beginning point for a "one order at one time" system is to decide which one tribunal will have jurisdiction in the future over the child support issue. UIFSA eliminates the confusion of multiple orders by the determination of the controlling order. Because UIFSA establishes the rules for determining the controlling order, enforcement should be based on only one controlling current support amount. One of the main concepts of UIFSA is Continuing Exclusive Jurisdiction (CEJ). CEJ determines which state has the authority to modify a support order. By following this concept, multiple support orders issued by multiple states will eventually be eliminated. A state can no longer modify another state's order without first obtaining CEJ.

Continuing Exclusive Jurisdiction

UIFSA describes any tribunal that issues a valid order as having "continuing, exclusive jurisdiction." UIFSA provides the mechanism to identify the only tribunal that will have exclusive jurisdiction to modify the one order. The one order that is recognized as the controlling order issued by the tribunal with CEJ will be the order that specifies the terms and conditions of the prospective support obligation.

To become the tribunal with continuing, exclusive jurisdiction, a tribunal must have the ability to assert personal jurisdiction over an individual for whom one of the following applies:

- Resides in the state;
- Can be served in the state, even if not a resident of the state; or
- Has taken some action or committed some act in the state that justifies the tribunal's exerting jurisdiction over him or her, even if the person has later left the state, i. e. long arm jurisdiction.

A tribunal of the state issuing a support order consistent with the law of the state has continuing, exclusive jurisdiction over a child support order:

- As long as the state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
- Until all of the parties, who are individuals, have filed written consent with the tribunal of the state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

A tribunal of the state issuing a child support order consistent with the laws of the state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this act or law substantially similar to this act.

If a child support order of the state is modified by a tribunal of another state which had the legal authority to modify the order, the state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the state, and may only do the following:

- Enforce the order as to amounts accruing before the modification;
- Enforce non-modifiable aspects of that order; and,
- Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

Controlling Order Determination

When multiple orders exist, a controlling order determination must be made prior to any enforcement action being taken. The case worker may, if necessary, consult with the staff attorney to determine which order is valid and to make the controlling order determination. To determine the effective date of the controlling order, allow at least 30 days after the determination is made, and make the effective date the first of the following month. For example, if the controlling order determination is made on 10-20-97, the effective date would be 12-01-97.

A factor in determining the controlling order is to identify which state has CEJ and therefore, the authority to modify an order. The controlling order is the order to be prospectively enforced. Once a controlling order determination is made, all states involved in enforcing orders which affect the same parties, must be notified and must recognize the controlling order determination. By doing so, the problem of multiple orders being enforced by multiple states is eliminated.

Both the initiating and responding states have a responsibility in making the controlling order determination. The initiating state makes a preliminary determination and the responding state makes the final determination. UIFSA provides a priority scheme to determine which order is the controlling order as follows:

- If only one child support order exists, that order is the controlling order.

- If two or more orders exist but only one court has CEJ, the order issued by the court having CEJ is the controlling order.

- If two or more states have issued orders and can assert CEJ, the order from the state where the child resides is the controlling order.

- If two or more states have issued orders and can assert CEJ, but no state is the child's home state, the most recent order is the controlling order.

- If two or more states have issued orders but no court has CEJ under UIFSA, the responding state shall issue a new order and assume CEJ. Because the tribunal is issuing a new order rather than modifying an existing order, the issuing tribunal will establish all terms and conditions of the support order, including amount and duration.

NOTE: Determination of a controlling order is not necessary for enforcement of arrearage only cases, because a controlling order determination only affects prospective enforcement.

NOTE: For intrastate multiple orders, use the same process for determining orders as you would for interstate orders.

ESTABLISHMENT

In-State Process Using Long-Arm Jurisdiction

In a paternity establishment case, there is no existing order for child support, so there is no tribunal with continuing, exclusive jurisdiction over that issue. The tribunal that establishes the first order will be the tribunal with continuing, exclusive jurisdiction. A tribunal can establish the first order and become the tribunal with CEJ by asserting long-arm jurisdiction over the nonresident party provided the minimum contact requirement is met.

In an action to establish paternity, enforce, or modify a support order, a court may exercise jurisdiction over a nonresident, if any of the following applies:

- The noncustodial parent can be personally served with process within this state;

- The noncustodial parent submits to the jurisdiction of the court by consent, by entering a general appearance or by filing a responsive document which has the effect of waiving any contest to personal jurisdiction;

- The noncustodial parent resided with the child in Mississippi;
- The noncustodial parent resided in Mississippi and provided parental expenses or support for the child;
- The child resided in Mississippi, as a result of the act or directives of the noncustodial parent;
- The noncustodial parent engaged in sexual intercourse in Mississippi and the child may have been conceived by that act of intercourse;
- The noncustodial parent asserted parentage as provided by law of this state; or
- There is another basis consistent with the constitution of this state and the United States for the exercise of the personal jurisdiction.

The case worker makes the long-arm determination. If the long-arm provision is not appropriate, the case worker documents this information on CONT in METSS.

The long-arm provision should be used before any other interstate action, except contempt processing, when it is confirmed that the noncustodial parent lives in another state and one of the previous circumstances exist.

Two-State Process

If long-arm jurisdiction does not exist, then a two-state action must be initiated. In this situation, the case worker sends the following:

- Child Support Enforcement Transmittal #806;
- Uniform Support petition #811;
- General Testimony #810;
- UIFSA paternity affidavit #808 (if paternity is an issue); and
- Legal basis for paternity establishment i.e. marriage license, ASAP, birth certificate (if paternity is not an issue).

ENFORCEMENT

UIFSA authorizes three types of enforcement:

- Direct Enforcement
- Administrative Enforcement
- Registration for Enforcement

NOTE: Before initiating enforcement on an interstate case, the case worker must first make a controlling order determination, if there are multiple orders in existence for the same parties.

Hague Convention Establishment and Enforcement

The Hague Convention creates a specific framework for an establishment or enforcement request to be sent to a foreign country, if that country has ratified the Hague Convention Treaty. This procedure will aid the country/state in processing international child support cases effectively and timely. The user must utilize the Hague Convention forms established by OCSE and refer to the list of ratified countries. The list of countries and forms are posted on WorkSite in the UIFSA/HAGUE Folder and are accessible through the OCSE website. The forms are in PDF fillable format on both sites.

There are 14 forms which includes a mandatory transmittal form, a mandatory acknowledgment form, 12 recommended forms based on the type of case action and a Practical Handbook for the user to reference when completing these forms. The UIFSA/HAGUE folder is posted on WorkSite in the Policy section under the CSE Only Items tab. The Hague folder consists of the following documents and the form numbers:

- Hague Convention Matrix
- Practical Handbook for Caseworkers
- List of Ratified Countries (always check the OCSE website for newly added countries)
- Annex I-Transmittal (834)
- Annex II-Acknowledgment (835)
- Application for Establishment of a Decision (836)

- Financial Circumstances Form (837)
- Status of Application Report-Establishment (838)
- Application for Recognition or Recognition and Enforcement (839)
- Statement of Proper Notice (840)
- Statement of Enforceability of a Decision (841)
- Abstract of a Decision (842)
- Status of Application Report-Recognition (843)
- Application for Enforcement of a Decision Made or Recognized in the Requested State(844)
- Status of Application Report-Enforcement (845)
- Application for Modification of a Decision (846)
- Status of Application Report-Modification (847)

Direct Enforcement

UIFSA allows for the direct submission of one state's income withholding order to an employer in another UIFSA state. An income withholding order issued in a state may be sent to the person or entity defined as the obligor's employer under the income withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of a state. When dealing with a noncustodial parent's employer who does business in multiple states, serve the withholding order on the in-state company. For example, if the noncustodial parent works at Wal-Mart in Michigan, serve the Wal-Mart in Mississippi, unless the employer has specified otherwise. Refer to Volume VI, Chapter 3 for the policy regarding Income Withholding. Upon receipt of an income withholding order from a UIFSA state, an employer in a UIFSA state shall do the following:

- Treat an income withholding order issued in another state, which appears regular on its face, as if the order had been issued by a tribunal of that state.

- Immediately provide a copy of the order to the affected noncustodial parent (employee).
- Withhold and distribute the funds as directed in the withholding order.

Employer's Compliance with Income Withholding Order of Another State

The employer shall withhold and distribute funds as directed in the withholding order by complying with the terms of the order which specify the following:

- The duration and amount of periodic payments to be made.
- The address to which the payments are to be forwarded.
- The amount specified for the medical support.
- The amount of periodic payments for fees and costs specified for the support enforcement agency, the issuing tribunal, and the custodial parent's attorney.
- The amount of periodic payments of arrearage and interest on arrearage specified for the support enforcement agency.

An employer must comply with the law of the state of the employee's (noncustodial parent's) principal employment for withholding from income for the following:

- The employer's fee charged for processing an income withholding order.
- The maximum amount permitted to be withheld from the employee's income.
- The time within which the employer must start the withholding order and forward the child support payment.

Contest by the Noncustodial Parent

A noncustodial parent may contest the validity or the enforcement of an income withholding order issued in another state and received directly by his employer in the same manner as if the order had been issued by a court of his state. Miss. Code Ann. 93-25-87 Choice of Law applies to the contest. Pursuant to Miss. Code Ann. 93-25-77, the noncustodial parent shall give notice of the contest to the following:

- The support enforcement agency providing services to the custodial parent; and
- Each employer that has directly received an income withholding order; and
- The person or agency designated to receive payments in the income withholding order; or the custodial parent, if no person or agency is designated.

NOTE: When the issuing state learns that the noncustodial parent has contested the Income Withholding, it may be more efficient for the issuing state to terminate the income withholding order and initiate a traditional two-state enforcement action.

It may not be appropriate to use Income Withholding when at least one of the following conditions apply:

- The case requires enforcement of health insurance and not cash medical support;
- Other enforcement remedies are necessary;
- An interstate referral exists with an IV-D agency in another state;
- Multiple support orders exist for the custodial parent and noncustodial parent; or
- The noncustodial parent has multiple child support cases.

Administrative Enforcement

When a support order or an income withholding order is received from another state with a request for registration, the case information should be entered into METSS by the Central Registry staff. The case is forwarded to the correct county, where the child support supervisor or a designee should enter the foreign order on the ORDR screen, entering "PENDING" in the MS CAUSE NUMB field and the appropriate ORDR code (e.g. 10, 11, 12, or 85). (Note: It is not appropriate to enter the order as voluntary.) The supervisor or a designee should also enter any alleged arrears from the UIFSA transmittal. The case should immediately be sent to the appropriate staff attorney to have the order registered. Once the order has been registered, the correct cause number should be entered on the ORDR screen.

The support enforcement agency, with administrative enforcement procedures, may utilize all administrative enforcement actions without registering the order; however, the noncustodial parent is given an opportunity to contest. If the noncustodial parent contests the validity or administrative enforcement of the order, the support enforcement agency shall verify that the registration of the order is proceeding in a timely manner.

Registration for Enforcement

Registration, as a UIFSA enforcement mechanism, provides access to the full range of

enforcement remedies. Before requesting that an order be registered by another state, the initiating state must identify all existing child support orders, including modifications associated with the case. If more than one order exists, a preliminary determination should be made as to which order is the controlling order.

Also, the initiating state must include its arrears calculation with the information sent to the responding state. If more than one order is used to determine the arrears, note the time periods applicable for each order on the debt calculation that is forwarded to the responding tribunal.

When the initiating state has made a preliminary controlling order determination and has determined the arrears, the case worker will send the Notice of Determination, available in METSS, to the responding state's Central Registry.

Upon receipt of a request for registration of an order, the responding state's central registry will:

- Review the request to ensure that it is complete;
- Return the request to the initiating state, if incomplete;
- Forward the petition to the appropriate local office for processing; and
- Acknowledge receipt of the case to the initiating state.

Upon receipt of the petition, the case worker will perform the following:

- Determine the controlling order and any arrears owed on the case (NOTE: The initiating state should have made a preliminary determination as to the controlling order and arrears. However, it is the responsibility of the responding tribunal to make the final determination regarding the controlling order and arrears amount).

- If the responding and initiating states agree as to the controlling order and arrears, the responding state must file the controlling order and any order used to determine the arrears in the appropriate state tribunal.

- If the responding and initiating states do not agree as to the controlling order and/or arrears, the request for registration and attached documents should not be filed until the dispute is resolved. In these instances, contact the initiating state and discuss your

differing determinations of controlling order and/or arrears. Ask the initiating state to provide an amended registration packet in conformance with your determinations. When you receive the amended registration packet, file the appropriate paperwork and orders with your tribunal.

A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following conditions:

- The issuing tribunal does not have personal jurisdiction over the party.
- The order was obtained by fraud.
- The order has been vacated, suspended, or modified by a later order.
- The issuing tribunal has stayed the order pending appeal.
- There is a defense under the law of this state to the remedy sought.
- Full or partial payment has been made.
- The statute of limitations under choice of law of this state precludes enforcement of some or all of the arrearage.

An order registered for enforcement under UIFSA remains the order for the original issuing tribunal and does not become an order of the state where it is registered. A confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Procedure to Register Order for Enforcement

A support order or income withholding order of one state may be registered in another state by sending the following documents and information to the appropriate tribunal of the other state:

- A letter of transmittal requesting registration and enforcement.

- Three certified copies of all orders to be registered, including any modification of an order.

- A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.

- The name of the obligor and, if known:

  - The obligor's address and social security number.
  - The name and address of the obligor's employer and any other source of income

of the obligor.
- A description and location of property of the obligor in this state not exempt from execution.
- The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

Upon receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information regardless of their type of forms.

A petition or comparable pleading seeking a remedy that must be affirmatively sought under other laws of this state, may be filed at the same time as the request for registration or at a later date. The pleading must specify the grounds for the remedy sought.

Documents to Be Filed When an Order Is Registered

The following documents are to be filed by the staff attorney:

- The original letter of transmittal requesting registration and enforcement;
- A certified copy of the order that is requested to be registered; and
- A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage; if applicable;

Notice of Registration of Order

When a support order or income withholding order issued in another state is registered in a Mississippi tribunal, the staff attorney shall notify the noncustodial parent. The Notice of Registration, available in METSS, must be accompanied by a copy of the registered order, documents and relevant information accompanying the order.

The Notice of Registration must inform the noncustodial parent of the following:

- That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

- That a hearing to contest the validity or enforcement of the registered order must be requested within twenty (20) days after notice;

- That failure to contest the validity or enforcement of the registered order in a timely manner shall result in confirmation and enforcement of the order, and the alleged arrearage precludes further contest of that order with respect to any matter that could have been asserted; and

- The amount of any alleged arrearage.

Upon registering an income withholding order for enforcement with a Mississippi tribunal, the case worker shall notify the obligor's employer.

MODIFICATION

Under UIFSA, the designation of CEJ determines which state has the authority to modify an order. The state that issued the order has CEJ as long as one of the parties (or the child) lives in the issuing state or until the parties agree in writing for another state to exercise jurisdiction. If the individual parties no longer reside in the issuing state, or if they agree in writing for another state to exercise jurisdiction, UIFSA has established a registration for modification. Under these circumstances, the party seeking the modification must register the order in the state which has personal jurisdiction over the opposing party. The state modifying the order becomes the state with CEJ. Either party, the obligor or the obligee, may request a modification. UIFSA requires the petitioner to be a nonresident; therefore, jurisdiction over both parties is assured because the tribunal already has jurisdiction over its state's residents. An out-of-state order must be registered specifically for modification before it can be modified. In addition, a petition requesting modification must be filed.

When a responding state is requested to register an order for modification, they must follow these procedures:

- Serve the non- requesting party with notice of the intent to modify;

- When the order is registered for modification, proceed with the modification action using the same procedures that apply to the modification of any order issued by the responding state, including use of the responding state's child support guidelines; and

- When the responding state has modified the out of state order, a certified copy of the modified order must be filed with the tribunal that issued the original order, and with every tribunal that has previously registered the order.

A tribunal in the responding state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If the underlying divorce order is silent as to the support obligation, the appropriate action under UIFSA is the establishment of a support order. However, if the underlying order expressly sets support obligation at zero dollars, the appropriate action would be modification.

If a modification action is appropriate, CEJ must be determined to ensure that the appropriate tribunal (issuing or responding) processes the modification action. A state without CEJ cannot add a medical support provision to an existing order because to do so would require a modification of the existing order. Therefore, the initiating state would need to have the order modified in the CEJ forum.

Recognition of Orders Modified in Another State

A tribunal of a state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to this act or a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:

- Enforce the order that was modified only as to amounts accruing before the modification.
- Enforce only non-modifiable aspects of that order.
- Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification.
- Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Within 30 days after issuance of a modified child support order, the case worker shall file a certified copy of that order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises.

The failure to file does not affect the validity or enforceability of the modified order of the new tribunal with continuing, exclusive jurisdiction.

Jurisdiction to Modify Child Support Order of Another State When Individual Parties Reside in this State

If all of the parties reside in one state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction of the parties and subject matter and therefore can assume CEJ to modify the issuing state's child support order.

Review and Modification

In intergovernmental cases, the initiating state is the state in which the custodial parent receives Temporary Assistance to Needy Families (TANF) benefits and an agency-initiated review is being conducted, or when either parent requests a review.

After receiving a review request, the initiating state makes a determination as to which state has CEJ if there are multiple orders. Then, within 15 calendar days, the initiating state should make a determination whether to:

- Conduct the review and modification because it has CEJ; or
- Refer the case to the state that has CEJ, or to the state of the non-requesting party for
- Review and modification.

The responding state is the state that receives a referral requesting review and modification from the initiating state. In a modification process, the responding state's law and procedures apply.

REGISTRATION OF A FOREIGN ORDER IN A FOREIGN CURRENCY

If requested to enforce or modify a support order in a foreign currency without a conversion to dollars, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under applicable official exchange rates as publicly reported. The official exchange rates shall be accessed at the Financial Management Service of the United States Department of Treasure. http://www.mfs.treas.gov/index.html

The current obligation and the total arrears need to be converted by the staff attorney using the most recent exchange rate at the time of registration. It is unnecessary to convert the total arrears month-by-month using the official rate at the time the support payment accrued. The staff attorney shall incorporate into the order confirming registration the converted current obligation, the converted total arrears, and the source of the exchange rate used.

CREDITS FOR PAYMENTS

Determining Arrearage in Multiple Order Situations

All orders issued are entitled to full faith and credit. Amounts collected under an order issued by another state for a particular period must be credited against the amounts accrued or accruing for the same period under a support order issued by Mississippi.

When attempting to reconcile the arrearage on a case with multiple orders, the case worker should: (1) Gather the payment records for all orders in existence; (2) Compute the arrearage using the highest order in effect at any given time; and (3) Apply all payments made to the highest order in effect at the time the payments were made.

The following are examples of determining arrearage on multiple orders:

EXAMPLE 1

Texas divorce decree, effective 09-15-1995, for $500.00 per month

Mississippi URESA order, effective 01-15-1996, for $300.00 per month

Noncustodial parent made the following payments in Texas:

10-15-95	$500	05-15-96	$400
03-01-96	$700	10-31-96	$500

Noncustodial parent made the following payments in Mississippi:

02-01-96	$300	07-01-96	$600
03-15-96	$300	10-15-96	$200

Noncustodial parent resides in Idaho. CP and child have resided in Mississippi since 12-95. Today is 01-01-1997. You are preparing to initiate an enforcement action.

The total arrearage due on this case is $4500.00.

The Mississippi order is the controlling order.

TEXAS ORDER FOR ARREARS FOR $4,500. MISSSISSIPPI ORDER FOR CURRENT.

EXAMPLE 2

Montana divorce decree, effective 02-15-1995, for $200.00 per month
Mississippi URESA order, effective 06-15-1996, for $600.00 per month

Noncustodial parent made the following payments in Montana:

02-15-95	$200	04-15-95	$100	02-01-96	$200
03-01-95	$200	10-30-95	$500	05-15-96	$600

Noncustodial parent made the following payments in Mississippi;

07-01-96	$300	09-01-96	$600
08-15-96	$300	11-15-96	$100

Noncustodial parent resides in Mississippi. CP and child have resided in Montana since 01-95. Today is 01-01-1997. You are preparing to initiate an enforcement action.

The total arrearage due on this case is $4300.00.

The Montana order is the controlling order.

MISSISSIPPI FOR ARREARS OF $2900.00
MONTANA FOR CURRENT AND ARREARS OF $1400.00

Choice of Law

Under UIFSA, the general rule regarding choice of law is that the responding state's law controls. However, there are exceptions to this general rule. The exceptions are:

- UIFSA specifies that the nature, extent, amount and duration of the current support and other obligations of support and payment of arrearage are governed by the law of the state issuing the controlling order.
- In proceedings for arrears, the choice of law in determining which state's statute of limitations to apply should be the law of the state with the longest statute of limitations available.

Section	Sender	Recipient	Type of Notice	Time
305(a)	Responding Tribunal	Petitioner	Where/When Petition/Pleading Filed	Within 10 Business Days
305(e)	Responding Tribunal	Petitioner, Respondent, Initiating Tribunal	Copy of Order; Send Certified Copy to Initiating Tribunal	Within 14 Business Days from Date Judge Signs Order
307(b)(4)	Support Enforcement Agency	Petitioner	Copy of Any Written Notice from Initiating, Responding, or Registering Tribunal	Within 2 Business Days of Receipt
307(b)(5)	Support Enforcement Agency	Petitioner	Copy of Any Written Communication from Respondent or Respondent's Attorney	Within 2 Business Days of Receipt
307(b)(6)	Support Enforcement Agency	Petitioner	Notice that Jurisdiction over Respondent Cannot be Obtained	Within 10 Business Days
502(a)	Employer	Obligor	Copy of Intergovernmental Income Withholding Order	Immediately

506(b)	Obligor	A Support Enforcement Agency Providing Services to the Obligee, Each Employer that has Directly Received an Income Withholding Order, and (1) the Person and Agency Designated to Receive Payments in the Order or (2) Obligee, if None Designated	Notice of Contest of Intergovernmental Withholding	Immediately
605(a)	Registering Tribunal	Non-Registering Party	Notice of Registration	At Time of Registration
605(c)	Registering Tribunal	Employee	Notice of Income Withholding	Upon Registration of Income Withholding Order for Enforcement
606(a)	Non-Registering Party	Registering Tribunal	Notice of Contest to Validity Enforcement of Registered Order	Within 20 Days After Notice
606(c)	Registering Tribunal	Parties	Notice of Date, Time and Place of Hearing to Contest Registration	Immediately

611(e)	Party Obtaining Modification	Issuing Tribunal which had *CEJ* and Every Tribunal Where Registered	Certified Copy of Modified Order	Within 30 Days After Issuance of Modified Order

REVIEW AND MODIFICATION OF SUPPORT ORDERS

Legal Base

Miss. Code Ann. 43-19-34 and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 requires states have procedures to notify parents of their right to request a review of their child support order every three years (36 months). Any review and subsequent modification will be done in accordance with State guidelines, taking into account the best interest of the children. States must notify parents of their right to request a review not less than once every three years.

PRWORA also mandates that 180 days after receiving a written request for a review or of locating the non-requesting parent, whichever occurs later, a review of the order must be conducted and the order adjusted or a determination that the order should not be adjusted must be made.

Effective October 1, 2007, the Deficit Reduction Act of 2005 (DRA) was amended to require a mandatory review and adjustment of child support orders for families receiving TANF.

Additionally, 45 C.F.R. § 303.8 requires that within fifteen (15) days of learning the noncustodial parent is incarcerated and will remain incarcerated for more than 180 days, an A627 *"Notice of Right to Request Review"* shall be provided to the custodial parent and noncustodial parent of their right to request a review of the child support amount.

Definitions

Review - A review is an objective evaluation of information necessary for application of the state's guidelines for support. Refer to Volume VI, Chapter 3 for the proper application of the guidelines. The purpose of the review is to determine:

- The appropriate support award amount in accordance with the guidelines;
- The need to provide for health care needs of the child(ren) in the order through health insurance coverage; and
- If the criteria for seeking a modification are met.

Modification – Modification refers to a change in the child support order and applies only to support provisions for a child(ren) in the order and means:

- An upward or downward change of the child support amount based upon application of the state guidelines for setting and adjusting child support awards; and/or
- A provision for medical support for the child(ren) through health insurance coverage.

NOTE: An upward modification may be ordered back to the date the event occurred justifying a change. A downward modification may not be ordered retroactively, only prospectively.

Suspension – Suspension refers to the temporary termination of child support for a denied period of time and applies only to the child support provisions (including medical support).

NOTE: In the context of incarcerated exceeding 180 days, the suspended child support shall resume on the first day of the month which occurs a minimum of thirty (30) days after the noncustodial parent's release from incarceration.

Substantial Change in Circumstance – A substantial change in circumstances is defined as a 25% change in the adjusted gross income of the custodial parent and/or the noncustodial parent, incarceration of a noncustodial parent for more than 180 days or a change in the needs of the child, which requires a change in the support amount from the noncustodial parent.

Examples of such changes in the needs of the child are:

- Extraordinary medical, psychological, educational or dental expenses;
- Independent income of the child;
- Total available assets of the child;
- Age of the child, taking into consideration the greater needs of older children; and
- Change in the involvement of the noncustodial parent in the activities of the child(ren) that impacts the financial expenditures incurred by the custodial parent.

Parent – A parent is a custodial parent, noncustodial parent or any other person or entity who may have authority to request a modification to the child support order.

Best Interest of the Child – The best interest of the child is defined as the focus on the needs of the child rather than the needs of the custodial and noncustodial parent. On a case-by-case determination examine all circumstances to make a decision.

Cases to Be Reviewed

All parents with IV-D child support cases in the state are automatically notified of their right to request a review of their court order every three years (36 months) by METSS. The notification is sent to the parents at 36 month intervals after establishment of an order or the most recent review. Reviews shall be conducted on all active TANF cases every 36 months. Non-TANF reviews are conducted upon written request only. Three (3) year reviews require no proof of a substantial change of circumstances. Parents (TANF and Non-TANF) or other IV-D agencies may request a review more often than every three years, if a substantial change in circumstances exists. The burden of proving that substantial changes in circumstances exist rests with the requesting party. (See definition of Substantial Change in Circumstances).

Criteria for Seeking Modification of the Support Order

In the review process, it must be determined if a modification of the child support order is appropriate. The criteria for seeking a modification of the support order to raise or lower the amount of the court ordered support obligation and/or the inclusion of health insurance are as follows:

- There is no provision for health insurance, available at reasonable cost, included in the current order. If the child support obligation does not require modification or child support services have been declined, the criteria for modifying the order for the sole purpose of including health insurance must be met. (Refer to Volume VI, Chapter 3, Medical Support, for this criteria); or

- The child support obligation, based on the current adjusted gross income and the guidelines, is for an amount that is 25% per month more or less than the current court ordered amount (see the exception stated below for a deviation from the guidelines); or

  Exception to Above: An exception can be considered, if the existing court ordered obligation resulted from a deviation from the guideline amount and the condition(s) which warranted the deviation has not changed.

  EXAMPLE**:** The noncustodial parent is currently court ordered to pay $200 a month child support obligation. The case is reviewed and it is determined that according to the guidelines he should be paying 25% more. However, his earnings are the same as at the time of the order (his circumstances have not changed). There is a written finding on the

record that the application of the guidelines would be inappropriate as determined by the court. The deviation may have been based on the number of children the noncustodial parent is supporting in addition to this court order or is based on special needs of the child, etc.

- There has been a substantial change in the circumstances of the noncustodial parent, the custodial parent, or the child(ren) (see the definition of Substantial Change in Circumstances); and

- There is an indication that the substantial change will not be a temporary situation, such as unemployment; and

- There is no legal barrier to seeking the modification of the court order. If a legal barrier exists, it must be documented on CONT in METSS by the child support attorney.

  Examples of legal barriers would be voluntarily leaving employment without good cause, or willful failure of the noncustodial parent to provide any support for the child.

The above criteria do not have to be determined in the order given. If, at any time, a fact is known to exist which would prevent a case from being eligible for modification, then determine at that time that a modification will not be sought and notify the requesting parent via form A580.

Source and Verification of Information

All information used in the review must be verified and each parent must help provide appropriate information and verification. Income tax returns, notice A417, *Request to Employer,* ADDR, and/or WAGE may be required. All possible sources of income must be utilized to obtain sufficient income verification. The NCP should complete the MDHS-CSE-629, *Noncustodial Parent Review Questionnaire*, to provide current employment and income status. Temporary or seasonal changes in income should not be considered for modification of the court order. The case record must be documented in CONT in METSS, and hard copies of the verification must be scanned to the case record.

When reviewing a case for modification, the child support worker must use, at a minimum, the same mandated deductions that were used when the original order was entered, if applicable.

NOTE: The Fund screen should be reviewed for income information.

Review Process and Notification Requirements

As new and/or modified orders are entered into METSS, Notice A627, *Notice of Right to Request Review,* is sent automatically by METSS notifying the parents of their right to request a review of the child support order every three years. At the end of the three-year period, notice A627 is generated by METSS as a reminder of their right to request a review of the court order. METSS automatically continues to generate these notices every thirty-six months (3 years) based on the order date or the most recent modification date on the ORDR screen. Non-TANF cases require a written review request. If the client is in the office and would like to request a review, the MDHS-CSE-628, *Request for a Review of Child Support*, should be completed.

NOTE: The requesting party is not required to submit a MDHS-CSE-628 for the review to begin; any handwritten or typed statement requesting a review is sufficient.

If the location of the non-requesting parent is an issue, a review cannot be conducted, but will be pending until that parent is located. The child support worker must manually notify the requesting parent via notice A580, that the review cannot be conducted until the other parent is located.

When the non-requesting parent is located, if the non-requesting parent is the noncustodial parent, METSS automatically populates the Locate Date on the REVIEW AND MODIFICATION SCREEN (RVMO) with the date from AP Action field on APPD.ABSP. The child support worker receives an alert stating, “NCP HAS BEEN LOCATED, PROCEED WITH REVIEW AND MODIFICATION PROCESS". This is an action alert and can only be deleted by entering a review date on RVMO.

If the non-requesting parent is the custodial parent, METSS automatically checks the Submit for Locate field on the APPD.CLNT screen. When there is a 'Y' in this field, METSS will not allow a review date to be entered on the RVMO screen. Therefore, when the custodial parent is located, the child support worker must:

- Access the APPD.CLNT screen and remove the 'Y' from the Submit for Locate field;
- Access the RVMO screen, and if there is a pending review, manually enter the Locate Date; and
- Proceed with the Review and Modification process.

Within 180 calendar days of receiving the alert for reviewing TANF cases, a written request for a review, or of locating the non-requesting parent, whichever occurs later, a review of the order must be conducted and the order adjusted or a determination that the order should not be adjusted must be made. The following notifications and/or time frames must be completed:

- Within two working days of receipt of the alert for review or a written request for a review, the child support worker accesses the RVMO screen in METSS and enters the date the review request was received and reviews the criteria for seeking the requested review. If a determination is made that the criteria for seeking a review is not met, the worker sends notice A580, *Child Support Order Review Determination,* notifying the requesting parent that a review will not be conducted and the reason(s) why and enters the date that notice A580 is sent on RVMO in the Review Determination Code field.

or

- Within two working days of receiving the alert or written request for a review, the child support worker determines that a review is to be conducted. In METSS, the worker enters the date the alert or written request was received on the RVMO screen. Once a date is entered in this field, the worker will receive alerts until a final decision date is entered on the RVMO screen. In intergovernmental cases, the state with legal authority to adjust the order conducts the review, when notified that a request has been made; and adjusts the order, if necessary, when the review is completed. (See Intergovernmental Review and Modifications)

- On the day the decision is made that a review is in order, send notice A578, *Custodial Parent Review of Child Support Order,* and notice A579, *Noncustodial Parent Review of Child Support Order,* that a review is to be conducted in 20 calendar days. Access the RVMO screen and enter the scheduled date of review. Until the 20 calendar days elapse a decision cannot be rendered, unless all necessary information is available in advance. The notices, named in this paragraph, request all needed information and the date by which such information must be provided. Once the NCP contacts the office, he will need to complete a MDHS-CSE-629, *Noncustodial Parent Review Questionnaire*.

  Exception***:*** Advance notice of an upward modification is not required during contempt proceedings when the attorney discovers that a modification is appropriate. The attorney may petition the court for modification without returning the case to the child support worker.

- Conduct the review and make a decision concerning modification.

- Within two working days of reaching a decision, notify both parents via notice A580, *Child Support Order Review Determination,* or the other state's IV-D agency on the appropriate form, of the proposed modification or the determination that there will not be a modification and the basis for the decision. The notice informs each parent of the right to challenge the review results. The challenge proceedings are initiated by submission of a written statement of disagreement and the documentation that supports the disagreement within 15 calendar days of the notice date. Only the material submitted in writing may be considered in the challenge proceedings. On the RVMO screen enter the Review Determination Code (NC for no change or MO for modification) and the date of the decision. **NOTE:** This date is the same date as notice A580. METSS tracks 15 days from the Review Determination Date and if a Challenge Date has not been entered, an alert is sent to the worker stating "15 DAYS HAVE PASSED AND A CHALLENGE DATE HAS NOT BEEN ENTERED". This is an action alert and can only be deleted when a challenge date or final decision date has been entered.

- Within 15 calendar days of receipt of a challenge to the proposed modification, the worker must:

    - Enter the Challenge Date on the RVMO screen;
    - METSS automatically notifies the non-challenging party that the other party challenged the review using form A625, *Notice of Review Challenge;*
    - Notify the supervisor. Review of the challenge is performed by the child support supervisor with any input needed from the child support attorney and/or the regional director;
    - Review the challenge and documentation and make a Final Decision. If there is proof of an error of fact which would cause the decision to be changed, the review determination will be changed;
    - Complete the bottom section on the RVMO screen, if applicable; and
    - Notify both parents on notice A626, *Notice of Review Challenge Results*.

- Refer the case to the child support attorney when the review warrants a modification to the order. The attorney has the balance of the 180 days to complete the modification process by obtaining an adjusted order. For this reason, the child support worker must adhere to the time frames set out above.

- Upon receipt of the modified order, the worker completes the lower portion of the RVMO screen. Enter "MO" as the Result Code and the date the judge signed the order as the Final Decision Date. If there is no order change, enter "NC" as the Result Code and enter the current date as the Final Decision Date. Notify both parents via notice A581, *Final Review Decision*. This form can only be generated by supervisors.

- Within 14 days of the issuance of an order modifying the child support obligation, METSS alerts the worker to provide each party with a copy of the order.

- Subsequent reviews, **if requested,** must be conducted at 36 month intervals based upon:

  - The date the child support order of modification was signed;

  - The date upon which the most recent review ended; or

  - A substantial change in circumstances.

Expedited Review Process and Notification Requirements

Within fifteen (15) working days of learning that the noncustodial parent has been convicted of a crime (misdemeanor or felony) and sentenced to a period in excess of 180 days, the child support worker will:

- update the noncustodial parent's address on ABSP, and
- send Notice A627*, Notice of Right to Request Review* to the custodial and noncustodial parents notifying them of their right to request a review of the child support amount.

Upon receipt of a written request to review the support amount from the noncustodial parent, the child support worker will send Notice A580, *Child Support Order Review Determination*, to the custodial and noncustodial parents. Subsequently, the child support staff will follow the same procedures as required for the non-expedited review process with the following exceptions:

- Once it is determined that a suspension or modification is warranted, an A522 *"Stipulated Agreement to Suspend Child Support"* via WORD should be mailed to the noncustodial parent within two (2) working days.
- Upon the receipt of the signed and notarized stipulated agreement to suspend child support, the child support worker will refer the case to legal to obtain an order approving the stipulated agreement.

- The failure of the noncustodial parent to return the signed and notarized stipulated agreement to suspend child support within sixty (60) days of mailing will result in the termination of the expedited review process.

NOTE: If the correctional facility at which the noncustodial parent is housed does not have a notary, the case should be immediately referred to the child support attorney for the filing of the appropriate petition and subsequent mailing of a proposed agreed order to the noncustodial parent. Upon receipt of the properly-signed agreed order within sixty (60) days of mailing, the attorney will present same to the Court for approval.

Administrative Process for Modification

Miss. Code Ann. 43-19-34 allows for administrative process for the modification of child support orders.

When the Division determines that a modification is appropriate, the child support attorney will send a motion and notice of intent to modify the order, together with the agreed order for modification, to the last known mailing address of the defendant.

The notice must specify the date and time certain of the hearing and will be sent by certified mail, restricted delivery, return receipt requested. The notice is deemed complete as of the date of delivery as evidenced by the return receipt.

The defendant may accept the agreed order for modification by signing and returning it to the Division prior to the date of the hearing for presentation to the court for approval. In the event the defendant does not sign and return the proposed modification, the court shall on the date and time previously set for hearing review the motion for modification and make a determination as to whether it should be approved in whole or in part.

In lieu of legal proceedings instituted to obtain a modification for an order of support, a written stipulated agreement for modification executed by the responsible parent when acknowledged before a clerk of the court having jurisdiction over the matter or a notary public and filed with and approved by the judge shall have the same force and effect as an order for modification of support entered by the court. This administrative order for modification shall be enforceable and subject to subsequent modification in the same manner as is provided by law for orders of the court.

Intergovernmental Review and Modification

When the review of a child support order involves intergovernmental action, the state with the legal authority to adjust the order will conduct the review and adjust the order.

Initiating State's Responsibilities

The state in which a request for a review is made by either parent or the state with the TANF client must determine within 15 calendar days of the request if the review should be conducted and by which state. When it is determined that another state will conduct the review, send the request for review to the other state within 20 calendar days of receipt of sufficient information to conduct the review. Provide the other state with sufficient information on the requestor to act on the request. If the request for review is the first contact between the initiating and responding states, send the request for review to the intergovernmental central registry in the responding state. However, if the initiating state has previously referred the case to a responding state for action, the request for review should be sent directly to the appropriate agency in the responding state for processing. The parent in the initiating state must be sent a copy of any notice issued by the responding state in connection with the review and modification of an order within 5 working days of receipt of the notice in the initiating state. METSS must be documented that the notice has been forwarded to the parent and the date it was forwarded.

When a custodial parent in Mississippi requests a review and the location of the noncustodial parent is not known, location of the noncustodial parent must be attempted prior to submitting the case to the other state. If sufficient identifying information exists, generate Form 307, Locate Data Sheet, or Quick Locate (LO1) in CSENET to the other state. The factors which should be evaluated in making a decision as to the suitable forum for conducting the review and making any appropriate modification to the child support order include the location of existing order(s), the current residence of each party, and jurisdiction over the parties.

Responding State's Responsibilities

Within 15 calendar days of receipt of a request for a review from another state, determine if a review should be conducted and document on the CONT screen in METSS. A responding state should not make a determination that a review would not be in the best interest of the child for a case where support is assigned to the other state. This decision belongs to the state to which case belongs.

Within 180 calendar days of determining that a review should be conducted, or of locating the non-requesting parent, whichever occurs later, the responding state must complete all the requirements listed for the "REVIEW PROCESS AND NOTIFICATION REQUIREMENTS."

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When the responding state is Mississippi, follow all the criteria for a review, time frames, notification, and modification for intrastate cases.

NOTE: At any time notice is served on the noncustodial parent related to any legal action and/or court hearing that may result in a modification of an order, the child support attorney must give the initiating state advance notice of the action/court hearing.

The responding state is responsible for sending notice to the parent in their state.

notice that allows the claimant to either opt to pay an amount directly on the claim, or to increase the percentage of future money to be recouped (if claim is over $50) to an amount greater than 25%. The claimant has 10 days to complete and return this information.

Claim Review

If the claim was due to erroneous information entered into the system, the correct information must be entered into the system within three days to allow the case to reprocess and eliminate the claim. The claim will have to be activated at 100% to allow money to reapply toward the claim when the case is reprocessed, thus obsoleting the pending claims.

If the claim is eliminated by re-processing within the three day review period, METSS automatically voids the notice to the claimant.

Notification of Recoupment

If the claim is not eliminated within the first three days of its establishment, METSS sends notice A741, *Overpayment Notice,* which contains information regarding the claim; i.e., the amount of the claim, and available payment plans.

When there is no response to notice A741, after ten (10) days from the date of the notice and the claim is still pending, DFO will automatically begin reducing future payments to the claimant until the full amount of the claim has been repaid.

Recoupment Procedures

The minimum claim amount on which an installment payment plan is established is $51.00. On claims of $ .01 to $50.00, the total amount owed is recouped from the next child support collection, if the collection is at least $50.00. If not, the entire collection is withheld until the claim is paid. For claims of $51.00 or more, the minimum amount to be withheld from a child support collection is 25%. This amount will minimize any hardship caused by recouping overpayments from current support payments. The custodial parent may request withholding of a larger percentage, but the minimum percentage will remain at 25%. If the custodial parent request that more than 25% be withheld, the written consent must be documented in METSS and a copy of the written consent must be scanned to the case record. If the custodial parent requests to pay off the entire claim balance, the claim must be activated at 100%. This allows the entire payment to be applied toward the claim balance.

During nightly processing, METSS sets the recoupment percentage on the RECO.UPDT.XX

screen to 100% on all pending claims of $50.00 or less and 25% on those greater than $50, except those created from the reversal of a noncustodial parent's IRS or State Tax distribution. If the percentage is not appropriately set when the claim is activated, the supervisor must access the screen and enter the correct percentage amount.

Claims Paid Directly by Claimant

IV-D claims paid directly to the Division by a custodial parent are handled through normal receipting and depositing procedures. The pending claim must be activated the same day that payment is received and the appropriate percentage entered on the Recoupment Inquiry Panel (RECO) screen. The child support enforcement supervisor/SDU must ensure the RECO screen shows the claim has been activated and the receipted amount is not more than the amount owed.

Recoupment receipts are posted to the person's social security number, with a pay code of "90" to designate the payment as a recoupment payment. During nightly processing, METSS updates the IV-D claim record with the payment amount. Payment distribution is to claim recoupment.

Noncustodial Parent Overpayment

If an overpayment to a noncustodial parent occurs, every effort must be made to recoup the erroneous disbursement. Although an overpayment made to the noncustodial parent cannot be recouped as discussed in this section, a claim will be established and recoupment will be made from the first available funds received which are owed to the noncustodial parent. Voluntary repayment by the noncustodial parent should be documented by a written, signed statement.

NOTE: All erroneous disbursements will be recouped, if possible, from the party (custodial parent, noncustodial parent, IV-D, Non-IV-D client) receiving the erroneous disbursement.

FAILURE TO COOPERATE IN ESTABLISHMENT OF PATERNITY AND SECURING SUPPORT

Legal Base

The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, was enacted on August 22, 1996. With the passage of the law, the Division of Field Operations (DFO) was given the responsibility of determining good cause for noncooperation. An individual not cooperating with DFO in establishing the paternity of, or in establishing, modifying, or enforcing a support order for any child(ren) for whom the individual is receiving assistance must prove good cause for noncooperation.

Definition of Cooperation

Cooperation is the joint action of working toward a common goal. DFO must encourage cooperation from the applicant and/or recipient so that paternity and/or support orders may be established to benefit the child(ren).

Cooperation

During the initial interview with a custodial parent, the child support worker must explain what is meant by and the benefits that can be derived from cooperating with the Division. The child support worker will give the custodial parent the pamphlet MDHS-CSE-616, *Child Support for Your Family's Benefits and Protection*, and METSS will be documented on CONT to reflect that the pamphlet was given.

Some of the benefits of cooperation include:

- The establishment of a child's paternity may give the child the rights to future Social Security, Veteran's or other government benefits, and inheritance rights.
- Child support payments established with the use of child support guidelines can help provide financially for the child.
- Medical support in the form of health insurance can help provide for the medical needs of the child.
- Possible access to family medical history.

Cooperation includes:

- Keeping or rescheduling interviews with DFO. Please refer to the information below regarding scheduling appointments.

- Providing sufficient information to verify the identity of the father and to establish, modify, and/or enforce a support order. Sufficient information may include, but is not limited to, the following about the father or putative father:

  - Name, past or present address, and telephone number;

  - Date of birth;

  - Social Security Number;

  - Past or present place of employment or school;

  - The names and past or present addresses and telephone numbers of relatives or friends;

  - Whether the non-custodial parent has other children, and if so, their names; and

  - Other information DFO determines is necessary.

NOTE: Information is considered available if it can be obtained through reasonable and diligent efforts, i.e., using sound judgment and persevering in attempts to gain information.

- Submitting oneself and/or child(ren) to genetic testing and otherwise assisting in the establishment of paternity for a child(ren) born out of wedlock for whom assistance is claimed and naming another alleged father when genetic testing results have excluded the person originally named.

- Providing and identifying relevant information on private health insurance.

- Appearing as a witness at judicial or other hearings or proceedings.

- Appearing or responding by mail or telephone when requested by a DFO office to provide information.

- Providing information or attesting to lack of information.
- Paying to DFO any child support payments received from the noncustodial parent.

Scheduling Appointments

In scheduling appointments for applicants or recipients, reasonable advance notice must be given to allow them adequate time to make the necessary arrangements to keep the appointments. A reasonable request to reschedule an appointment suggests a willingness to cooperate on the part of the applicant/recipient. With a rescheduled appointment, mutually agreed upon by the applicant/recipient and DFO, a greater likelihood of cooperation can be expected from the custodial parent.

The A601, *CP Appointment Letter*, notifies applicants/recipients they have twenty-one days to appear at any child support District Office for their appointment. The form also informs them of the penalties if they fail to appear within the twenty-one day period. The MDHS-CSE-665, *Telephone Interview Notice*, notifies applicants/recipients of their telephone initial interview and also informs them of the penalties if they fail to keep the appointment. Either the A608, *Request For Documents For the Custodial Parent* or the 431, *Generic Appointment Letter*, is mailed to the applicant/recipient for follow-up appointments. If the applicant/recipient contacts IV-D prior to case closure, a subsequent appointment must be scheduled. In such cases, the applicant/recipient should be rescheduled for the next available date. METSS must be documented to substantiate the child support worker's efforts in this area.

A failed appointment is when the custodial parent has taken no initiative to make other arrangements prior to the date of the appointment, and fails to keep the appointment. If the TANF, Medicaid-only, or SNAP recipient misses one scheduled appointment, notice of noncooperation is sent to the referring office when the child support enforcement officer enters the noncooperation code "ND" on the Support Application-Client Data (CLNT) screen or the Support Application-Absent Parent Data (ABSP) screen, as appropriate. If the TANF, Medicaid-only, or SNAP recipient's case cannot be pursued without the assistance of the recipient, the A592, *Closure Notice for Noncooperation*, is sent and after 60 days the case is closed by accessing the IVA Case Closure-Member Data (IVAC) screen and completing the IVAC closure procedure. If the non-TANF client misses one scheduled appointment, the A592 is sent. The closure notice sent to the non-TANF recipient must state what is required of/from them in order to keep the case open.

Determination of Refusal to Cooperate in TANF, Medicaid-only, or SNAP Cases

DFO determines that noncooperation exists when:

- The custodial or noncustodial parent misses one scheduled appointment;
- The custodial or noncustodial parent fails to provide requested information within ten (10) days after one request for the information;
- The custodial or noncustodial parent refuses to cooperate during the interview; or
- The custodial or noncustodial parent fails to appear for a court date or genetic test. (If the parent contacts the DFO office to reschedule in advance of the court date or genetic test date, schedule the parent for the next available court date or genetic test date.)

NOTE: Noncooperation by the custodial parent is recorded on the Support Application-Client Data (CLNT) screen, and the noncustodial parent's noncooperation is recorded on the Support Application-Absent Parent Data Screen (ABSP) by entering "ND" in the cooperation field. The importance of cooperating and what cooperation means must be discussed during the initial interview.

Penalty for Refusal to Cooperate in Establishing Paternity and Obtaining Support

TANF assistance will be denied to the family whose adult caretaker relative fails to assign support rights to the state. TANF assistance will be terminated for the family who fails, without good cause, to cooperate with child support enforcement activities to establish paternity and to obtain support. If the TANF case is closed because of failure to cooperate with child support without good cause, the family will not be approved for TANF upon reapplication until child support compliance/cooperation is verified by child support, or the family becomes exempt for good cause.

Only the individual who fails to cooperate, without good cause with child support, will be disqualified for SNAP benefits in the household. If the custodial parent in a Medicaid-only case fails to cooperate, without good cause, with child support enforcement activities in establishing paternity and in obtaining health insurance, the Medicaid worker can close the Medicaid case.

Procedure for Referral to IV-A for Noncooperation

If a determination is made that the TANF custodial parent has failed to cooperate without good cause, the child support worker enters the noncooperation code "ND" in METSS on the CLNT screen and documents on the Contact Entry (CONT) screen. The code "ND" is transmitted from METSS to MAVERICS through the interface process when the CLNT screen is coded "ND".

The IV-A worker receives an alert, and a report is generated weekly by MAVERICS. IV-A notifies the TANF family of the case closure and the reason with a ten (10) day adverse action notice.

If the child support case cannot be pursued without the assistance of the custodial parent, the child support worker sends the A592, *Closure Notice for Noncooperation*, to the custodial parent and at the end of the sixty (60) days the case will be closed by the IVAC procedure.

When it is determined that a custodial parent has cooperated, who had previously refused or failed to cooperate, determine if the case is an active MAVERICS case before changing the non-cooperating code to cooperating. To determine if a case is active in MAVERICS view either the Support Application-Sub-Case Status (CASE) screen, Support Application-Client Data (CLNT) screen, or the Support Application- Member Data (MEMB) screen. If the case is an active MAVERICS case, change the noncooperation code on the CLNT screen to "CO" and document the cooperation on the CONT screen.

Determining if a case is an active MAVERICS case is important because the IV-A/IV-D interface stops running when the MAVERICS case closes, and changes made in METSS will not be communicated to MAVERICS through the system's interface. MAVERICS sends future status change transaction to METSS on the day the MAVERICS case closes. Therefore, if the status of the METSS case has changed to 40-1, or if there is a future status change pending to 40-1, no change made to the METSS case will be automatically communicated to MAVERICS.

If the child support case has not been closed by IVAC, and IV-D is notified via the MAVERICS/METSS interface that the TANF case is closed, based on noncooperation with child support, the case changes from a 10-1 to a 40-1. METSS sends notice A604, *Notice of Continued Child Support Service*, to the custodial parent. The child support worker will send the A592, advising the CP that his/her case will be closed after sixty (60) days due to noncooperation.

The notice is to explain the noncooperation. At the end of the sixty (60) day period, if the custodial parent has not cooperated, the case will be closed following case closure procedures. The child support worker will receive an alert on the Daily Worker Report (DAIL) screen when the sixty (60) day period has ended and case is ready for closure.

Determining Noncooperation in Non-TANF Cases

When the non-TANF case is closed, based on non-cooperation, and the custodial parent applies for TANF benefits, the child support worker will receive the referral via METSS/MAVERICS interface. The child support worker will interview the custodial parent and request the needed information. Only one appointment letter and only one request for information will be sent to the custodial parent in this situation. If the custodial parent does not cooperate with child support, IV-A will be notified of the non-cooperation.

Terminating the Case Closure Process on Non-TANF Cases

The child support worker will stop the case closure process for noncooperation at any time during the 60 days, after the closure notice is sent, when the custodial parent provides the information requested, takes the required actions to proceed with case processing, or DFO obtains the information necessary to proceed with case action.

Reapplication after Noncooperation

When the custodial parent reapplies for TANF benefits, after the TANF case has closed due to the custodial parent's noncooperation with IV-D and the IV-D case is still open, the TANF application is referred to child support in "received status" via MDHS-EA-CSE-943/643, *Child Support Enforcement Cooperation Verification Request*. Upon receipt of the MDHS-EA-CSE-943/643, the child support case remains a 40-1 case. Once cooperation has occurred, the child support worker notifies IV-A of cooperation via MDHS-EA-CSE-943/643. When the TANF application is approved, the child support worker is notified via the MAVERICS/METSS interface and the case category changes to a 10-1. At this time, the child support worker will change the "ND" code to "CO". If IV-A does not receive notification from child support of the custodial parent's cooperation within 30 days of the TANF reapplication, the TANF application will be denied and the IV-D case should be reviewed for possible closure. See procedures above for determining noncooperation in non-TANF cases.

When the custodial parent reapplies for TANF benefits after the TANF case has closed due to the custodial parent's noncooperation with IV-D and the IV-D case is closed, the TANF

application is referred to child support in "received status" via MDHS-EA-CSE-943/643. The IV-A worker must explain to the custodial parent that he/she must contact and cooperate with child support before the TANF application can be approved. The child support worker will not reopen the closed IV-D case until the custodial parent makes contact. When the custodial parent contacts the child support worker, the case reopens as a 40-1.

There is no application or $25.00 application fee required to reopen the case. The case must be opened and processed in accordance with child support procedures. In this situation, only one appointment letter or one notice requesting information will be sent to the custodial parent. If the custodial parent responds and/or provides the needed information, IV-D notifies IV-A via MDHS-EA-CSE-943/643 of the custodial parent's cooperation. If the TANF application is approved, the child support worker is notified via MAVERICS/METSS interface. The 40-1 case becomes a 10-1 case, and the cooperation code is changed from "ND" to "CO". If the custodial parent does not respond and/or supply the requested information, the IV-A worker is notified via MDHS-EA-CSE-943/643 from the child support worker, the A592, *Closure Notice for Noncooperation* is sent, and the 40-1 case closes after the sixty (60) day period has expired.

- The custodial or noncustodial parent fails to provide requested information after two requests for the information;

- The custodial or noncustodial parent refuses to cooperate during the interview; or

- The custodial or noncustodial parent fails to appear for a court date or genetic test. (If the parent contacts the DFO office to reschedule in advance of the court date or genetic test date, schedule the parent for the next available court date or genetic test date.)

NOTE: Noncooperation by the custodial parent is recorded on APPD.CLNT, and the noncustodial parent's noncooperation is recorded on APPD.ABSP by entering "ND" in the cooperation field. The importance of cooperating and what cooperation means must be discussed during the initial interview.

Penalty for Refusal to Cooperate in Establishing Paternity and Obtaining Support

TANF assistance will be denied to the family whose adult caretaker relative fails to assign support rights to the state. TANF assistance will be terminated for the family who fails, without good cause, to cooperate with child support enforcement activities to establish paternity and to obtain support. If the TANF case is closed because of failure to cooperate with DFO without good cause, the family will not be approved for TANF upon reapplication until child support compliance/cooperation is verified by DFO, or the family becomes exempt for good cause.

Only the individual who fails to cooperate, without good cause, with DFO will be disqualified for SNAP benefits from the food stamp household.

If the custodial parent in a Medicaid-only case fails without good cause to cooperate with child support enforcement activities in establishing paternity and in obtaining health insurance, the Medicaid worker can close the Medicaid case.

Procedure for Referral to IV-A for Noncooperation

If a determination is made that the TANF custodial parent has failed to cooperate without good cause, the child support worker enters the noncooperation code "ND" in METSS on the CLNT screen and documents on the CONT screen. The code "NP" (Non-Pursuit) is transmitted from METSS to MAVERICS through the interface process when the CLNT screen is coded "ND". The IV-A worker receives an alert, and a report is generated weekly by MAVERICS. IV-A notifies the TANF family of the case closure and the reason with a 10 day adverse action notice.

If the child support case cannot be pursued without the assistance of the custodial parent, the child support worker sends a noncooperation closure notice (A592) to the custodial parent and at the end of 60 days the case will be closed by the IVAC procedure.

When it is determined that a custodial parent has cooperated, who had previously refused or failed to cooperate, determine if the case is an active MAVERICS case before changing the non-cooperating code to cooperating. To determine if a case is active in MAVERICS view either the CASE, CLNT, or the MEMB screen. If the case is an active MAVERICS case, change the noncooperation code on the CLNT screen to "CO" and document the cooperation on the CONT screen.

Determining if a case is an active MAVERICS case is important because the IV-A/IV-D interface stops running when the MAVERICS case closes, and changes made in METSS will not be communicated to MAVERICS through the system's interface. MAVERICS sends future status change transaction to METSS on the day the MAVERICS case closes. Therefore, if the status of the METSS case has changed to 40-1, or if there is a future status change pending to 40-1, no change made to the METSS case will be automatically communicated to MAVERICS.

If the child support case has not been closed by IVAC, and IV-D is notified via METSS/MAVERICS interface that the TANF case is closed, based on noncooperation with child support, the case changes from a 10-1 to a 40-1. METSS sends notice A604, *Notice of Continued Child Support Service*, to the custodial parent. The child support worker will send a 60 day closure notice to the custodial parent, advising that their case will be closed due to noncooperation.

The notice is to explain the noncooperation. At the end of 60 days, if the custodial parent has not cooperated, the case will be closed following case closure procedures. The child support worker will receive an alert on DAIL once 60 days are up and case is ready for closure.

Determining Noncooperation in Non-TANF Cases

When the non-TANF case is closed, based on non-cooperation, and the custodial parent applies for TANF benefits, the child support worker will receive the referral via METSS/MAVERICS interface. The child support worker will interview the custodial parent and request the needed information. Only one appointment letter and only one request for information will be sent to the custodial parent in this situation. If the custodial parent does not cooperate with child support, IV-A will be notified of the non-cooperation.

Terminating the Case Closure Process on Non-TANF Cases

The child support worker will stop the case closure process for noncooperation at any time during the 60 days, after the closure notice is sent, when the custodial parent provides the information requested, takes the required actions to proceed with case processing, or DFO obtains the information necessary to proceed with case action.

Reapplication after Noncooperation

When the custodial parent reapplies for TANF benefits, after the TANF case has closed due to the custodial parent's noncooperation with IV-D and the IV-D case is still open, the TANF application is referred to child support in "received status" via MDHS-EA-CSE-943/643. Upon receipt of the MDHS-EA-CSE-943/643, the child support case remains a 40-1 case. Once cooperation has occurred, the child support worker notifies IV-A of cooperation via MDHS-EA-CSE-943/643. When the TANF application is approved, the child support worker is notified via the MAVERICS/METSS interface and the case category changes to a 10-1. At this time, the child support worker will change the "ND" code to "CO". If IV-A does not receive notification from child support of the custodial parent's cooperation within 30 days of the TANF reapplication, the TANF application will be denied and the IV-D case should be reviewed for possible closure. See procedures above for determining noncooperation in non-TANF cases.

When the custodial parent reapplies for TANF benefits after the TANF case has closed due to the custodial parent's noncooperation with IV-D and the IV-D case is closed, the TANF application is referred to child support in "received status" via MDHS-EA-CSE-943/643. The IV-A worker explains to the custodial parent that he/she must contact and cooperate with child support before the TANF application can be approved. The child support worker will not reopen the closed IV-D case until the custodial parent makes contact. When the custodial parent contacts the child support worker, the case reopens as a 40-1. There is no application or $25.00 application fee required to reopen the case. The case must be opened and processed in accordance with child support procedures. In this situation, only one appointment letter or one notice requesting information will be sent to the custodial parent. If the custodial parent responds and/or provides the needed information, IV-D notifies IV-A via MDHS-EA-CSE-943/643 of the custodial parent's cooperation. If the TANF application is approved, the child support worker is notified via MAVERICS/METSS interface. The 40-1 case becomes a 10-1 case, and the cooperation code is changed from "ND" to "CO". If the custodial parent does not respond and/or supply the requested information, the IV-A worker is notified via MDHS-EA-CSE-943/643 from the child support worker, a closure notice (A592) is sent, and the 40-1 case closes after 60 days has expired.

Good Cause

Legal Base

Federal law at 42 U.S.C. 602(a)(26)(B) allows domestic violence victims and others with good cause the opportunity to request a waiver from cooperating with child support requirements if the health or safety of parent or child(ren) would be put at risk by the disclosure of such paternal information.

Definitions

Good Cause - Circumstances under which cooperation may not be "in the best interests of the child."

Family Violence - Being the victim (adult or child) of any act or threatened act of violence, which results, or threatens to result in physical or mental injury.

Good Cause vs. Family Violence

Although family violence is reason to grant good cause for not cooperating with child support, the custodial parent may wish to cooperate with DFO in establishing paternity and support or enforcing an existing support order, if she can reasonably expect her whereabouts to remain confidential. When family violence is determined to exist, the FV indicator must be entered on either of the screens; APPD.CLNT, APPD.KID.XX or APPD.CASE. Once the family violence field is flagged on either screen, METSS will automatically flag the related screens for the case. If the FV indicator is set on a case, no information will be disclosed to any person unless directed by the court.

All good cause exemptions do not include family violence and METSS should not be coded with the FV indicator except in cases involving family violence. Good cause exemptions, not involving family violence, should not be coded as family violence cases.

Recommendation of Good Cause

Child support staff will review whether or not the custodial parent's cooperation in establishing paternity and securing support is not to be pursued when any of the following conditions exist:

- The custodial parent's cooperation in such activities can/may result in physical or serious emotional harm to the child (child abuse) or to the custodial parent;

- There is a protective order;
- The child for whom support is sought was conceived as a result of incest or forcible rape;
- Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
- The custodial parent is actively engaged with a public or licensed private social service agency in resolving the issue of whether to keep or relinquish the child for adoption.

Protective Safeguards

The child support worker must place strong emphasis on the custodial parent's obligation to cooperate with DFO and exactly what is expected so there is no misunderstanding about the nature of that obligation.

At the time of the custodial parent's first contact/interview with DFO, the child support worker will provide notice of the good cause exception verbally and by providing the custodial parent the pamphlet, MDHS-CSE-616, *Child Support For Your Family's Benefit and Protection.* Document in CONT that the pamphlet was given to the custodial parent. Since family violence victims may be reluctant to discuss their situation, no mother or other caretaker should be precluded from raising family violence concerns at a later date, if she does not make a claim at the initial interview.

If it appears that there are family violence issues in a case, the worker will explain the child support process to the custodial parent and explain that her privacy can be safeguarded. APPD.CASE in METSS will be coded with the family violence indicator and information about the location of the mother and child(ren) will be protected from disclosure to the father and/or anyone, unless disclosure is ordered by a court. APPD.CLNT will be coded for good cause exemption. After these safeguards are explained, the child support worker and the custodial parent should determine whether these protective devices offer sufficient protection to make it feasible to pursue child support.

Procedures for Making Decision Regarding Good Cause

The custodial parent can claim good cause verbally or in writing. If the custodial parent claims good cause, the child support worker must inform the custodial parent verbally and in written form, via the free form text notice, of specific information/evidence needed and of the 20-calendar day time limit for providing the needed information. The child support worker will

initiate MDHS-CSE-620, Notice of Claims of Good Cause for Failure to Cooperate. The child support worker should be aware that frequently victims of family violence do not have official documentation of their situation and should advise the client how best to obtain the needed information. The child support worker will set an alert for 20 days to check for the return of the required information/evidence.

Should additional time be requested by the custodial parent, or deemed necessary by the IV-D staff, a 15 calendar day extension will be allowed. Extensions to the 20 day time limit must have county supervisory approval and case documentation. The custodial parent must be advised that she/he has an additional 15 days in which to provide the needed evidence. The child support worker will use the free form text notice to inform the custodial parent of the additional information needed and the date the information must be returned. An alert will be set for 15 days to check for the return of the information/evidence. In all situations in which good cause is claimed, the final determination will be made within 45 calendar days of the day the good cause claim is made. Documentation in METSS is essential for good case management and audit purposes.

The child support worker to whom the case is assigned and the worker's supervisor will recommend a decision based on the evidence supplied by the custodial parent, or on evidence easily located and/or obtained by the child support worker. In all situations, the decision of the county child support staff will be routed to the Regional Director for final approval via MDHS-CSE-620, *Notice of Claims of Good Cause for Failure to Cooperate.*

Evidence of Good Cause Investigation

All evidence provided by the custodial parent, or obtained by DFO staff must be scanned to the case record. Some examples of evidence upon which a determination of good cause will be made without further investigation include the following:

- Protective order (automatic “FV” indicator),
- Birth certificate, medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape.
- Court documents or other records that show legal proceedings for adoption are pending before a court of competent jurisdiction.
- A written statement from a public or licensed private social agency that the custodial parent is being assisted by the agency in resolving whether to keep the child or relinquish

the child for adoption.

- Court, medical, criminal child protective services, social services, psychological or law enforcement records which indicate that the putative father or noncustodial parent might inflict physical or emotional harm on the child or custodial parent. **NOTE:** The character of the noncustodial parent must be assessed in decision making regarding physical harm.

- Medical records indicating emotional health history and present emotional health status of the child or custodial parent or statements from a mental health professional indicating a diagnosis or prognosis of the emotional health of the custodial parent or child, which indicate that cooperating in establishing paternity or securing support may be reasonably anticipated to result in emotional harm to the child or custodial parent.

- Sworn and notarized statements from the applicant/recipient and individual(s) with knowledge of the circumstances which provide the basis of the good cause claim.

If good cause is substantiated, the child support worker codes the case as good cause on APPD.CLNT. METSS must be documented and copies of the evidence provided by the custodial parent or obtained by DFO staff must be scanned to the case record. A tickler must be set to reevaluate the case yearly until good cause is no longer a factor. No further action will be required by the child support staff until the circumstances of the case change.

If good cause is not substantiated, follow procedures above for noncooperation.

Responsibilities of the Child Support Worker on Good Cause Claims

When the custodial parent claims good cause for not cooperating in the pursuit of child support, the child support worker must:

- Explain that the circumstances and evidence set out in the above section will be the basis of the decision, and explain the custodial parent's responsibility for providing such evidence, as well as the Division's willingness to investigate and secure evidence in some instances. Refer to the above information regarding the Division's participation.

- Give the custodial parent a written notice of the evidence/information required and the deadline for providing the evidence/information. The child support worker will use the free form text notice for this purpose.

- Set alerts for the tracking of the timeframes. It is essential to maintain control in cases

involving claims of good cause.

- Gather documentation on any good cause claim made by the custodial parent. This step may include assembling material(s) furnished by the client, making a reasonable effort to obtain any specific documents which the applicant or recipient is not able to obtain without assistance, or requesting assistance from other agency staff in gathering material.

NOTE: If the custodial parent refuses to supply sufficient information, the county will determine that good cause does not exist and IV-A will be notified of the failure to cooperate.

- Participate in making a recommendation regarding the granting of good cause based on specified documents and criteria.

- Notify the custodial parent, via the free form text notice, who claims good cause for failure to cooperate of all decisions.

- Scan to the child support case record the decision and the evidence on which the determination is made.

- Submit the county's decision for approval with information substantiating the decision to the Regional Director for a final decision.

- Notify the Economic Assistance staff of the decision and the basis regarding the good cause claim.

- Attend and participate in the fair hearing requested by the custodial parent and conducted by the Economic Assistance staff, if the custodial parent requests a fair hearing when the TANF case is closed due to noncooperation.

- Reevaluate the situation yearly regarding the status of the good cause claim.

CHILD SUPPORT COOPERATION IN SNAP PROGRAM

Legal Base

Public Law 104-193 known as The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, permits States to require cooperation with the Division of Field Operation (DFO) as a condition of eligibility for the SNAP Program. This law requires custodial and noncustodial parents, putative and legal, to cooperate in establishing paternity, if necessary, of children under the age of 18 and in obtaining and enforcing child support.

State law requires that any applicant for or recipient of SNAP agrees, as a condition for these benefits, to cooperate with DFO in determining paternity for the purpose of obtaining and enforcing child support obligations.

Purpose

The purpose of requiring applicants and/or recipients to cooperate with DFO as a condition of eligibility for the SNAP Program is to promote personal responsibility for one's child(ren) by legally establishing paternity and by providing financial support for the child(ren). The requirement is designed to ensure that any child(ren) has legal parentage established and becomes financially supported by both parents.

Child Support Requirements for SNAP Program

Eligibility for the SNAP Program includes cooperating with Child Support Enforcement in establishing paternity and obtaining support. No natural or adoptive parent or other individual who is living with and exercising parental control over a child under 18 years old, who has a noncustodial parent shall be eligible to participate in the SNAP Program unless the individual cooperates. The individual may be exempt from child support enforcement requirements if good cause is found for refusing to cooperate as determined by child support enforcement.

Definitions

Applicant: An individual who has filed an application for the SNAP Program.

Recipient**:** An individual who currently receives SNAP benefits.

Cooperation**:** Joint actions of involved parties to establish paternity and to establish a support obligation.

Good Cause**:** Reason for which a custodial parent is excused from cooperating in establishing paternity or in securing child support.

Special Provisions for Custodial Parents with SNAP Only Cases

A SNAP only recipient who is a custodial parent of a child(ren) under 18 years of age must be notified by the Division of Field Operations that they are required to cooperate with DFO in establishing paternity, if necessary, and obtaining support for the child(ren). This notification must be delivered at the time of application or recertification for SNAP.

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TANF/SNAP Household

If a TANF household is also a SNAP household with the custodial parent as head of household for both programs and fails to cooperate with child support enforcement requirements, the TANF case will be closed. Only the custodial parent will be disqualified from the SNAP case. The case closure and disqualification, respectively, will continue for the duration of the custodial parent's noncooperation.

Medicaid-Only/SNAP Household

Failure to cooperate in the combination SNAP/Medicaid-only case will mean SNAP disqualification of the child's custodial parent or person exercising parental control over the child, for the duration of the noncooperation. The child(ren) will not be disqualified for SNAP or Medicaid. When cooperation is verified by the child support office, the disqualified individual may be added back to the household for the next possible month.

SNAP Only Household

If the parent, or the person acting in the parental role, of a child under the age of 18 years in the SNAP only household refuses or fails without good cause to cooperate in establishing paternity and support for the child(ren), he/she will be disqualified for the duration of the noncooperation. When compliance is verified by the child support worker, the disqualified individual will be added back to the SNAP household for the next possible month.

Noncustodial Parent

A putative/alleged father or noncustodial parent of a child under 18 years of age will not be eligible to participate in the SNAP Program if that individual refuses to cooperate with child support in:

- establishing paternity of the child (if born out of wedlock); and/or,
- providing support for the child.

Although cooperation with child support enforcement is required for participation in the SNAP Program, the noncustodial parent who is delinquent in any month for court ordered support will not be denied SNAP for the month solely for inability to pay child support. However, the noncustodial parent could be denied SNAP benefits if determined by child support enforcement for failure to cooperate with child support enforcement without good cause.

Referral to Child Support Enforcement

MAVERICS child support screens are used to make referrals to METSS for SNAP cases. The same referral criteria is used for the SNAP Program as is in place for TANF and Medicaid, except the SNAP only recipient will not assign support rights to the State. Noncustodial parent referrals are also made when the alleged father resides in the SNAP household with the child and has voluntarily admitted paternity, but paternity has not yet been established by birth certificate or court order.

The TANF client must cooperate with child support in all aspects of child support enforcement. The Medicaid-only client must cooperate with child support in obtaining medical support for the child; but, when the Medicaid-only client receives SNAP, the client becomes a full child support services client.

TANF/SNAP households are referred to as 10-1 cases. The Medicaid-only/SNAP households are referred as a 45-1 cases. The child support worker receives the SNAP only referral as a 45-1 case via METSS/MAVERICS interface. MAVERICS will automatically determine which program type should be on the referral record to METSS.

Determination of Noncooperation

Refer to **Failure to Cooperate in Establishment of Paternity and Securing Support** in this Chapter for determining what constitutes cooperation and noncooperation.

When the custodial parent does not cooperate with child support enforcement, the noncooperation code is entered into METSS on APPD.CLNT. The code for noncooperation is "ND". The custodial parent's noncooperation is transmitted to the eligibility worker via the METSS/MAVERICS interface. Upon receipt of the necessary information or the cooperation of the client with child support, the "ND" code is changed to cooperating, "CO".

NOTE: When a TANF case closes, the METSS/MAVERICS interface ends. Therefore, once the "ND" code is entered into METSS and the TANF case has closed, the child support worker should not change the noncooperation code even if the 40-1 client cooperates with child support.

When the IV-D worker determines that a noncustodial parent is not cooperating (i.e., not submitting himself for genetic testing, not appearing in court, etc.), the noncooperation code, ”ND” is entered on the Support Application Absent Parent Data (ABSP) screen. If the noncustodial parent cooperates, the code must be "CO" or left blank. Once a month, the cooperation/noncooperation information for the noncustodial parent is extracted from METSS and sent to MAVERICS to be matched against their SNAP participants. If a match is found, the eligibility worker applies the penalty for noncooperation, unless the noncustodial parent has cooperated since the date of the report. When the noncustodial parent or alleged father cooperates, the MDHS-EA-CSE-943/643, Child Support Enforcement Cooperation Verification Request Form, should be initiated by the child support worker notifying IV-A of the cooperation. The "ND" code is changed to "CO" or left blank.

Special Provisions

Application fees or other costs associated with child support enforcement services are not required for the custodial parent, noncustodial parent or alleged father who is active in a SNAP case.

The SNAP Program does not require assignment of support rights to the state and there is no recovery by IV-D.

If a SNAP applicant or recipient has an existing court order directing child support payments to the custodial parent, DFO will request redirection of the court order to child support. Until the order can be redirected, the custodial parent will be informed that the child support must be paid to the child support SDU.

EMANCIPATION

Legal Base

Miss. Code Ann. 93-11-65 provides for the circumstances under which a child may emancipate.

Definition

Emancipation generally means that the child is legally considered an adult for most purposes. Consequently, emancipation concerns the extinguishment of parental rights and duties. This emancipation automatically occurs upon arriving at the age of majority. The age of majority in Mississippi is twenty-one (21) years. Also, emancipation may refer to the emancipation that occurs before the child reaches the age of majority. **NOTE:** The noncustodial parent, not MDHS, shall petition the court for the relief sought.

Criteria for Emancipation

The child can be automatically emancipated or the emancipation may require a court order.

Automatic Emancipation

Unless otherwise provided for in an underlying child support judgment, automatic emancipation shall occur when the child:

- Reaches the age of majority (21), unless the child support order specifies differently,
- Marries,
- Joins the military and serves on a full-time basis, or
- Is convicted of a felony and is sentenced to incarceration of two (2) or more years for committing such felony. **NOTE:** The duty of support of a child who is incarcerated but not emancipated shall be suspended for the period of the child's incarceration.

Court-Ordered Emancipation

The following are examples of situations that do not emancipate automatically and require a court order for emancipation to terminate or decrease the amount of child support:

- Child discontinues full-time enrollment in school having attained the age of eighteen (18) years, unless the child is disabled;

- Child voluntarily moves from the home of the custodial parent or guardian, and establishes independent living arrangements, obtains full-time employment and discontinues educational endeavors prior to attaining the age of twenty-one (21);

- Child cohabits with another person without the approval of the parent obligated to pay support. Cohabit generally means living together, as if husband and wife.

NOTE: When the noncustodial parent has a broad support judgment that orders "X" amount of child support for multiple children, one child's emancipation does not automatically enable the noncustodial parent to reduce the amount of child support paid. However, if the court order says pay "X" amount of child support per child or "X" amount for a single child, one child's emancipation does automatically enable the noncustodial parent to reduce the amount of child support paid.

Post Emancipation Arrears

A determination of emancipation does not terminate any obligation of the noncustodial parent to satisfy arrearage existing as of the date of emancipation. The total amount of periodic support due prior to the emancipation, plus any periodic amounts ordered paid toward the arrearage, shall continue to be owed until satisfaction of the arrearage in full, in addition to the right of the person for whom the obligation is owed to execute for collection as may be provided by law. This applies regardless of when the child emancipated.

This law allows DFO to continue to collect the current support amount, plus the arrears amount, until the arrears are paid in full. The worker may need to send the form A818, when necessary. A notice is not necessary if the amount due continues to be what the NCP is currently paying. However, if the amount changes, then a courtesy notice should be issued to inform the NCP of the new amount he owes in order to stay in good standing.

WORK REQUIREMENTS FOR PERSONS OWING PAST DUE CHILD SUPPORT

Legal Base

Miss. Code Ann. 93-11-71 and Section 365 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) require that states have procedures for ensuring that persons who owe past due child support, and are not incapacitated, in any case in which a child receives Temporary Assistance for Needy Families (TANF), may be required by the court to participate in any work programs offered by any state agency. At present, that state agency is the Mississippi Department of Human Services, Division of Field Operations and the program is the TANF Work Program (TWP).

Purpose

The purpose of imposing work requirements on non-paying noncustodial parents is to assist them in finding work to aid in the support of their children. Imposing work requirements on delinquent noncustodial parents of children who are receiving TANF should enable underemployed parents to improve their work skills and obtain regular employment. This requirement may help the Division learn of the noncustodial parents that are currently employed and/or working for cash wages.

Past Due Support

Past due support is support that remains unpaid on the first day of the month after the month in which it became due.

Criteria

The Division may petition the court to order the noncustodial parent to either pay the support that is past due through a payment plan or participate in work activities that the court deems appropriate from which support could be paid. Before referring a noncustodial parent to the child support attorney with a request to petition the court to order a noncustodial parent to participate in a work placement program, the noncustodial parent must not be incapacitated and must have:

- a legal responsibility (support order) to provide financial assistance for his/her child(ren);
- past due support of more than one month;

- a child(ren) receiving TANF benefits;
- no verified employer; and
- a verified location for service of process.

Procedures for TANF Work Program

METSS will alert the child support worker of the noncustodial parent who meets the criteria for the TANF Work Program. Upon receipt of the alert, the worker will prepare the case for referral to the child support attorney who will file a petition for contempt, which may include a request for job placement, with the court. The CONT screen in METSS must be documented regarding the referral to the staff attorney.

Prior to the court date, child support staff must check METSS and MAVERICS to verify that the TANF case of the noncustodial parent's child(ren) is currently in active money payment status and is anticipated to remain active in the month following the court hearing date. The child support worker can call the Economic Assistance Office or ask an eligibility worker to check MAVERICS for this information. Child support will provide the Economic Assistance Office in the county in which the custodial parent resides a list of TANF cases needing this verification and the date of the court hearing. The child support staff should make the request sufficiently in advance of the court date to allow time for review and response, no less than three work days. The County Director or his/her designee will review the TANF case status and provide a report of the TANF case status, including the start date of the next job readiness/job search class for the county. The work requirement remains in effect only as long as the child(ren) continues to receive TANF benefits.

If the TANF case is not currently active or is anticipated to close, the child support attorney will not request referral of the noncustodial parent to TWP in the contempt of court hearing. Also, if the next scheduled job readiness/job search class start date is too far into the future to expect the noncustodial parent, who may need job readiness services prior placement services, to reasonably be served within 60 days, the child support attorney will take this into consideration when making recommendations to the court.

Referrals to TANF Work Program

Upon receipt of the court order, the child support worker must verify that the child(ren) is still a recipient of TANF benefits. If the TANF case is active, the child support worker will complete

the MDHS-CSE-EA-625/325, *TANF Work Program NCP Referral/Communication Form*, and forward the referral to the TWP job placement entity, County Director or Job Placement Contractor (JPC), within five days of receiving the court order.

The child support worker will inform the noncustodial parent of the referral to TWP when the court order is received and the referral is made. If the noncustodial parent is in the county office and the County Director is the job placement entity, he/she should be directed to the Economic Assistance Office to set a TWP appointment start date. If the noncustodial parent is notified of his/her referral to TWP via the mail, the job placement entity will notify the noncustodial parent of an interview.

If the TANF case is closed, no referral will be made to the TWP. Should the TANF case reopen, the referral will be made at that time.

If the child(ren)'s TANF case closes after the noncustodial parent's referral to TWP, but prior to placement, the child support worker must immediately notify the job placement entity via MDHS-CSE-625 that the TANF case is closed and the noncustodial parent's participation in the work program is terminated.

Since the noncustodial parent of the TANF recipient cannot be referred through the MAVERICS/JAWS interface, all referrals and tracking will be done manually between the Child Support Enforcement Office and the job placement entity.

All actions must be recorded on CONT in METSS.

Receipt of Referral in TWP

Upon receipt of the MDHS-CSE-EA-625/325 referral, the job placement entity will notify the noncustodial parent in writing of his/her first appointment date. The noncustodial parent will be assessed and will begin job search activities, or will participate in the job readiness/job search activity. The job placement entity will work with the noncustodial parent for up to 60 days to try to secure employment.

If the noncustodial parent fails to cooperate with TWP, the child support worker will be notified immediately via MDHS-CSE-EA-625/325. The child support worker will contact the noncustodial parent to determine why the failure occurred. Since the job readiness class is a very structured program, it is important for the noncustodial parent to begin attendance on the first day. However, he/she may begin later in the week, provided this is cleared by child support and the new start date is agreed upon by child support and the job placement entity.

TWP will notify child support whenever the noncustodial parent has failed to comply with the work requirement. Noncompliance includes missing two appointments, not reporting to work, etc. When the child support worker receives notification of the noncompliance, the case should be referred immediately to the child support attorney for further enforcement action with full documentation entered on CONT in METSS.

At the end of 60 days, if placement is unsuccessful, the failure and the reason for failure will be reported to child support via MDHS-CSE-EA-625/325. If the noncustodial parent complies with TWP requirements and employment is not secured for the noncustodial parent, the noncustodial parent has fulfilled the requirements of the court order.

If employment is secured for a noncustodial parent, the job placement entity will notify the child support worker via MDHS-CSE-EA-625/325. The child support worker will immediately send the income withholding order to the noncustodial parent's employer.

If the job readiness/job search class will not start soon in the county, the job placement entity will make a preliminary assessment of the noncustodial parent's job skills and will begin referrals for employment to attempt to find a job as soon as possible. If the noncustodial parent has not found employment by the time the job readiness class begins, he/she will participate in that activity and complete the job readiness/job search activities with the group, or until employment is found. The noncustodial parent must be assisted in job search activities as soon as appropriate placements become available.

The noncustodial parent will be placed in full-time unsubsidized employment since he/she must be seeking employment to ensure payment of the child support obligation.

Only two work activities will be handled for the noncustodial parent: job readiness/job search and placement in unsubsidized employment. The job placement entity will work with the noncustodial parent for a maximum of 60 days from the date the referral to TWP is received from child support.

STATE AND FEDERAL CASE REGISTRIES

Legal Base

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires each State to implement a State Case Registry (SCR) in its Child Support Enforcement automated system and establish an interface with the Federal Case Registry (FCR) that will automatically transmit and receive child support information for all IV-D child support cases and non IV-D child Support orders entered or modified after October 1, 1998. The SCR is designed to be an electronic repository of case records and orders.

Miss. Code Ann. 43-19-31(1) requires that the Mississippi Department of Human Services maintain a case registry containing records with respect to:

- Each case in which services are being provided by the Department; and
- Each support order established or modified in Mississippi on or after October 1, 1998.

Purpose

The FCR/SCR interface allows access to timely and reliable information on intergovernmental child support cases. The information will aid in the location of delinquent noncustodial parents in child support cases; the establishment of paternity; and the establishment, enforcement or modification of child support obligations.

Family Violence Indicator

The family violence indicator (FV) is entered on APPD.CASE when a custodial parent is a victim of family violence. The family violence indicator is available in METSS for all cases; i.e., TANF, non-TANF, and non IV-D. No information will be released to anyone when a case is coded with "FV" unless the court renders a decision. Refer to the section GOOD CAUSE in this Chapter for further discussion on family violence and the family violence indicator.

State Case Registry (SCR)

The SCR contains records for each case for which services are provided by the State IV-D agency and all non IV-D orders established or modified on and after October 1, 1998. The SCR includes the payment record and other information listed below for each IV-D case for which a support order has been established:

- the amount of monthly or other periodic support owed under the support order and other amounts, including the amount of support that is due or delinquent, interest, late payment penalties, and fees;
- the amounts of the above that have been collected;
- the distribution of collected amounts;
- the amount of any lien imposed with respect to the order;
- the birth date and social security number for any child for whom the order requires the provision of support. Beginning October 1, 1999, the SCR must transmit data for children to the FCR.

In addition, information that the SCR needs to report to the FCR includes:

- state numerical FIPS Code;
- state case ID number;
- case type (IV-D or non IV-D);
- child support order established indicator (Yes or No);
- person's name and either the person's social security number or sufficient information for the FCR to find the person's social security number;
- family violence indicator, when the state determines that there is evidence of family violence;
- person type (custodial parent, noncustodial parent, putative father, or child); and
- case type changes.

This information will automatically be provided through the SCR/FCR interface.

DCSE/AOC Interface

The Administrative Office of the Courts (AOC) in consultation with the Division of Field Operations (DFO) has developed a child support order tracking system. Information collected from Chancery Court case filing forms is furnished to DFO to ensure that compliance with all court ordered obligations of support are tracked. The tracking system includes the names, social security numbers and dates of birth of each child and parent named in the Court order, the court cause number, and family violence indicator.

All court orders containing child support obligations, entered in the state, will be referred to METSS by AOC. METSS will match individuals from these orders based on identical social security numbers and the same first 4 letters of the last name.

When referrals, whose case structure (father, mother, and kids) differ from an existing METSS case, are received from AOC, a new case will be established in METSS on a non IV-D case data file. These non IV-D cases will be distinguished from other non IV-D cases contained in METSS by their unique METSS case number. These cases will be assigned case numbers that begin with the number "7" instead of the number "6", as in current IV-D and non IV-D cases.

If every individual, included in the order, is found in METSS with the same case structure, METSS will check for the family violence indicator from AOC. If the order contains the family violence indicator and the family violence indicator on the corresponding METSS case is not set, then the METSS family violence (FV) indicator will be set and the information sent to FCR. If the FV indicator is set on a case, no information will be disclosed to any person unless directed by a court ruling.

Federal Case Registry (FCR)

The FCR is a component of the Expanded Federal Parent Locator Services (EFPLS) and is intended to be an up-to-date database with information being received from the SCR on a daily basis in order to ensure that the FCR is as current as possible. The FCR assists states in identifying individuals located and/or working in other states and is used to direct a state to other states with an interest in the same person by automatically matching newly submitted persons to the existing FCR records. In brief, the FCR:

- identifies, corrects, or verifies social security number information;
- identifies states with a shared interest in the same individual;

- provides initial and ongoing automatic matches of National Directory of New Hires (NDNH) records with information for custodial parents, noncustodial parents, and putative fathers in IV-D cases on the FCR;

- processes requests to locate custodial parents, noncustodial parents, and putative fathers for establishing paternity;

- processes requests to locate custodial parents and noncustodial parents for establishing, modifying, or enforcing child support orders; and

- processes requests to locate a parent or child for purposes of investigating parental kidnappings, establishing or enforcing custody or visitation, adoption or foster care, as well as for establishing paternity and establishing, modifying or enforcing a child support obligation.

FCR Functions

For each individual submitted to FCR, the individual's social security number is matched against the Social Security Administration's records and FCR notifies the state of the results. When there is a family violence (FV) indicator or an unverified social security number, the FCR also:

- compares newly submitted individuals in IV-D cases to existing individuals in the FCR data base to determine if other states have an interest in the individual, and returns the information from any matches to the state that originally submitted the individual and to the other states that have the individual in a IV-D case on the FCR;

- compares newly submitted or updated custodial parents, noncustodial parents, and putative fathers with verified social security numbers and without FV indicators in IV-D cases to NDNH records, and returns the information from those matches to the state that originally submitted the individual (unless the matched NDNH record contains an unverified social security or was submitted by the state that originally submitted the individual); and

- provides information resulting from requested searches of the existing FPLS data sources, and returns the results to the requesting state.

Proactive Matching

Whenever DFO submits a case or an individual to the FCR or changes identifying information

on a case or an individual previously submitted, the FCR will search for matching cases/individuals and notify DFO if any matches are found. When these proactive matches are found, the matching information will be written to the case action log, and the child support worker will receive an alert. The alert will **say "Match found on Federal Case Registry (FCR) for this person. See the 'other' Category on ACTN for info. Review all associated cases for potential impact."** One or more action log entries will be written, depending on the number of individuals associated with the matching case.

METSS receives an acknowledgment from FCR on each individual/case submitted. The acknowledgment will be written to the ACTN log of the pertinent case. Errors or warnings that will trigger an alert to the child support worker include:

- person submission errors;
- disclosure prohibited - Family violence involved;
- submitted name change does not verify with existing SSN;
- submitted SSN change does not verify; existing SSN verified;
- unable to identify SSN; and
- SSN has not been assigned by SSA.

Interfaces

Refer to Volume VI, Chapter 3, in the section regarding STATE AND NATIONAL DIRECTORIES OF NEW HIRES. Automatic matching of NDNH and FCR data will occur only for persons who are custodial parents, noncustodial parents, or putative fathers in IV-D cases on the FCR.

Closure or Deletion of IV-D Cases from the FCR

For purposes of the FCR, a IV-D case with a support order established after October I, 1998, may not be closed or deleted from the FCR unless the case meets the case closure criteria and the support order has expired under State law; there is no court order established in the case; or there was a court order that was established prior to October 1, 1998. Refer to Volume VI, Chapter 3, for case closure reasons.

When the court ordered obligation to pay current support continues and the state is no longer providing IV-D services, the case would become a non IV-D case. This information is reflected in the SCR, and provided to the FCR.

Deletion of non IV-D Orders from the FCR

A non IV-D order is deleted from the FCR when the order expires according to State law. The FCR accepts requests to delete an individual from a case on the FCR or to delete a IV-D case or non IV-D order only when the request is transmitted by the state that originally added the individual, case, or order to the FCR. When a state closes a IV-D case on the SCR, using closure criteria spelled out in the above reference to the case closure reasons, it must send a notice to the FCR to close the case. METSS will notify FCR.

BANKRUPTCY

Legal Base

Title 11 of the United States Code, commonly referred to as the Bankruptcy Code, was enacted by Congress in 1978, and is the uniform federal law for the benefit and relief of creditors and their debtors in cases in which the latter are unable or unwilling to pay their debts.
On April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) was signed, and became Public Law 109-8. BAPCPA made substantial changes to the Bankruptcy Code that applies to cases filed on or after October 17, 2005. The revisions, among other changes, that impact child support enforcement by the state IV-D agency are:

- Define a 'domestic support obligation';
- Allow some enforcement of support orders during bankruptcy proceedings;
- Give domestic support obligations first priority in distribution of available funds, after Trustee administrative fees;
- Instruct bankruptcy trustees to provide appropriate written notice and certain information:
  - to an obligee of the right to use the services of a state child support agency where the obligee resides;
  - to the obligee and state IV- D child support agency of the bankruptcy proceedings, of the claim for a domestic support obligation, and of the granting of a discharge; and
  - to the obligee and state IV-D child support agency, at the time of discharge, of the debtor's last known address, of the last known name and address of the debtor's employer, and of the name of each creditor holding a debt that is not discharged or holding a debt that was reaffirmed.
- Allow the obligee and the IV-D child support agency to request the debtor's last known address from a creditor holding a debt that is not discharged or that is reaffirmed and the creditor will not be held liable for disclosing this information.

In bankruptcy cases filed prior to October 17, 2005, the state IV-D child support agency may not certify for tax offset or credit reporting, initiate income withholding, or suspend a license in a

case in which the noncustodial parent or his/her spouse has filed for bankruptcy under Chapter 7, 11, 12, or 13 of Title 11 of the United States Code unless the automatic stay under Section 362 of the Bankruptcy Code has been lifted or is no longer in effect and the obligation was not included in the plan.

A debt owed under state law to a state or municipality that is in the nature of support is not released by discharge in bankruptcy under Title 11 of the United States Code. Bankruptcy does not preclude entry and enforcement of orders established after the bankruptcy is filed.

Definitions

Automatic Stay**:** an injunction that automatically stops lawsuits, foreclosures, garnishments, and all collection activity against the debtor the moment a bankruptcy petition is filed.

Bankruptcy: a legal procedure for dealing with debt problems of individuals and businesses; specifically, a case filed under one of the following chapters of the Bankruptcy Code.

- Chapter 7: liquidation of a debtor's nonexempt property and the distribution of the proceeds to creditors. A trustee is appointed to take over property to sell/turn into money.

- Chapter 11: mostly used by businesses, although it is available to individuals whose debts exceed Chapter 13 limitations; the debtor may continue to operate the business, but creditors and the Court must approve the debt repayment plan; if a trustee is appointed, the trustee takes control of the business and property.

- Chapter 12: like Chapter 13, but only for family farmers or family fishermen.

- Chapter 13: debt rehabilitation and reorganization, rather than liquidation; the debtor usually can keep property, but must earn wages or have some other source of regular income and agree to pay part of income to creditors; the Court must approve a repayment plan and budget; trustee is appointed to collect payments from the debtor, pay creditors, and make sure the debtor lives up to the terms of the repayment plan.

Claim: creditor's assertion of a right to payment from the debtor or the debtor's property.

Discharge: a debtor's release from personal liability for certain debts known as dischargeable debt, and prevents the creditors, owed these debts, from taking any action against the debtor to collect the debts.

Domestic Support Obligation: a debt for alimony, child support, or maintenance accruing either before or after the bankruptcy is filed, and it includes interest, amounts assigned to a government agency, but not amounts assigned involuntarily to a nongovernment agency; non dischargeable even if the debtor is unable to pay such debts; exempt property is now liable for such debts, and cannot be avoided by a preferential transfer.

Motion to Lift the Automatic Stay: Request by a creditor to allow the creditor to take action against the debtor or the debtor's property that would otherwise be prohibited by the automatic stay.

Procedures for Handling Bankruptcy Cases

Certain enforcement actions are to continue on a case(s) if the noncustodial parent has filed for bankruptcy.

Section 214 of the BAPCPA states the exceptions to an automatic stay in domestic support obligation proceedings and includes:

- establishment of paternity;
- establishment or modification of an order;
- withholding of income for payment;
- suspension of drivers' licenses and professional licenses; however, since the noncustodial parent cannot be forced to enter into repayment agreement for the release of the hold on his license, suspension of the state-issued licenses should not be initiated;
- reporting of overdue support owed to certain consumer reporting agencies;
- interception of tax refunds; and
- enforcement of medical obligations.

NOTE: The worker must consult with State Office legal staff prior to issuing an income withholding order.

BAPCPA requires the bankruptcy trustee to provide the IV-D agency and custodial parent a notice when bankruptcy claims are established and discharged. At the time of discharge, the notice will provide the last known address of the debtor (noncustodial parent), the last known

name and address of the debtor's employer, and the name of each creditor holding a debt that is not discharged or reaffirmed. If the debtor is a noncustodial parent in an open child support case(s), the child support worker will continue enforcement actions on the case(s) as indicated above, and initiate any appropriate actions based on the information provided. If a custodial parent contacts the child support enforcement office upon receipt of a notice from the bankruptcy trustee and no open case is located, explain the application for services process.

FINANCIAL INSTITUTION DATA MATCH (FIDM)

Legal Base

Public law 104-193, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Miss. Code Ann. 43-19-48 require the Department of Human Services-Child Support Division to enter into agreements with financial institutions doing business in the state. The law requires a quarterly data match system to encumber and/or surrender assets held by financial institutions on behalf of any noncustodial parent subject to a child support lien. The financial institutions must provide the name, record address, social security number or taxpayer identification number, and other identifying information for each match.

Definitions

Financial Institution - an organization with a public purpose, including but not limited to credit unions, stock brokerages, public or private entities administering retirement, savings, annuities, life insurance and/or pension funds and banks, et al.

Account - a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account or money-market mutual fund account, et al.

Purpose

This data match is intended to identify accounts belonging to parents who are delinquent in their child support obligation. When a match is identified, state child support agencies may issue liens or levies on the accounts of that delinquent obligor to collect the past-due support.

Enforcement

The Division has the authority to freeze and seize assets held in financial institutions by a noncustodial parent who is delinquent in child support. Such assets are frozen for either:

- Forty-five (45) calendar days; or
- Until the issue of delinquent child support is resolved by the courts.

If the noncustodial parent or account holder of interest files a petition with the courts, the Division notifies the financial institution as soon as the Division is aware of the pending action via notice A453, *Notice of Contest*.

Responsibilities of the Division

As new cases are added to METSS and existing cases meet the criteria listed below, a notice to the noncustodial parent, addressing the possibility of submission for financial institution data matching, is included in the Pre-Offset Tax Notice. On a quarterly basis, the Division, through METSS, selects noncustodial parents for submission to the FIDM interface, based on the following criteria:

- Court ordered to pay a child support obligation;
- Owes $1,000.00 or more in unpaid child support; and
- At least $1,000.00 of the arrears is 60 days delinquent in child support payments.

If the noncustodial parent meets the above criteria, his/her name and social security number are matched against the records of the financial institutions in Mississippi using one of the following methods.

- Method one is the all accounts method. Financial institutions provide a list of account holders, and METSS matches the list to identify the delinquent noncustodial parents holding an account.
- Method two is the matched account method. The Division provides financial institutions with a list of delinquent noncustodial parents, and the institutions compare the list to their account holder information and provide information to the Division for each noncustodial parent matched.

Subsequent to the financial institution matches, METSS will prevent any action being taken to place a lien on a case in which the noncustodial parent is a recipient of Supplemental Security Income (SSI). The APPD.ABSP screen displays a system-automated SSI flag which indicates whether the noncustodial parent is currently eligible for SSI benefits based on the SSA ADDR interface. When the SSI flag is coded "Y", METSS will prevent the 452 (FIDM Notice of Encumbrance) from being requested via the WORD screen. Additionally, METSS provides an alert on the APAR screen when the "Check Eligibility" field is marked which indicates that the non-custodial parent is not eligible for seizure as he or she is an SSI recipient.

Regardless of the match method used, any new or unverified address(es) is recorded to the Address (ADDR) screen. Any reported information is recorded on the Case Action Log (ACTN). The information includes: the name of the financial institution, the account number and identification number, account type, trust fund type, ownership, (sole, primary, secondary), account balance and account balance date. METSS will send an alert to the assigned caseworker which reads "Asset information received from financial institution-see ACTN for details." The assigned caseworker should delete the alert as actions regarding FIDMS have been centralized in State Office and are the assigned duties of the State Office Legal Unit staff. The State Office Legal Unit receives the match information in monthly/daily reports. The caseworker is not required to send any messages to the State Office Legal Unit staff regarding the receipt of a financial institution data match alert.

State Office Legal Unit Procedures

Upon receipt of the financial match reports, the State Office Legal Unit attorney reviews each of the NCP's cases to verify, based on the fiscal record, that the noncustodial parent is delinquent and that the identifying information is for the correct noncustodial parent. To ensure that MDHS is not legally prohibited from filing a lien, the state office attorney will also submit a request to the county attorney to review the court file. If there are no legal barriers, the state office attorney will print a notice of encumbrance from METSS and send the lien directly to the financial institution.

There are three notices that can be used for this purpose, depending on the type of lien being issued. Each notice includes a payment voucher for the financial institution to return with the payment. If the lien is placed on an asset using administrative procedures, notice A451, *Administrative Notice of Encumbrance,* is used. For a lien obtained through judicial order, notice A452, *Judicial Notice of Encumbrance,* is used. If the noncustodial parent has multiple cases, notice A457, *Multiple Order Notice of Encumbrance,* is used. In all cases, before the notice is sent to the financial institution, the child support attorney must review the case, ensure the court file has been reviewed, and approve the action and sign the notice. A narrative message explaining the attorney's decision on the case must be entered on the CONT screen. A copy of the appropriate notice must be filed in the court file.

One of the above-named notices is sent to the financial institution holding the account by certified mail. The green card must be returned, signed and dated. The State Office Legal Unit is responsible for mailing the encumbrance notice and must maintain a method to monitor the return of the green cards.

State statute requires that the account holder, in this case the noncustodial parent, be notified once the action has begun; therefore, upon return of the green card or within 5 days, whichever is earlier, a copy of the encumbrance notice, and notice A456, Cover Letter for Notice of Encumbrance, is sent to the noncustodial parent at his/her last known address via first class mail. The 45 calendar day period begins the day the notice A456 is mailed to the noncustodial parent. The encumbrance notice instructs the financial institution to:

- Immediately freeze funds up to the amount of the delinquency(ies) in any and all accounts held in that institution by the noncustodial parent named in the notice; and,

- After 45 calendar days, forward funds, up to the amount of the delinquency, to the Division, unless notified by the Division of pending court action before the end of the 45 calendar days; or,

- Release the funds to the noncustodial parent, if so ordered by the court and/or the Division provides the financial institution with notice to do so.

- **NOTE**: This process is extremely time sensitive and delays cannot be allowed. The State Office Legal Unit must have measures in place to ensure Notices to Remit are sent promptly to the financial institutions after the 45 day period has ended. The Notice to Remit is a courtesy notice to the financial institution as the initial lien notice directs the institution to forward funds to the Division after the 45 day period expires.

Should the noncustodial parent pay his/her arrears, as set forth in the lien, or prove mistake of identity prior to the expiration of the 45 days, notice A464, *Notice of Disbursement or* manual *Notice to Release*, is sent by the child support attorney notifying the financial institution to release the funds back to the non-custodial parent.

At the end of the 45 calendar day time frame, if no legal action has been filed, notice A454, *Notice to Remit*, is sent to the financial institution. This notice informs the financial institution that the 45 calendar day time frame has expired and all funds described in the encumbrance notice are to be forwarded to the Division immediately. The A454 may be printed from WORD and the state office attorney must sign the notice. A copy of the A454 is filed in the court file. The state office attorney must also remove the case from legal status and code the case back to the county.

If there is not a receipt of payment posted to the case with a payment source of "F" (FIDM) within 15 days of the A454, FIDM Notice to Remit, being sent, the child support specialist will receive an alert requiring supervisor deletion stating, "15 days since Notice of Release to institution 123456789-1. Refer case to legal." If the case is coded to the attorney for legal action, the alert will be automatically deleted.

If the financial institution does not comply with the encumbrance notice, legal action can be filed against the financial institution if the financial institution has willfully or intentionally failed to comply with the encumbrance process. If the Division is unable to obtain the funds from the financial institution, the Division may consider filing legal action against the noncustodial parent.

Payments received through FIDM are receipted by the MDHS State Disbursement Unit (SDU). Each FIDM receipt must have the financial institution's name remitting the payment on the remarks line. For every FIDM collection, the State Disbursement Unit must access APAR and enter the total original lien amount, lien amounts for each case and the total amount seized. These amounts are available on the payment voucher being returned with the collection from the financial institution. See Chapter 4 for receipting policy.

If the arrears balance is zero or the lien has been otherwise resolved when the payment is received, SDU must return the check to the financial institution with notice A461, *Notice of Returned Asset*, printed from WORD. A narrative must be entered on CONT providing a description of the payment and the reason for its return. The remitting financial institution, check number and dollar amount should be included in the description.

Responsibilities of Financial Institutions

Financial institutions are required to match the data provided by the Division against customer accounts. If matches are found, the financial institution is required to provide the matched information to the Division. Information to be provided by the financial institution to the Division includes: the name, record address, social security number or taxpayer’s identification number, account numbers and account balances.

If the social security number provided matches the financial institution's records with a name other than the one provided by the Division, the financial institution must notify the Division of the discrepancy. The child support worker will receive an alert as notification of the discrepancy. The alert will read as follows: "SSN/Name combination does not match financial

institution data. Please verify." It is the responsibility of the child support enforcement officer to verify the social security number/name combination.

At no time, will financial institutions disclose to an account holder or depositor that their name has been received or furnished to the Division. Financial institutions may disclose to all account holders or depositors that the Division has the authority to request certain identifying information on accounts via the data match system (interface).

Upon notification, by certified mail from the Division, the financial institution must immediately encumber assets as described in the encumbrance notice. The financial institution must complete the payment voucher and return it attached to the payment.

Procedures for Challenging the Encumbrance for Child Support Arrears

Only the noncustodial parent or an account holder of interest (a joint account holder) has the right to petition the court to challenge the funds being frozen. The noncustodial parent may challenge the encumbrance by filing a *Petition for Hearing/Notice of Contest* in a court of appropriate jurisdiction under Rule 81 (d) (2) of the Mississippi Rules of Civil Procedures within the 45 day holding period. Service upon the Division shall come through the Attorney General's office as prescribed by Rule 4(d) (5) of the Mississippi Rules of Civil Procedures. In addition, a copy of the petition must be sent to the child support staff attorney responsible for the case.

Grounds for challenging the encumbrance are limited to:

- Mistaken identity; or
- Mistake in the amount of overdue support.

In the event of a contest, the case should be coded to the child support attorney and notice A453, *Notice of Contest,* must be sent by the state office attorney via WORD to notify the financial institution. This notice instructs the financial institution to continue the encumbrance, without releasing the funds, until further notice.

Once a decision is rendered, the complainant has 30 days to appeal. At the end of the 30 day period, if no appeal has been filed, notice A455, *Notice of Disposition*, must be sent to the financial institution by the state office attorney via WORD. By marking the appropriate choice, the child support attorney provides direction to the financial institution. If the financial institution is required by the A455 to remit payment to the Division and a payment is not received within 15 days of the A455 being sent, the primary child support worker will receive an alert stating, "15

options discussed above must be followed. A copy of notice A455 will be filed in the court file.

Exclusions

Some situations require a noncustodial parent to be manually excluded from the FIDM interface. The following are appropriate exclusion examples:

- Court order requiring the exclusion (handled at the county level).
- Court order including retroactive support of more than $1000.00 must be excluded until the noncustodial parent becomes 30 days delinquent (handled at the county level).
- Noncustodial parents involved in bankruptcy must be excluded (handled at State Office level).

The child support worker must access the EXCL screen in METSS and place a "Y" in the appropriate blank for the FIDM exclusion. Comments explaining the exclusion must be entered prior to exiting the EXCL screen. As long as the exclusion indicator is in place, the noncustodial parent will not be included in the FIDM interface.

Ticklers must be set by the child support worker to add and remove the exclusion indicator/marker as appropriate. Also, a quarterly report provides the child support supervisor with all the cases containing manual exclusions. This report must be reviewed by the worker and county supervisor upon receipt.

Liability of the Division or Financial Institutions

Neither the Division nor a financial institution is held liable for any early withdrawal penalties.

A financial institution is not liable under federal or state law as follows:

- For disclosure of information to the Division.
- For freezing or forwarding any assets held by the financial institution in response to a notice received from the Division.

A financial institution is not liable for disclosure of or the failure to disclose any information or for any action taken in good faith in response to any notice issued by the Division unless the disclosure or failure to disclose is willful or intentional.

Failure to comply or the willful rendering of false information subjects the financial institution to a fine of no less than $1.000.00 per offense.

Safeguarding Confidential Information

Miss. Code Ann. 43-19-45 addresses the need for protecting financial information. The information received from a financial institution is highly confidential. Safeguards must be taken to limit the release and/or disclosure of this information. The administration of child support enforcement is the only allowed use for the information received through FIDM. This information is not to be shared with either IV-A or IV-E staff. Divulging any of this information is a Group Three offense as outlined in the Mississippi State Employee Handbook and may result in termination of employment.

MULTISTATE FINANCIAL INSTITUTION DATA MATCHES/ ADMINISTRATIVE ENFORCEMENT OF INTERGOVERNMENTAL CASES MSFIDM/AEI

Legal Base

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established, "High-Volume Automated Administrative Enforcement in Interstate Cases" (AEI). AEI is an enforcement tool used to enable child support agencies to quickly locate and secure assets held by a delinquent obligor in another state without opening an intergovernmental IV-D case. The requesting state asks the assisting state to search its data bases to determine whether assets are available regarding a parent who owes a delinquent child support obligation and to take appropriate enforcement action.

Public Law 105-200 modified PRWORA to facilitate the data matches for Multistate Financial Institutions (MSFI) by allowing the Federal Office of Child Support Enforcement (OCSE), through the Federal Parent Locator Service (FPLS), to assist states in conducting multi state financial institution data matches (MSFIDM). Banks and savings and loans, federal and state credit unions, benefit associations, insurance companies, safe deposit companies, money-market mutual funds, and similar institutions doing business in more than one state are considered multi state financial institutions.

Miss. Code Ann. 43-19-59 provides that the Department of Human Services, as the Title IV-D child support enforcement agency, shall use high volume automated administrative enforcement, to the same extent as used for intrastate cases. This section allows the use of automatic data processing to search state data bases of financial institutions to determine whether information is available regarding a parent who owes a delinquent child support obligation.

Miss. Code Ann. 93-11-71 declares that whenever a court orders any person to make periodic payments of a sum certain for the maintenance or support of a child, and whenever such payments have become due and remain unpaid for a period of at least 30 days, a judgment by operation of law arises against the obligor in an amount equal to all payments which are then due and owing. Such judgments arising in other states by operation of law shall be given full faith and credit in Mississippi.

Miss. Code Ann. 43-19-48 requires the Department of Human Services and financial institutions doing business in the state to enter into agreements to develop and operate a data match system, using automated data exchanges. The financial institution is required to provide, each calendar quarter, the name, record address, Social Security number or other tax payer identification

number, and other identifying information for each noncustodial parent who maintains an account at the institution and who owes past-due support.

Definitions

High-Volume Administrative Enforcement in Intergovernmental Cases (AEI - The process by which a state, through the use of automated data matches, identifies assets owned by delinquent obligors in another state and the seizure of such assets by the state through lien, levy or other /appropriate processes.

Requesting State - The state making the AEI request.

Assisting State - The state that matches a requesting state's delinquent obligor(s) against its data bases and initiates a lien or levy against any assets located.

NOTE: The terms "requesting state" and "assisting state" are used to differentiate the AEI process from the UIFSA process in which a IV-D case is transferred from one state to another for all appropriate IV-D activities. AEI "cases" are not considered part of the IV-D caseload of the assisting state, i.e., the assisting state does not open an intergovernmental IV-D case for this process as is done in UIFSA.

Multistate Financial Institution (MSFI) - Financial institutions operating in multiple states. These institutions consist of banks, savings and loans, state and federal credit unions, benefit associations, insurance companies, safe deposit companies, money-market mutual funds, and similar institutions.

Promptly Report - The processing of AEI requests within the time frames set forth for other enforcement tools used in IV-D cases.

Federal Matching with Multistate Financial Institutions

The Federal Parent Locator Service (FPLS) is a national location system operated by the Federal Office of Child Support Enforcement (OCSE), to assist states in locating noncustodial parents, putative fathers, and custodial parents. The FPLS includes two databases used for locate: National Directory of New Hires (NDNH) and Federal Case Registry (FCR).

METSS updates FCR weekly via federal tax offset files. The criteria used to report delinquent obligors for federal tax offset is the criteria used by OCSE in its data matches with multi state financial institutions.

To be submitted for federal tax office, TANF and IV-E foster care cases must have court ordered child support with arrears totaling a minimum of $150.00. Non-TANF cases require court ordered child support with arrears totaling a minimum of $500.00. In all cases submitted, the name, address and social security number of the delinquent obligor must be verified.

Responsibilities of OCSE and MSFIs

OCSE serves as the conduit for matching multi state financial institution data with the Federal Tax Offset File. OCSE updates and maintains, on a weekly basis, a file containing information on delinquent obligors nationwide. OCSE attempts to verify the social security number and name combinations transmitted from each state's Federal Offset Data File by using the Social Security Administration's Enumeration Verification System. If OCSE is unable to verify the social security number and name combination, no MSFI inquiry is sent.

The file containing verified social security number and name combinations is transmitted by OCSE to all participating MSFIs quarterly. If multiple records are on the Federal Offset Data File for the same verified social security number, only one inquiry is sent to MSFIs.

Upon receipt of the OCSE inquiry file, MSFIs have 45 days to match their accounts with the inquiry file and return to OCSE. The information is returned by OCSE to the individual states within 48 hours of receipt. The information is transmitted from OCSE to the individual states through FPLS via the Federal Case Registry (FCR) and includes the financial institution's name, address, account type, account number, balance and balance date. If information is returned for a delinquent obligor with child support case records in more than one state, each state receives the information.

Financial institutions may disclose to all account holders or depositors of the institution that the Division has the authority to request certain identifying information on accounts, but at no time may financial institutions disclose to an account holder or depositor that their name has been received or furnished to DFO.

Information Received Via FCR

Upon receipt of MSFI information via FCR, METSS records the information on ACTN and sends a supervisor deleted alert to the primary child support worker regarding the information received. If the asset is located in a financial institution doing business in Mississippi or a

financial institution that accepts a direct lien, the child support worker must review the case and determine that the noncustodial parent has a court ordered obligation, and owes at least $1,000.00, and is 60 days delinquent. When the noncustodial parent meets these criteria, FIDM policy must be followed.

If the asset is located in a financial institution that does not accept a direct lien from Mississippi, the child support worker should follow the instructions below for enlisting the assistance of the state in which that financial institution does accept liens.

Purpose of AEI

AEI is designed to result in prompt but limited enforcement action. AEI does not involve ongoing or long-term enforcement, but rather a "one-shot" or "quick" enforcement action. The assisting state does not open an intergovernmental IV-D case under this process.

AEI enables a child support enforcement agency in one state to request that a IV-D agency in another state search its financial institution data bases when it is believed that the noncustodial parent may have assets located in that state. AEI is also used to request seizure of assets of noncustodial parents when MSFIDM locates assets of delinquent obligors in that state and a direct lien cannot be done.

When the Division receives AEI requests from multiple states for the same noncustodial parent, a record for each request is entered into METSS. Each request is handled individually in the order in which it was received until all funds are exhausted.

The Division maintains records of:

- The number of requests for assistance received;
- The number of cases for which support is collected in response to a request; and,
- The amount of support collected.

When an AEI request results in information that is suitable for ongoing enforcement, i.e., employment, location, etc, the assisting state promptly notifies the requesting state. Unless the requesting state chooses to implement direct income withholding under UIFSA, the requesting state should submit the case, using intergovernmental forms, to the assisting state so that all appropriate enforcement remedies can be utilized.

If the noncustodial parent is in locate status and the address received on the MSFIDM data is not already a pending address for him/her, the address will be added to METSS as a pending address on the ADDR screen.

Requests to Other States

When the asset located through MSFIDM is held by a financial institution in a state other than Mississippi and will not accept a lien from Mississippi, METSS sends an alert notifying the primary child support worker of receipt of MSFIDM data. The data received is displayed on ACTN. Child support workers may make requests to other states manually, by tape, or through FCR depending upon the assisting state. The request constitutes a certification that Mississippi has complied with all procedural due process requirements and verifies the amount of the support delinquency. Therefore, prior to submitting an AEI request, the child support worker must review the case to determine that the case meets the requirements of the assisting state. This is achieved by contacting the other state for these requirements or using the matrix of state requirements.

If an asset is located in another state and the delinquent obligor is active in an existing two-state intergovernmental case in which Mississippi is the UIFSA Initiating state and the AEI Requesting state, and the state where the asset is discovered is the UIFSA Responding state and the AEI Assisting state, the data is forwarded according to standard, two-state UIFSA procedures (i.e., not an AEI request). METSS sends a supervisor deleted alert to the noncustodial parent's primary child support worker. The alert states, "Asset Information Received from Multistate Financial Institution (MSFI #). See ACTN for details and follow UIFSA procedures on interstate case."

EXAMPLE**:** The custodial parent lives in Mississippi and the noncustodial parent lives in Tennessee. Mississippi has initiated a UIFSA to Tennessee. An alert is received by the Division that the noncustodial parent has a bank account in Tennessee. Mississippi does not issue an AEI request to Tennessee, but requests, on a UIFSA transmittal #2, that Tennessee take action to place a lien on the asset.
When the two-state UIFSA Initiating state and the AEI Requesting state are the same but the two-state UIFSA Responding state and AEI Assisting State are different, a supervisor deleted alert is sent to the noncustodial parent's primary child support worker. The alert reads: "Asset Information Received from Multistate Financial Institution (MSFI#). See ACTN for details." An AEI request (via FCR or manually) is sent to the state where the asset is located. It is the responsibility of the AEI Requesting state to notify the two-state UIFSA Responding state of any

collections made.

EXAMPLE**:** The custodial parent lives in Mississippi and the noncustodial parent lives in Texas. Mississippi has initiated a UIFSA to Texas. An alert is received by Mississippi that the noncustodial parent has a bank account in Oklahoma. Mississippi sends an AEI request to Oklahoma. If a collection is received, it is Mississippi's responsibility to notify Texas of the collection.

NOTE: When two states unknowingly have separate orders and certified arrears and have listed the delinquent obligor on the Federal Tax Offset transmittals and receive MSFIDM "hits", the first state requesting the levy would most likely receive the seized assets.

When MSFIDM data is received on assets located in another state with no existing intergovernmental case for the noncustodial parent and the manual process is to be used, the child support worker request notice A462, *AEI Transmittal,* from WORD and submits to the assisting state. The child support worker must indicate if the request is for match and seizure or seizure only.

If the request is sent via FCR, the child support worker initiates the AEI request by going to ACTN.MSFI screen and placing an 'R' in the blank by the MSFIDM data for which the AEI request is being sent. Once 'R' is entered, an AEI request is created and sent via FCR to the state indicated on ACTN.MSFI. Any information received from the other state is displayed on the ACTN screen.

Requests from Other States

METSS is able to process AEI requests received from other states via tapes, manual requests, or the FCR.

For requests received manually, a worker in the State Central Registry office enters the identifying information in METSS directly on the AEI Request/Collection screen (AERC) in 'E' mode and METSS automatically searches for the Social Security Number (SSN) to determine if the delinquent obligor is in an existing IV-D case. **NOTE:** The requesting state must indicate if the request is for match and seizure or seizure only. If the request is for seizure only, METSS requires the entry of the financial institution information on the screen. If the request is for match and seizure, METSS does not allow entry of any financial institution information. If the SSN is not known to METSS, the Central Registry worker establishes an AEI record with a 700

series case number and acknowledges receipt of the request via notice A459, *AEI Acknowledgment of Receipt of Request,* to the requesting state. An alert is sent to the primary child support worker in the county where the asset is located.

When the requesting state sends an AEI request for a noncustodial parent known to METSS as a noncustodial parent in an open intergovernmental or intrastate case with the AEI requesting state equal to the initiating state, the request is rejected. The Central Registry worker will notify the requesting state via notice A449, *AEI Request Rejection,* of the specific reason for the rejection.

If the AEI request is sent incomplete, the Central Registry worker will send notice A449, indicating that the request is incomplete.

For requests received via FCR, METSS performs the same functions without the intervention of Central Registry. As requests are received, METSS verifies that all required fields are populated. If the AEI request is accepted, an acknowledgment is sent to the requesting state via FCR with a response code of' "A" (accepted for processing) and an alert is sent to the child support worker in the county where the asset is located. The alert will state: "AEI request received for (AEI SSN) - review AERC".

If the record is sent incomplete, METSS sends an acknowledgment response code of' "I" (rejected - complete information not provided) to the requesting state via FCR. When the social security number of the AEI request exists in METSS as belonging to a noncustodial parent in an open intergovernmental responding case with the AEI requesting state equal to the initiating state, the request will not be saved. METSS sends an acknowledgment with the response code "R" (rejected - Mississippi unable to comply with request) to the requesting state via FCR.

For all requests received from other states, the requesting state must send:

- Sufficient information to enable the assisting state to compare the information regarding the delinquent obligor to the information in the data bases of the assisting state.
- The amount of support arrears owed which accrued under a court order.

The AEI request implies that the requesting state has complied with all procedural due process requirements applicable to that state and constitutes a certification by the requesting state.

The assisting state must use automated interface data searches to locate financial assets

belonging to the delinquent obligor and seize the identified assets. Neither the requesting state nor the assisting state considers the case transferred to the caseload of the assisting state.

When all financial database searches are exhausted and no match is found or the financial institution is not doing business in the state, the AEI request is deleted by METSS after 135 days and notice A449, *AEI Request Rejection,* is sent automatically to the other state notifying them that no match was found.

Requests without Financial Institution Information

If information is provided by a custodial parent or another source, a state, if requested, must search its intrastate financial institutions for assets belonging to a delinquent noncustodial parent.

In this situation, no financial institution information is received with the AEI request. If the request is entered manually by a worker in Central Registry, the worker selects match and seizure when entering the request. METSS interfaces with in-state financial institutions for a match. If a match is found, notice A459 is sent to the other state notifying them that a match has been found and DFO is proceeding to seize the asset. The child support worker receives an alert and proceeds with the seizure procedure. If a match is not located after 135 days of interface activity with in-state financial institutions, the request is deleted and notice A449 is sent to the other state notifying them that a match was not found.

Procedures

Enforcement procedures for AEI/MSFIDM and FIDM are the same with regards to time frames, maintaining a log for the green cards, setting ticklers, etc. All notices used in the AEI process are requested from AEIW, AEI Word and are viewable on AEIL, AEI Action Log, except where otherwise noted.

In order to place a lien on the asset for the requesting state, the child support worker requests Notice A450, *AEI Notice of Encumbrance.* Upon receipt of the notice A450, signed by the child support attorney, the financial institution is to immediately freeze the accounts of the delinquent obligor up to the amount of the delinquency contained in the notice. At the end of the 45 calendar day time frame when no legal action has been filed by the delinquent obligor, notice A454, *Notice of Release,* is sent to the financial institution by the staff attorney. Notice A454 informs the financial institution that the 45 calendar day time frame has expired and all funds described in notice A450 must be forwarded immediately to the Division. A copy of the original notice A450 and a copy of the signed green card accompanies this notice.

NOTE: There are no documents filed in court since no Mississippi court case exists.

If a payment is not receipted by SDU with a payment source code of" "A" within 15 days of notice A454, the child support enforcement officer (CSEO) receives a supervisor deleted alert stating: "15 days since Notice of Release to Institution (MSFI#). Refer to legal." This alert is deleted when the case is referred to the attorney, when a payment from the institution is receipted (payment source" A"), or when notice A462*, Notice of Returned Assets,* is requested prior to the expiration of the 15 days.

Assets Received via AEI or FIDM

Financial assets received from an assisting state as a result of an AEI request are receipted by SDU to the appropriate case(s) with the code of" "A" on the Receipt/Adjustment Sub-Menu, Enter or Update Receipts (RCPT.ENTR) screen. Any assets received from an in-state bank as a result of MSFIDM are receipted to the appropriate case(s) with payment source code of "A" on the RCPT.ENTR screen. When source code "A" is utilized, METSS requires the worker to enter the state code from which the payment was received. If the payment received via MSFIDM is from a Mississippi bank, the code is always "MS".

A voucher, which indicates the noncustodial parent's name, social security number, case number, the financial institution's name and account number and whether the collection is a result of FIDM or MSFIDM, is returned attached to the in-state financial institution's check. SDU accesses the Absent Parent Arrears (APAR) screen via the noncustodial parent's social security number. From the voucher, the SDU worker enters the total lien amount, total amount seized, and the lien amount per case. If the seized assets are for multiple cases, METSS will pro rate the amount for each case. SDU must print the APAR screen and receipt the money in the prorated amounts for each of the noncustodial parent's applicable cases, as calculated by METSS.

For cases in which partial payment has been made on the arrears stated in the lien, any excess lien collection is returned to the noncustodial parent by a Refund Identified Receipts (R2) adjustment. If the arrears balance is zero or the lien has been otherwise resolved when a financial institution remits a check, the entire check is returned by SDU via notice A461, *Notice of Returned Assets,* to the financial institution. A narrative must be entered on the CONT screen providing the reason for the action and giving the financial institution name, check number and dollar amount.

If the delinquent obligor is active in an intergovernmental initiating case in which the responding state is not the same as the AEI assisting state, a record with information about the seizure must be sent to the enforcing state.

Assets Seized for Another State

Assets which are seized for another state are entered directly into METSS on the AEI Request/Collections (AERC) screen. The SDU worker is required to enter the ID number for the financial institution unless only one financial institution is listed on AERC. The entry of receipt information on this screen creates a special type batch header and receipt processed by the nightly financial process. The DEPO function includes these batches in the amount of the daily deposit. Nightly financial processing recognizes these "special receipts" and stores a pending check to the other state (as identified by the FIPS code from the AEI request) for the amount of the collection. The batch record is coded to be picked up by the EFT process. Nightly processing also updates AEI statistics to indicate the collection and the state for which it is intended. AEI statistics are located on the AEI statistics (AEIS) screen which is available via Caseload Statistics Menu (CAST) at the state level only.

The Receipt/Adjustment Sub-menu, Enter or Update Adjustments (RCPT.ENTA) screen allows no adjustments to reference these special receipts. If an error in receipting occurs, the check must be reissued, canceled, or replaced to correct the situation. The AEI Display (AEID) function will display only AEI receipts.

If the financial institution indicates that the noncustodial parent's account is closed or no assets are seized, the CSEO indicates this on the AERC screen by placing an “N” in the Asset Seized field by the appropriate MSFI identification number. This code causes a pop-up window to appear for the CSEO to enter a reason. Once the text is entered, notice A449, *AEI Request Rejection,* is generated notifying the requesting state of this action and the AEI request is deleted.

Appeals and Contests

If the delinquent obligor or joint account holder appeals or contests the seizure of assets, the assisting state will use the same appeal procedures used for any other seizure process in the state. The law of the state where the asset is located applies. When assets are frozen or seized property owners have the right to contest. Following an AEI action, the contest takes place in the state where the property is located.

Notice A453, *Notice of Contest,* is used when the noncustodial parent contests the encumbrance in court. The form is sent to the financial institution and filed with the court.

The requesting state must provide pertinent case information promptly, if there is a contest when an assisting state seizes or attempts to seize assets. The assisting state must provide a certified copy of arrears, a certified copy of the court order, and other necessary information. The requesting state will be responsible for settling disputes regarding the amount of the debt and be accessible to the assisting state to resolve complicated issues quickly.

Jurisdictional issues should not arise with respect to AEI, as the requests are not opened as intergovernmental IV-D cases in the assisting state. AEI actions are initiated through administrative processes without court involvement.

Only the delinquent obligor or an account holder of interest (a joint account holder) has the right to petition the court to challenge the funds being frozen. The delinquent obligor may challenge the encumbrance by filing a petition for hearing within the 45 day time frame in a court of appropriate jurisdiction under Rule 81(d) (2) of the Mississippi Rules of Civil Procedure. Service upon the Division shall be as prescribed by Rule 4(d) (5) of the Mississippi Rules of Civil Procedure.

Grounds for challenging the encumbrance are limited to:

- Mistaken identity; or
- Mistake in the amount of overdue support.

Notice A455, *Notice of Disposition,* is sent to the financial institution following the court's decision. The prevailing party and resulting action is marked on the form. If the Division is the prevailing party, this form should not be sent until the obligor's time for an appeal expires (30 days from the date the clerk enters the judgment). The notice is filed in the court record. .

Liability of the Division or Financial Institutions

Neither the Division nor a financial institution is held liable for any early withdrawal penalties. A financial institution is not liable under federal or state law for:

- Disclosure of information to the Division; or
- Freezing or forwarding any assets held by the financial institution in response to a notice

- received from the Division or its contractor.

A financial institution is not liable for disclosure of or the failure to disclose any information or for any action taken in good faith, in response to any notice issued by the Division or its contractor unless the disclosure or failure to disclose is willful or intentional. An intentional failure to comply or the willful rendering of false information may subject the financial institution to a fine of up to $1,000.00 per offense.

Safeguarding Confidential Information

Miss. Code Ann. 43-19-45 addresses the need for protecting information obtained pursuant to AEI requests. The information received from a financial institution is highly confidential. Safeguards must be taken to limit the release and/or disclosure of this information. The administration of child support enforcement is the only allowed use for the information received through FIDM. This information is not to be shared with either IV-A or IV-E staff. Divulging any of this information is a Group Three offense as explained in the Mississippi State Employee Handbook and may result in termination of employment.

CASE CLOSURE CRITERIA

Legal Base

45 CFR 303.11 establishes criteria to aid the IV-D agency in developing a system for case closure. The criteria balances the concern that all children receive the help they need in establishing paternity and securing support while assisting in maintaining caseloads that include only those cases in which there is adequate information or likelihood of successfully providing services. Decisions to close cases are linked with notice to recipients of the intent to close the case and an opportunity to respond with information or a request that the case be kept open.

Definitions

Recipient of Services: The term "recipient of services" replaces "custodial parent" to reflect that child support enforcement services may be requested by either the custodial or noncustodial parent.

Diligent Effort: A "diligent effort" to identify the biological father requires the IV-D agency to pursue all leads in an attempt to identify the biological father. Federal regulations at 45 CFR 303.3 require that a "serious and meaningful attempt" be made to identify the biological father or any individual sought by the IV-D agency.

Determination

The determination by the child support worker and/or the child support attorney that a child support case may be closed must be based on one of the reasons listed below. If it does not meet one of the reasons for closure, the case must be kept open and appropriate action taken. **NOTE**: The case closure reasons listed in this section do not apply to child support cases that change from one program code or category to another or that are transferred to another Mississippi county.

The child support worker may make the determination for case closure unless the closure reason stipulates that the determination must be made by the child support attorney or approved by the supervisor/regional director.

Before sending a notice of closure, the child support worker always has the prerogative of consulting with the supervisor even if the reason for closure does not require prior approval of the supervisor/regional director.

Notification

Except for a few of the reasons for closure listed below, the recipient of services must be notified in writing 60 days prior to closure of the case. The case must be kept open if the recipient of services supplies information in response to the notice which can lead to the establishment of paternity or enforcement of a support order, or if contact is reestablished with the recipient of services. The notice being sent must fit the closure reason being used to close the case.

When a child support case meets a case closure reason and TANF, SNAP, or Medicaid is involved, the child support system will notify the IV-A worker or Medicaid worker.

Reasons for case closures must be substantiated by a verification document and/or factual narrative documentation contained in the case record. A verification document is a document that confirms a stated fact.

Factual narrative documentation must include the reasons for the determination of closure, including the source/method of obtaining information, names, places and dates. For example, a copy of the death certificate, a published obituary notice, a funeral program or a written statement from a funeral home is a verification document that confirms the death of a noncustodial parent and must be scanned to the case record. However, when a date of death is received from the Mississippi State Department of Health (MSDH) on the ADDR screen in METSS via the interface between MDHS and MSDH, this is considered sufficient for verification of death. Code ADDR as pending until the case can be closed. Closure based upon information received through the interface must be documented on CONT (there will be no document to scan to the case record).

When requesting a closure notice in WORD only interstate responding case closure notices can be prompted, see the bulletin for auto closure. The new IVAC screen will be used to close all cases except interstate responding cases. If the case is being closed for non-cooperation, the worker must override the notice and define the non-cooperation. For example, if the custodial parent failed to keep scheduled appointments, this needs to be specified in the notice; or if the custodial parent was required to bring in certain information needed by the worker to continue work on the case, and she/he failed to provide the information, this would need to be specified in the closure notice (A592) and documented in METSS.

Effective Date of Closure

A child support case must be closed effective the first calendar day of a month, following the expiration of the 60 days. The case is considered open until the close of business on the last

calendar day of the month, preceding the effective month of closure. This means that in some instances a case cannot be closed for nearly three months from the date the closure notice was mailed; therefore, it is essential that the notice of closure be mailed immediately when the decision for closure is made. Any information received or contact with the recipient of services or noncustodial parent that occurs within that time must be scanned and documented in METSS. This can result in canceling the closure action and withdrawing the alert that was set to close the case. The child support worker will receive an alert to close the case at the end of the month in which the 60 day notice expires in order to code the case closed in METSS. When coding a case closed on the APPD.CASE screen in METSS, a pop-up window appears in which a narrative, documenting the reason for case closure, must be entered.

Closure Due to a Change in Program Code

When a child support case changes from one program code to another, federal reporting requirements necessitate showing the noncustodial parent's case closing in one program code and opening in another program code(s). Although the noncustodial parent's child support case is not actually closed, for reporting purposes the case must be shown as closed in one program code and opened in another. The effective date of closure for the first case and the effective date of opening for the second case(s) will be the same date, and must be the first calendar day of the effective month of closure for the first case.

This type of closing and opening action must be reported as simultaneous action occurring in the same month. METSS automatically records these changes.

Most closures due to a change in program code are the result of approval or termination of TANF or Medicaid eligibility. In these situations, the effective date of closure for a child support case is the same as the effective date of the IV-A action for approval or termination.

Reporting Closures

The count of cases closed in a month is contained in the METSS system. When a change in program code occurs that results in the simultaneous opening and closing of a case, METSS tracks this for reporting purposes.

Case Closure Criteria for All IV-D Child Support Cases

The following reasons are for use in the closure of all IV-D child support cases; i.e., TANF/FC, NON-TANF, TANF/FC Arrears Only, SNAP and Medicaid-Only child support cases:

- There is no longer a current support order and arrears and fees are under $500 or

unenforceable under state law. Examples include, but are not limited to:

- The child has reached the age of majority (21);

- If the child has not reached the age of majority, but a court order has dismissed the action with prejudice, terminated parental rights, or emancipated the child. A copy of the order must be scanned to the case record; or

- If the child has not reached the age of majority, but has met other automatic emancipation requirements.

A 60 day notice is required prior to closure.

Closure code in METSS, "CS" (Form A595)

- The noncustodial parent or putative father is deceased and no further action, including a levy against the estate, can be taken. The case must contain death verification and documented investigation that there is no indication of an estate, trust, or other benefit(s) that may be available to the child(ren). If there is indication or verification of an estate, trust, or other benefit(s) that may be available to the child(ren), the child support attorney must determine and document in METSS why no further action, including a levy against the estate, can be taken. (Death date must be entered on APPD.ABSP screen.)

  A 60 day notice is required prior to closure.

  Closure code(s) in METSS, "DA, DE" (Form A588)

- Paternity cannot be established because:

  - The child is at least 21 years old and action to establish paternity is barred by the statute of limitations (Miss. Code Ann. 93-9-9);

  - A genetic test, a court or an administrative process has excluded the putative father and no other putative father can be identified. **NOTE:** If another putative father is identified prior to the end of the 60 day period, the case with the excluded father must be closed immediately upon a closure notice being sent to the custodial parent. If no other putative father is identified, the case may close no sooner than 60 days; or

  - The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one comprehensive interview (well-documented) by the IV-

D agency with the recipient of services and must be reviewed and have the signed approval of the Regional Director. The reason cited on the closure notice must state, "All efforts to identify the putative father have failed".

A 60 day closure notice is required prior to closure.

Closure code(s) in METSS, "LS, EX, UK" (Forms A589 or A590)

- The noncustodial parent's location is unknown, and reasonable and diligent efforts using multiple sources to locate the noncustodial parent have been made in accordance with established location policy, all of which have been unsuccessful.

  - Over a two-year period when there is sufficient information (SSN for NCP) to initiate an automated locate effort; or

  - Over a six-month period when there is not sufficient information (No SSN for NCP) to initiate an automated locate effort.

  A 60 day closure notice is required prior to closure.

  Closure code(s) in METSS, "LO, LY" (Form A590)

- The noncustodial parent cannot pay support for the duration of the child's minority because the noncustodial parent is verified to be institutionalized in a psychiatric facility, incarcerated with no chance for parole, or to have a medically-verified total and permanent disability with no evidence of support potential. The determination must be made and documented in METSS that no income or assets are available to the noncustodial parent that can be levied or attached for support.

NOTE: Receipt by a noncustodial parent of Supplemental Security Income (SSI) benefits does not, in and of itself, constitute a criterion for case closure. When a noncustodial parent receives SSI benefits, there still must be a determination of a medically-verified total and permanent disability with no evidence of support potential and no income or assets available to be levied or attached. Such a determination shall be ordered by the court with jurisdiction over child support.

Closure code in METSS, "AP" (Forms A596, A597, or A598)

- The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company which has its headquarters or offices in the U.S.,

and has no reachable domestic income or assets; and the State has been unable to establish reciprocity with the country;

A 60 day notice is required prior to closure.

Closure code in METSS, "NC" (Form A594)

- Location-only services have been provided, as per request.

  No 60 day closure notice is required prior to closure.

  Closure code in METSS, "LE"

- The non-TANF recipient of services requests closure of a case in writing or verbally and there is no assignment to the State for arrears or medical support which accrued under a support order. (A MDHS-CSE-698, *Child Support Case Closure Request* signed by the client is encouraged.)

  No 60 day closure notice is required prior to closure.

  Closure code in METSS, "CR"

NOTE: When the non IV-A client requests closure of the case and DFO is receiving child support payments, either through wage withholding or through noncustodial parent payments, METSS will require you to change the case to a non IV-D (90-1) case if there is a payment posted within the last 60 days. The recipient of services must have payments redirected (at her/his own expense). Until the payments are redirected, DFO, as well as the employer and/or the noncustodial parent, must comply with the current court order. DFO will continue to receipt and disburse payments to the recipient of services until the payments are redirected.

- There has been a finding of good cause or other exceptions to cooperation with the IV-D agency and IV-D has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative; and

  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 forcible rape, or in any case where legal proceedings for adoption are pending;

  No 60 day notice is required prior to closure.

  Closure code in METSS, "GC" (Form A599)

- In a non-IV-A case, the child support worker has been unable to contact the recipient of services within a 60 calendar day period despite an attempt of at least one letter sent by first class mail to the last known address. **NOTE**: The 60 calendar day period commences the date the letter is mailed to the recipient of services. The location of the recipient of services is also discussed in the Location section of this Chapter.

  A 60 closure notice is required prior to closure.

  Closure code in METSS, "CL" (Form A593)

- In a non-TANF case receiving IV-D services, the IV-D agency documents the circumstances of the recipient of services non-cooperation and the action by the recipient of services that is essential for the next step in providing IV-D services. Examples of refusing to cooperate are failing to keep appointments without notification, failing to provide available information, or repeatedly giving incorrect information. Documentation of both the circumstances of the non-cooperation and the action required of the recipient of services must be approved and documented by the county child support supervisor.

  A 60 day notice is required prior to closure and must include the reason for the recipient of services non-cooperation.

  Closure code in METSS, "RC" (Form A592)

- Mississippi is the responding state for an incoming UIFSA or interstate income withholding case and:

  - The responding agency documents failure by the initiating State to take an action which is essential for the next step in providing services, or

  - The noncustodial parent is not located after diligent location attempts as described above, including a request for additional information from the initiating state. The location attempts must be in accordance with location policy with respect to the procedures and time frames.

  A 60 day notice to the initiating state is required prior to closure.

  Closure code in METSS, "OC" (Form A730)

A case must be kept open if the recipient of services or the initiating State supplies information

in response to a closure notice which could lead to the establishment of paternity or a support order or enforcement of an order; or, if contact is reestablished with the recipient of services.

If the case is closed, the former recipient of services may request, at a later date, that the case be reopened. This is accomplished by completing a new application for IV-D services and paying the application fee.

In the situation of an interstate case closure, the initiating state may request the case be reopened by submitting a new UIFSA packet with the requested information attached.

In situations involving closure due to a finding of good cause, the recipient of services may request that the case remain open and child support services be pursued by the IV-D agency with the case information protected.

NOTE: A case should not be closed if fees such as court cost, genetic test, or attorney fees are owed, unless it meets a closure reason and there is no probability of collecting the fee(s).

EXCEPTION**:** A child support case may be closed due to the death of the recipient of services or the only child in the case. The case must contain verification of death and date of death. Document METSS, using CONT, and do not send a 60 day notice of closure.

Procedures to Follow When the Custodial Parent is Deceased

When the custodial parent is deceased, a question exists of what should be done with the current child support and child support arrears owed to the custodial parent.

The following procedures will be used by the child support worker when making a determination for an appropriate action after discovering a custodial parent in a child support case is deceased:

- When notice is received that a custodial parent is deceased, the child support worker will attempt to verify the date of death and document this information on CONT. No other steps should be taken until the custodial parent's date of death has been verified.

- If the death verification and date are received, the child support worker will take the appropriate action to stop the current child support payment and put a manual hold on the APPD.CASE screen. If there are no assigned arrears and/or fees existing on the case, the case will be closed and any NPA arrears adjusted off. No closure notice is sent as the custodial parent is deceased.

- If PA arrears and/or fees exist, the case will remain open as an arrears only case in order to collect the PA arrears and/or fees. The ORDR panel will be changed to reflect arrears only, and we will continue to collect payments until the PA arrears and/or fees are reimbursed. If NPA arrears exist on a case, these will be adjusted off.

- If the noncustodial parent now has the child(ren), the child support worker will take action to stop the current obligation, but if PA arrears and/or fees exist, DFO will continue to collect these until they are reimbursed.

- If someone, other than the noncustodial parent, comes into the office and states that the children are now living with them, they must complete a child support application (no fee is required) for these children. The case will be reopened and a new sub case will be setup in METSS with the new custodial parent. Appropriate steps will be taken to collect the current obligation, as well as any NPA arrears and fees.

- If a child support payment is received after the date of the custodial parent's death and there is no assigned arrears and/or fees owed to the state, and no other custodial parent has made an application, the payments will be refunded to the noncustodial parent.

The Division does not take steps to terminate/modify an order when it is verified that the custodial parent is deceased. This must be done by the noncustodial parent. The Division only stops or modifies the payments that are coming through the Division.

Automatic Closure of Cases

The system has been modified to do an automatic closure process with the following criteria:

- Open and Arrears Only Cases

- Children Excluded

- Locate

NOTE: This excludes Foster Care and Intergovernmental (Interstate) Responding cases. Refer to Bulletin 6441, dated 8/14/2013 for criteria.

For Cases selected for the automatic closure process, the flag will have a value of:

- **A Active Case** - The Automatic closure process has begun and the closure notice was sent, but the case has not closed yet.

- **B Blank Address** - The case meets the criteria for closure but the CP address is blank.

- **P Pending** - The automatic closure process began with the past four days, but the closure notice has not been sent.

- **U User Initiated** - The worker has first requested the closure notice and the system then found that the case meet the conditions for automatic closure and set the closure status flag and date.

The end of the month closure process will close all of these cases after the appropriate month, except for those with a value of 'B'. For cases selected via IVAC, the case will be closed after the Closure Pending Date has passed. For a case selected automatically, the case will be closed when the 60 days have elapsed since the Closure Pending Date. METSS will automatically change the status of the case to close immediately. If there is financial data, the system will not close the order panel until the first of the next month.

After the 60 days have passed, METSS will check all cases/subcases previously scheduled for closure via the automatic closure process. If the automatic closure flag has been modified to stop/suspend the automatic closure process or the case/subcase no longer meets the closure criteria, the automatic closure flag and notice date will be cleared.

Closure of IV-D Cases (IVAC screen)

Child support should close any IV-D case that meets a valid closure reason. This means that if a TANF/FC, non-TANF, TANF/FC Arrears Only, SNAP and Medicaid-only child support case meets one of the criteria for case closure, the case should be closed. Other than cases that may close through the APPD.DIVA function, all cases must close through the IVAC function.

In order to close a case in METSS, the IVAC function has been modified to allow the child support supervisor/worker to close cases effectively and timely. A screen will appear which displays the case participants. The supervisor/worker is asked to enter a valid closure reason. If necessary, a closure notice will be displayed that corresponds with the closure reason, and IVAC will generate the closure notice. The case will then close either at the end of the current month or at the end of the month after 60 days have passed depending on the closure reason.

EXAMPLE: If the 60 day notice time ends on June 15th, the closure date for an IVAC closure is 06-2013 which means the case will be closed effective 07-01-13.

If there is an active order and the NCP has a primary employer, the worker will be required to

enter a 'Y' (Yes) or 'N' (No) in the 'Send Withholding Termination' field. Selecting 'Y' will send a withholding termination to the employer. Should there be more than one court order, the system will require you to select the order that should be terminated.

Once a closure request has been made through IVAC, the closure pending flag, reason and date will be displayed on the APPD.CASE screen. For cases selected by the IVAC process, the flag will have a 'Y'. If the Pending Closure flag is cleared from the APPD.CASE screen, a pop-up window will appear for documentation. The change, explanation, and user will be recorded on ACTN.

Listed below are valid closure reasons:

AP – No Possible Support from AP
AR – All Children Removed
CS – No Current Support, Arrears Less than $500
CL – Unable to Locate CP
CR – CP Requested Closure
DA – AP Death Verified, Atty
DE – AP Death Verified – No Benefits
EX – AP Excluded by Genetic Tests
FC – Failed to Cooperate – Good CS
GC – Paternity not Established, Good Cause
LO – AP Location Unknown, 3 Years, with NCP SSN
LS – Statute of Limitations, 21 Years Old, Paternity Not Established
LY – AP Location Unknown, 1 Year, without NCP SSN
OC – Other State Failed to Cooperate
OS – Other State Requested Closure
NC – AP not U. S. Citizen
RC – CP Refused to Cooperate
UK – AP Unknown, No Putative Father Known

NOTE: METSS will no longer accept the closure reason of 'SL' (ST. OF LIMIT.,18 YRS OLD) due to the statute of limitations for paternity actions now not running until a child reaches 21 years of age. If a child reaches 21 years of age and paternity has not been established, the worker should use the reason code of 'LS'.

For clients who fail to cooperate, METSS will send the 'NP', non-pursuit code to MAVERICS when child support determines that a IV-A referred case meets acceptable closure criteria. The 'NP' code will prevent the closed IV-D case from being referred to METSS from MAVERICS again.

The proper steps must be taken when closing any child support enforcement case. When required, a case may not be closed without sending a 60 day closure notice prior to closure.

When a TANF or SNAP custodial parent refuses to cooperate with child support without good cause, the child support worker will notify the IV-A worker of the non-cooperation by coding the case 'ND' on the APPD.CLNT screen. The worker will send the appropriate closure notice to the custodial parent and at the end of the 60 day the case will systematically close. A case cannot be closed by IVAC, using the closure code 'RC', unless the APPD.CLNT screen is coded 'ND'.

Checklist for a Closed Case

Listed below are steps to take when closing a case:

- Enter a narrative on CONT to explain reason for closure;
- Complete arrears adjustment to remove NPA arrears;
- Close ORDR panel by entering a Termination Code and Date of Closure, and update the Change Date as needed;
- Check active and inactive codes; and
- Reinstate license(s) as needed.

PROVISIONS FOR CHILD CARE CERTIFICATION

The Division of Early Childhood Care and Development (DECCD) has added, as part of their policy and procedures, the requirement of applying for child support services as part of the approval process for a child care certificate. The child care certificate recipient must cooperate with the Division of Field Operations as a condition of continued eligibility for the child care certificate.

DECCD Procedures

When parents apply for child care subsidy, they are required to provide their name, SSN, names of their children, and whether or not they have an open child support case with the MDHS Division of Field Operations. The applicants are instructed to open a case if one is not opened, and that their application for child care services is incomplete due to non-compliance with child support. It is the responsibility of the client to contact DECCD and inform them a child support case has been opened or they have complied with child support.

The DECCD child care staff will use the existing electronic interface with METSS to determine if the parent is cooperating with child support, and to determine the amount of child support collected in the past year.

Child Support Procedures

If the child care applicant is not an existing child support client, provide the applicant with an MDHS-CSE-675. Once the form is completed, accept the application and fee, and give the child care applicant pamphlets MDHS-CSE-614 and MDHS-CSE-616 at this time. The child support worker will handle the application the same as any other child support application in regards to setting up the case record file and following the time frames.

When a child care recipient refuses to cooperate with Field Operations, the APPD.CLNT screen must be coded as not cooperating, “ND”.

METSS/DECCD Interface

METSS extracts any open cases and any cases pending to open on the first of the following month with children 21 years old or younger. This information is provided nightly to DECCD child care staff to perform a search with the client’s information. The search results will display the child care certificate number, custodial parent unique ID, kid unique ID, cooperation flag, kid removal reason, kid removal date, closure reason, and closure date.

DECCD sends a file to METSS on a monthly basis which contains a record of all child care clients. METSS then matches the clients' names and social security numbers against METSS data along with the child (ren)'s names and SSNs to find the appropriate child support cases based on the case status, the child participation code, and the custodial parent cooperation code. A report will be generated for DECCD providing the status of cooperation, participation, and/or closure statuses received on the file.

FINANCIAL MANAGEMENT

COURT ORDER ENTRY/UPDATE

The county/district office child support staff has the primary responsibility of entering and updating all IV-D court orders, stipulated agreements and voluntary orders into METSS. The county/district office staff is responsible for changing the withholding modifier from active "A" to inactive "I" and vice versa. The MDHS State Disbursement Unit (SDU) has the ability to update the ORDR Panel on all court orders and the APPD.ABSP.EMPL Panel, but must not make any changes, without consulting with the county/district office. The county/district office will continue to maintain scanned case files; i.e., court orders, affidavits of accounting, etc., and must furnish copies of court orders, affidavits of accounting and/or income withholding orders to the SDU upon request. The SDU has the ability to obtain affidavits of accounting, but may require extra information from the county/district office.

Designated staff will be responsible for entering all Non-IV-D court orders in METSS. If a Non-IV-D order is received in the county/district office, the county/district office staff will enter the order upon receipt. METSS will automatically generate and mail Notice A731, *Notice to New Non-IV-D Client*" to the custodial parent. The designated staff must mail MDHS-CSE-675, *Application for Child Support Services* and MDHS-CSE-614 *Information Pamphlet*, to the custodial parent and record necessary information on the METSS case screen.

If a Non-IV-D client returns the CSE-675 to the county/district office, the county/district office staff must access the case and make the necessary changes, record necessary information on the METSS case screen, then forward the application fee to the SDU with appropriate information for receipting; i.e., name and case number.

GUIDELINES FOR INTERPRETING COURT ORDERS AND DETERMINING SUPPORT OBLIGATIONS

Court Order Interpretation

The court order is always the controlling document for determining the child support obligation and must be interpreted individually. A stipulated agreement for support, a stipulated agreement for support with an admission of paternity, and a stipulated agreement and payment schedule for delinquent child support, are also valid court orders when properly executed and signed by a judge.

Initial Order

Initial orders are usually clear and easy to interpret; however, court orders requiring assistance in interpretation should be referred to the attorney, through appropriate administrative channels. Types of court orders which may require some assistance are; i.e., orders that specify payments for periods of seasonal employment, orders that are stated in terms of a percentage of the defendant's income, etc. When an order or a modification of an order is obtained, the legal effective date and the enforcement date should never change from the initial order.

If a contempt order or a modification of an order is obtained, the county/district office staff must make all necessary changes to the ORDR Panel. However, **NEVER CHANGE** the legal effective or the enforcement dates.

Contempt Order

Contempt orders are usually more difficult to interpret and are written in a variety of ways. Below are examples of the more commonly encountered contempt orders and their interpretations.

1. The defendant is ordered to pay the full child support arrears by a specific date. The contempt order does not change the monthly obligation amount stated in the original order. Therefore, in this type of situation:

    a. The arrears, which have accumulated since the original order, will remain until paid by the defendant.

    b. The monthly obligation amount as originally ordered is still due each month and when not paid, arrears will accumulate.

2. The defendant is ordered to pay the monthly obligation amount as originally ordered plus an additional amount is specified to be paid toward the arrears.

3. The defendant is ordered to pay the monthly obligation amount as originally ordered and is allowed the opportunity to purge himself/ herself of contempt of court by paying a lump sum (usually less than the total arrears amount) by a specific date.

EXAMPLE: The total arrears are $1000 and the defendant is ordered to pay $750 by a specific date.

a. If the defendant complies with the contempt order and pays the $750 by the specified date, the $1,000 arrears which existed at the time the order was issued is reduced by the amount paid ($750). The remaining balance of $250 continues to be a debt owed by the defendant and must be carried as arrears against the defendant. Any current obligation that has not been paid since the contempt order was issued, is considered as arrears and will accumulate.

b. If the defendant does not comply with the order by paying the $750 by the specified date, the $1000 arrears remain. If the noncustodial parent pays any portion of the $750 by the specified date, that amount is deducted and the unpaid balance of the $1000 arrears which was owed at the time of the contempt order remains. The noncustodial parent did not purge himself/herself of contempt, and any current obligation that has not been paid since the contempt order was issued, is considered as arrears and will accumulate.

4. A defendant is ordered to pay the arrears by a specific date. The contempt order specifies a different monthly obligation amount, which may be more or less than the monthly obligation amount specified in the original order.

NOTE: The amount ordered to be paid on the arrears monthly, weekly, etc., is not a part of the current monthly obligation.

a. The current monthly support obligation is to be adjusted in METSS to reflect the new amount. Enter the date METSS is to begin tracking the new obligation amount in the change date field, enter the reason code in the modification reason field, and use F8 (narrative) to record detailed documentation.

b. The arrears stated in the order, prior to the contempt order, is handled in the same manner as described above in item 1.

c. Any current obligation that has not been paid since the contempt order was issued will accumulate as arrears.

NOTE: The county/district office staff will send an income withholding order to the employer if an amount is entered in the arrears obligation field on the ORDR Panel and there is an arrears balance on FBAL.

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Clearance for Interpretation of a Court Order

Each case must be evaluated individually and handled in accordance with the terms of the court order. The examples above are only guidelines to assist in understanding how to interpret court orders. Any order which the county/district office staff or the SDU staff cannot clearly interpret should be referred through proper lines of administration. The supervisor, regional staff or the SDU's program administrator senior may make a request directly to the attorney for an interpretation of the order.

Both the request and the response should be in writing. When requesting a clearance concerning the interpretation of a court order, include copies of the court order. The staff attorney assigned to state office will interpret orders requested by the SDU's program administrator senior.

DETERMINING SUPPORT OBLIGATIONS

In some instances it is necessary to divide the obligation amount specified in a court order among the children for whom it is due. Some orders may not specify amounts for each child.

Court Orders

The court order is the controlling document and each child's share is determined as follows:

1. In court orders which specify a dollar amount per child, the child's share of the obligation will continue until the child reaches the age of majority (age 21), or is otherwise emancipated. When the child reaches age 21, METSS automatically reduces the total obligation amount by the emancipated child's share. The ORDR Panel must be coded with a "C" in the Per Month/Per Child field, and in the Child Obligation field the amount per child is entered on the CHIL Panel as well as the Spousal Obligation field, and the Cash Medical field per the court order.

NOTE: The county/district office staff must monitor orders that are coded as a per child order which includes spousal support. When METSS drops a child support obligation because of emancipation, METSS also drops the spousal support obligation and the county/district office staff must manually correct the spousal amount on the ORDR Panel.

2. In court orders which specify a total dollar amount per month, regardless of the number of children, when one of the children reaches the age of majority (age 21), or is otherwise emancipated, METSS divides the total obligation equally among the children remaining in the order. The ORDR Panel must be code with an "M" in the Per Month/Per Child field. If an order specifies an obligation should continue to accrue after a child reaches age 21, the ORDR Panel must be coded with a "Y" in the ACCRUE OBLIGATION PAST AGE 21 field. The Child Obligation field and the Spousal Obligation field will automatically be filled in by METSS. The Cash Medical field must be entered by the worker.

Stipulated Agreements (Admission of Paternity & Support and Support Agreements)

A stipulated agreement is a legal document signed by the noncustodial parent with an existing child support case. The document specifies admission of paternity and/or the dollar amount for child support (based on State Guidelines), the frequency of payment, and the date the noncustodial parent is to begin making support payments. Although the noncustodial parent signs a stipulated agreement with an admission of paternity, paternity is not established and is

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not legally binding or enforceable until the order approving the stipulated agreement with an admission of paternity is signed by a judge.

When the noncustodial parent signs the agreement, the county/district office staff must document on the CONT Panel in METSS, that the noncustodial parent understands the agreed due date for the support payment, and any unpaid support is owed at the time a judge signs the order approving the stipulated agreement. Set a tickler for 90 days from the date the noncustodial parent signed the agreement for follow-up.

The case should be referred for review to the supervisor, who will then refer the case to the attorney for the required action. If such an order is not obtained within three (3) months of the date that the noncustodial parent signed the agreement, the county/district office staff must notify the supervisor. The supervisor notifies the staff attorney. The staff attorney must assess the situation and determine what action needs to be taken, if any, and document his or her findings and what actions were taken.

Any payment(s) received after the stipulated agreement is signed by the noncustodial parent, but before the judge signs the order approving the stipulated agreement, is receipted and disbursed the same as a court order, but is not enforceable until signed by a judge. The payment(s) will be considered a voluntary payment. (See the Voluntary Payments-Written Agreement/No Written Agreement Section.)

Reminder: The stipulated agreement **should not** be entered in METSS until the order approving the stipulated agreement is signed by the judge. The only exception would be the above paragraph.

Order Approving the Stipulated Agreement

When the attorney returns the order approving the stipulated agreement signed by a judge the original is given to the supervisor. The supervisor will review the order and give it to the designated staff to enter the order in METSS. The designated staff must review the order, ensure the paternity codes on the KID screen are correct, access the ORDR panel, enter the order and scan it to WorkSite.

Note: If a payment is receipted (current month) before the order approving the stipulated agreements is signed by a judge, the supervisor will have to review and update the ORDR panel from voluntary (90 obligation code) to a now legally binding and enforceable court order (10 or 12 obligation code). The supervisor is the only person that can update the ORDR panel in this instance. Otherwise, the designated staff will enter the order on the ORDR panel in METSS.

Example: The noncustodial parent signed a stipulated agreement on 05/13/16 and agreed to pay $100.00 per month effective 08/01/16. The noncustodial parent is the father of child, Joseph Doe born 01/21/16. The judge signed the order approving the stipulated agreement on 06/30/16.

Listed below are the required fields on the ORDR panel for entering an Order Approving the Stipulated Agreement:

FUNCTION=ORDER	MODE =E	CASE ID-600000000
MS COURT#=CH222222		Always for an order
MS CAUSE#-1234		Always for an order
OLIGATION CODE=10		Or whichever applies (F7)
MODIFICATION CODE I		Or whichever applies (F7)
HEALTH INSURANCE=H OR Blank		Code based on if the order states HI
RESPONSIBLE PARTY=C,O or Blank		Code base on who is to provide HI
ADMINSTRATIVE FEE=Y OR N		Y if fees are stipulated in the order or the modifier is coded with an "A". Except when the "A" is coded for Unemployment Intercept. N if fees are not stipulated in the order Or the modifier is coded with an "I".
PER MONTH/PER CHILD=M or C		Whichever applies (F7)

TERM CODE/DATE=M – 01/21/2037	Majority/emancipation of youngest child and date
CHILD OBLIGATION = $100.00	Amount the NCP agreed to pay
FREQUENCY=4	Which ever applies (F7)
STIPULATED DATE=05/13/2016	Always the date the NCP signed the Agreement
LEGAL DATE=08/01/2016	Date the NCP is to begin making payments as agreed
ENFORCEMENT DATE=06/30/2016	Date the Judge signed the Order Approving the Stipulated Agreement
CHANGE DATE=08/01/2016	Date METSS is to begin tracking this Order
MODIFICATION REASON=CD	Whichever applies (F7)

Note: Any other fields on the ORDR panel not shown above, should be populated if information is available per the court order.

Use F8 to record a narrative explaining an order approving the stipulated agreement has been entered. Document the noncustodial parent's obligations and list the child(ren) that are within the court order.

Voluntary Payments (Written Agreement/No Written Agreement)

When a voluntary payment is made, as a result of a signed stipulated agreement regardless of program type, the payment must be accepted and consider the AGREED AMOUNT for the current month's obligation. The county/district office staff must populate the ORDR panel before a voluntary payment can be receipted. (See example below) The SDU will receipt the payment according to receipting procedures, and METSS will handle the allocation/distribution process and treat the payment made as voluntary. METSS will not track or accumulate any payment missed as arrearage or roll any amount in excess of the obligation to future until the order becomes legally binding and enforceable.

Example: Required fields for entering a voluntary agreement:

FUNCTION = ORDR MODE = E CASE ID = 600000000

MS COURT = CH222222

OBLIGATION CODE = 90	No obligation– payments treated as voluntary.
OBLIG MOD =	Leave blank Always
PER MONTH/PER CHILD = M or C	Whichever applies.
TERM CODE/DATE = M / 4-20-20	Majority/Emancipation of youngest child and date.
CHANGE DATE	First day of current month

Voluntary child support payments can be made by a noncustodial parent WHO HAS AN EXISTING CHILD SUPPORT CASE. When a voluntary payment is made, and there is no written agreement regardless of program type, payment must be accepted and considered a voluntary payment. The county/district office staff must populated the ORDR panel before a voluntary payment can be receipted. (See example above) The SDU receipts the payment according to receipting procedures and METSS will handle the allocation/distribution process and treats the payment made as voluntary.

The county/district office staff must initiate the action necessary to obtain a stipulated agreement and/or court order for support. If the noncustodial parent signs the stipulated agreement, the county/district office staff must document on the CONT panel in METSS that the noncustodial parent understands the agreed due date for the first support payment and any unpaid support is owed at the time the judge signs the order approving the stipulated agreement. (See Stipulated Agreement-Admission of Paternity & Support and Support Agreements)

If the noncustodial parent does not sign a stipulated agreement, the county/district office staff must refer the case to the supervisor for review, who must refer the case to the attorney to obtain an order for support.

NOTE: **Do not** accept voluntary payments from a noncustodial parent who does not have an existing child support case established from an appropriate referral or application.

When the attorney returns the order approving the stipulated agreement signed by the judge or an order for support, a copy is given to the supervisor who must review and update the ORDR Panel to reflect the now legally binding and enforceable court order **only** if a payment has come in for the current month. The supervisor will be the only person that can update the order panel in this instance. Otherwise, the designated staff will update the order panel to reflect the now legally binging and enforceable order. The Legal Effective Date field and the Change Date field should reflect the date the noncustodial parent initially agreed to when signing the stipulated agreement unless the date was changed by the judge.

If the noncustodial parent does not sign a stipulated agreement, the county/district office staff must refer the case to the supervisor for review, who must refer the case to the attorney to obtain an order for support.

Voluntary Payments

When a voluntary payment is made, as a result of a signed stipulated agreement regardless of program type, payment must be accepted and consider the AGREED AMOUNT as the current month's obligation. Receipt the payment according to receipting procedures, and METSS will handle the allocation/distribution process. METSS tracks and accumulates any payment missed as arrears, and rolls any amount in excess of obligation amount to future if no arrears have accumulated. The county/district office staff must immediately begin the process of converting the voluntary order to a legally binding and enforceable order.

Voluntary child support payments can be made by a noncustodial parent WHO HAS AN EXISTING CHILD SUPPORT CASE. When a voluntary payment is made, and there is no written agreement regardless of program type, payment must be accepted and the amount paid is considered as the current month's obligation. The SDU receipts the payment according to receipting procedures, and METSS handles the allocation/distribution process and tracks payments made as voluntary. The SDU must notify the county/district office staff to immediately begin the process of converting the voluntary order to a legally binding and enforceable order.

NOTE: Do not accept voluntary payments from a noncustodial parent who does not have an existing child support case established from an appropriate referral or application.

CHILD SUPPORT ACCOUNTING SYSTEM

Legal Base

The Code of Federal Regulations (45 CFR 302.14) and the Mississippi Codes (43-19-37 and 93-11- 115) require that the State IV-D Agency, in discharging it's fiscal accountability, will maintain an accounting system and supporting fiscal records to adequately assure that any request for Federal funds is in accordance with applicable Federal requirements and that a system meets generally accepted principles of accounting.

Child Support Accounting System and Automated Process

The Child Support Accounting System is processed through an automated system, the Mississippi Enforcement and Tracking of Support System (METSS). It is designed to handle child, spousal and cash medical support collections and various types of fees: i.e., court costs, genetic testing etc.

METSS supports all Federal financial system requirements for noncustodial parent billing, payment processing and adjustments, allocation and distribution, tax offset processing, and generation of notices. These notices are sent to TANF recipients and former TANF recipients regarding the amount of child support collected. Noncustodial parents who are selected for tax offset also receive notice. METSS notifies the IV-A agency via the interface, of child support received on behalf of TANF children.

METSS accepts, maintains, and performs all calculations needed for IV-D accounting and reporting based on information entered via the receipting process. This financial information can be viewed through several METSS inquiry screens: FLOG, FSUM, FBAL, PFIN, DISB, etc.

Separation of Cash Handling and Accounting Functions

45 CFR 302.20 requires that the State establish and utilize written administrative procedure designed to:

- Assure use of generally accepted accounting principles.

- An individual, either at the worker level or at the supervisory level, cannot participate in more than one area of payment processing, to the greatest extent that this is possible. However, a supervisor can assist a worker with respect to more than one function for payment(s) in a batch when necessary.

The activities which must be separated are:

- Sorting payment instruments from setting up batches.
- Setting up batches from receipting payments.
- Receipting payments from preparation of deposits.
- Preparation of deposits from the end of the month bank reconciliation.

METSS is designed to assure separation of duties based on authority access assigned to a worker.

EXAMPLE: “BCO (Batch Control Officer) or “RCO” (Receipt Control Officer).

Within METSS, individuals are assigned authority to perform specific activities; i.e., BCO or RCO. The METSS Procedures Manual may specify the "FCO" will setup batches and the "Accounting Clerk," will receipt payments, but this authority to perform specific activities can be assigned to any designated SDU staff, regardless of a staff member's title, by the program administrator senior of the SDU as long as the separation of cash handling and accounting functions are within compliance.

Billing

METSS generates bills once a year (in January) to employers, and to noncustodial parents, who do not have employers at that time. These bills are generated for each IV-D case with a support obligation. In addition, both the employer and the noncustodial parent can go to the MDHS Child Support website and download monthly bills. Each bill includes all pertinent information regarding the noncustodial parent's account.

NOTE: METSS does not send a bill to the noncustodial parent or the noncustodial parent's employer for Non-IV-D cases, including 94 Non-IV-D Interstate Responding.

MDHS STATE DISBURSEMENT UNIT (SDU)

Legal Base

Public Law 104-193, Section 454 (27) and Section 454B of the Social Security Act, mandates that on or after October 1. 1998, each state IV-D agency establish and operate a State Disbursement Unit. The State Disbursement Unit is for the collection and disbursement of court ordered payments in IV-D cases, non IV-D cases in which the support order was initially issued on or after January 1, 1994, and cases in which the income of the noncustodial parent is subject to withholding. The IV-D agency must have sufficient state staff (consisting of state employees) and (at state option) contractors reporting directly to the state agency responsible for monitoring and enforcing support collections through the State Disbursement Unit in IV-D cases and to take expedited administrative actions required under Section 466 (c)(I) of the Act in appropriate cases. The State Disbursement Unit must be operated in coordination with the state's child support enforcement automated system in IV-D cases.

Sections 43-19-31 (k), 43-19-35 (2), and 43-19-37 (1) of the Mississippi Code of 1972, annotated, as amended, requires the Mississippi Department of Human Services (MDHS) to maintain a State Disbursement Unit to which all payments required by withholding orders and orders for support, in which MDHS is a party, be forwarded for disbursement to the custodial parent or another party as designated by the court order.

Purpose

The purpose of the State Disbursement Unit is to expedite processing and disbursing payments to the custodial parent and to provide employers and customers with a single location to make payments.

Definitions

Business day is defined as a day on which state offices are open for regular business.

MDHS State Disbursement Unit (SDU) is the established central location for receiving, receipting and disbursing payments from noncustodial parents, employers and other states.

SDU Functions

The SDU staff is responsible for the functions provided below based on the responsibilities listed in Volume VI, Chapter 1 and any other duties as assigned by the program administrator senior and/or supervisor.

- Pick up the mail from Post office.
- Process incoming and outgoing mail.
- Provide customer service for employers related to payments and respond to other written inquiries.
- Receipt all monies collected in regard to child support including child support payments, spousal support payments, cash medical payments, application fees, court costs, attorney and genetic testing fees, etc.
- Complete monthly bank reconciliations for the SDU account.
- Make adjustments for bad checks (BC) etc.
- Monitor the deposit first to ensure the held check(s) are released timely.
- Notify the county/district office staff of a noncustodial parent's termination from employment when notification is received from the employer. This information can be found in iDocStore under the correspondence tab.
- Request that an order in a IV-D case be entered into METSS. This request is sent to the county/district office and the appropriate regional manager.
- Resolve claims resulting from actions taken by the SDU.
- Non-Sufficient funds collection.
- Daily reconciliation of front end system with METSS.

The responsibilities of resolving unidentified collections and resolving claims are shared between the SDU staff and the county/district office staff. The county/district office staff is responsible for all other functions, including order entry and updating all IV-D cases.

Acceptable Support Payment Methods

Payments may be made on iPayOnline through the MDHS website, PayNearMe (for cash payment), money order, cashier's check, personal check and/or business check. This includes checks drawn on business accounts and personal accounts. Payments are also accepted through Electronic Fund Transfer (EFT)/Electronic Data Interface (EDI) via employers and other states. When a check (business or personal) is returned for insufficient funds, a bad check (BC) adjustment must be done. METSS automatically recalculates and adjusts the noncustodial parent's arrears.

The SDU program administrator senior must carefully review the circumstances for any returned check marked "insufficient funds" and make a decision whether to accept/not accept another check from the payor. Notify the payor, if it is determined that a check will not be accepted for subsequent payments. Refer to the section regarding Insufficient Funds in this Chapter.

Cash Payments

Cash payments are only accepted through the PayNearMe (PNM) option (PayNearMe.com/Mississippi). If anyone attempts to make a payment in cash at the county/district office, that person must be instructed to use PNM or obtain a money order or cashier's check made payable to MDHS/SDU and mail the payment to:

MDHS/SDU
P. 0. Box 23094
Jackson, MS 39225

Child support attorneys must not accept cash payments. If a judge has ordered the noncustodial parent to pay a specific amount before leaving the courtroom to purge him/herself of contempt, to prevent going to jail, etc., the attorney must request that the judge allow the noncustodial parent to obtain a money order, cashier's check or make a cash payment through PNM. If payment is made via money order or cashier's check upon receipt

of the payment instrument, the attorney accepting the payment must give the person making the payment a receipt. A copy of the receipt is scanned to the case record and the attorney keeps a copy for his/her records. If the payment is made via PNM, the client should return to the court with a copy of the receipt. A copy of the receipt is scanned to the case record and the attorney keeps a copy for his/her records or the attorney can verify the payment through the PNM staff portal.

Payments Accepted at County Level

The county/district office accepts only lump sum payments and application fees. These monies are mailed to the SDU accompanied by a log. The county/district office must ensure that the payment is properly identifiable; that is, legible and contains a case number and states the reason for payment. The payment instrument must be payable to SDU.

The county/district office must make two (2) photocopies of the payment instrument. One (1) copy for the person making the payment and one (1) for scanning to the case record.

Receipting Process

All monies received by the SDU must be receipted and deposited daily into the SDU bank account. The approved monies are Electronically Transferred into the state bank account by the Division of Budgets and Accounting (DBA). Through nightly processing, the money is allocated, distributed and disbursed by METSS.

On a daily basis, when a payment is received from or on behalf of a noncustodial parent, the SDU staff must:

1. Identify, batch, receipt and restrictively endorse all payments.

    a. Scan batch header, documents and checks, with no more than fifty (50) payments per batch. However, for payments received from one employer through income withholding, the batch may contain more than or less than the fifty (50) receipts. A batch ticket reflecting the initials of the OPEX operator and the date batch is processed.

    b. Prior to receipting a payment, determine the correct payer using all available sources; i.e., the payment instrument, the coupon from the noncustodial parent's bill, the

transmittal from the employer, and by accessing METSS to ensure payments are receipted to the correct case or noncustodial parent.

c. Manually enter items that were not recognized during scan and post each payment into the designated batches.

d. All payments received by the SDU from an employer through income withholding must be receipted at the noncustodial parents' social security number level using the date of receipt as the date of collection.

NOTE: For audit purposes, the date a payment is received by the SDU is the date of collection and is the date used for tracking the disbursement of payments in a timely manner (within two (2) business days).

Exception**:** FOR NEW ORDERS ONLY - If the SDU receives a payment from an employer seven days prior to the new order being effective, receipt the payment to the SDU's unidentified account and enter a descriptive narrative in the remarks field that will later help in resolving the unidentified payment.

If the SDU receives a payment from an employer prior to a new order being effective, receipt the payment to the unidentified account, and enter a descriptive narrative in the remarks field that will later help in resolving the unidentified payment.

e. Payments made by the noncustodial parent by mail or in person must be receipted at the case level (600001111) unless the noncustodial parent requests it be applied to a specific sub-case (A, B, etc.). The date of collection for a payment mailed by the noncustodial parent is the date the payment is received by the SDU.

2. After satisfactorily completing all postings for assigned batch, RAPID saves posting details. This procedure will balance the batch.

3. RAPID approves all batches during the upload. Upload converts the data into METSS.

4. Print a deposit slip.

Due to the number of payments received, the SDU will make one deposit per day. The total amount processed on RAPID must balance the total amount on the DEPO panel for any given day.

Although a manual deposit slip is required to deposit the daily collections into the local bank, the SDU must still go through the procedures required in METSS for the daily deposit to show up on the BANK panel.

5. Deposit the total amount received into the SDU bank account.

All approved batches are transferred from the SDU bank account to the appropriate State Office bank account through Electronic Fund Transfer (EFT). Child support payments will be issued by direct deposit, debit card or check.

Revised 03-01-17

FINANCIAL UNIT

Purpose

The purpose of the Financial Unit is to provide a control environment to handle financial adjustments. This unit will ensure that financial adjustments are performed accurately and timely. The Financial Unit will be responsible for handling all adjustments that are over a year old, require twenty (20) or more entries, over $500.00 and misposted payments.

Processing Unidentified Payments

When a payment cannot be identified, the State Disbursement Unit (SDU) receipts the payment to the unidentified account and enters a descriptive narrative in the remarks field. These payments are printed to a report and distributed to the designated staff of the SDU for resolution.

Resolving unidentified payments is a responsibility of the SDU staff. The SDU must continually review the unidentified account, and if identified, the SDU will make the necessary payment adjustment. Each county/district office supervisor and/or designee must review the unidentified account for possible collections for clients served by their counties/district offices. If a collection for the county/district office is identified, an adjustment must be made to the appropriate case by the designated staff.

Undistributed Payments

The SDU and/or the county/district office staff are responsible for handling undistributed payments. When a payment is undistributed, the SDU and/or county/district office staff must investigate and determine the reason a payment was not disbursed.

Future Payments

Future money is a payment that has been received from or on behalf of a noncustodial parent in excess of the court ordered obligation(s) due for the current month, and there are no arrears, court costs, standardized costs, attorney's fees, or genetic testing fees. METSS allocates the excess collection to be processed as the first collection for the following month.

If the noncustodial parent continues to pay more than his/her current month's obligation for a period of three (3) months, the county/district office staff must investigate. If the court order is

correct and there are no arrears, the county/district office staff must notify the noncustodial parent by requesting notice A610, *Notice of Future Money,* from WORD. The noncustodial parent must return the A610 along with a copy of his/her state identification card or driver's license before a refund can be processed.

The noncustodial parent must contact the county/district office staff to discuss the situation. Determine his/her intent and whether he/she wants to:

- Send the excess collection to the custodial parent.
- Return the excess collection to the noncustodial parent.
- Provide more support for his/her child(ren). If this is the option the noncustodial parent chooses, the child support worker must initiate a modification of the order to increase the monthly obligation.

NOTE: Whichever choice the noncustodial parent makes, it must be documented on the CONT panel in METSS.

PROCEDURES FOR NONCUSTODIAL PARENT PAYMENT CREDIT

Legal Base

Miss Code Ann. 43-19-37 states that "any payments made by the noncustodial parent directly to the recipient or applicant in violation of the court order shall not be deemed to be a support payment and shall not be credited to the court-ordered obligation of said noncustodial parent".

Court Orders Payable to Custodial Parent

When the court order directs payments to the custodial parent, the order has not been redirected and the noncustodial parent complies with the court order, credit for these payments can be given toward a support obligation in one of the following conditions:

1. The noncustodial parent has receipts to verify payments and the custodial parent agrees with the records, or

2. The noncustodial parent does not have receipts, but the custodial parent agrees that the noncustodial parent paid, and signs the affidavit of accounting to this effect.

When the court order directs payments to the custodial parent and the noncustodial parent complies with the court order, but the two parents do not agree on the receipts or stated payment record, then the matter must be decided by the court.

In the two cases mentioned above, the court order must be redirected to the MDHS/SDU.

Court Orders Payable to MDHS/SDU

When the court order directs payments to the Department, and the noncustodial parent does not comply with the court order by making payments through the Department, the child support staff must consult with the managing attorney before credit will be given. The managing attorney has the option to allow credit if the following applies:

- The noncustodial parent has receipts, cleared checks or other documentation to verify the payments made directly to the custodial parent,
- The custodial parent confirms that the payments were made, and
- No such credit has been previously given on the case.

Upon a determination by the managing attorney that credit should be allowed, the following must be done:

- The custodial parent must complete and sign a manual affidavit of accounting (AOA) form that indicates which months' payments were received directly from the noncustodial parent,
- A copy of all receipts or other documents and the AOA must be scanned to the file, and
- If the custodial parent is a recipient of benefits, a copy of the AOA with supporting documentation shall be forwarded to the appropriate agency granting those benefits, and
- Staff must send a free form notice (A901) to the NCP, informing the NCP that he must make payments to the Department and that no such credits will be allowed in the future.

NOTE: If credit is granted, it will be applied to NPA arrears only. In no situation is credit to be applied toward Public Assistance (PA) arrears.

Revised 11-01-17

Procedures for Payment Credits for Social Security Administration and Veteran Affairs Benefits for DFO Cases

Social Security Administration (SSA) and Veteran Affairs (VA) benefits received by a noncustodial parent's child can be credited toward the satisfaction of the noncustodial parent's monthly support obligations. Documentation from SSA or VA that shows the amount of the dependent benefit must be scanned to the case record. The county/district office staff must manually maintain these cases and give credit each month by doing a "PC" adjustment for only the current support obligation.

No credit will be given towards an ongoing monthly arrears obligation. This prohibition applies to both NPA and PA arrears. The noncustodial parent will receive credit for the monthly current support obligation but he or she will be responsible for paying the monthly arrears obligation and a withholding order should be obtained and served upon SSA or VA. If a child or children of a noncustodial parent is determined to be eligible for the payment of lump sum benefits and there is child support arrearage, the noncustodial parent shall receive credit towards that arrearage, if the arrearage accrued after the date of disability onset as determined by the Social Security Administration.

If the amount of the SSA or VA dependent benefits is less than the monthly support obligations, the noncustodial parent's receipt of benefits may warrant a downward modification. The case worker should initiate the RVMO process by mailing notice A627 within 15 days of learning that SSA or VA dependent benefits exist. Upon receipt of a request for RVMO from the noncustodial parent the case should be reviewed for modification. If the child support guidelines being applied to the current benefits would result in a reduction of the monthly child support amount, such a reduction should be considered a substantial change in circumstance.

If the child(ren) ceases to receive SSA or VA dependent benefit because he or she has reached the age 18 and the noncustodial parent is legally responsible for support until age 21, the order/withholding order should be referred to legal staff for modification.

NOTE: It is the responsibility of the custodial parent to inform the county/district office when the SSA or VA dependent benefit has ceased.

Social Security Administration (SSA) Benefits

SSA benefits (disability, retirement, etc.), if received by the noncustodial parent, may or may not be distributed by the Social Security Administration to the noncustodial parent's child(ren), depending on the particular circumstances. If benefits are not distributed to the noncustodial parent's child(ren), payments may be withheld by the department via a withholding order to satisfy the noncustodial parent's child support and arrears' obligations.

Supplemental Security Insurance (SSI) Benefits

Supplemental Security Insurance (SSI) benefits received by a noncustodial parent are not distributed to his or her child(ren) and may not be considered an alternative source of payment and cannot be withheld for child support.

Retroactive Adjustments

It is the responsibility of the noncustodial parent to inform the county/district office of his or her receipt of such benefits. The county/district office must be notified in writing, i.e., a letter from the Social Security Administration or the Veteran's Affairs Administration, that a benefit is being paid to the noncustodial parent's child(ren).

NOTE: Credit may not be applied toward a spousal obligation from benefits paid to the child(ren). However, a withholding order can be served to SSA for collection of spousal support. This may require an amendment to the order/withholding order.

Adjustments

There are several types of financial adjustments, which include the following:

- Bad Check adjustments - when a check has been returned because of insufficient funds
- Transfers - when a payment is posted to an incorrect case or the unidentified account
- Refunds - when a payment is backed out and sent to a designated recipient
- Arrears adjustments - to increase or decrease an arrears balance
- Fees adjustments - to increase or decrease a fees balance (court costs, genetic testing)

- Payment Credits - to credit a case without a payment actually being received and/or to reverse a previous payment credit

- Fees Retained Credits- to give credit to a case when another state has retained a portion of a payment to cover fees

The Financial Unit or the county/district office staff will:

1. Investigate and obtain information;

2. Create an adjustment batch(es);

3. Enter adjustments and document the reason; and

4. Approve the adjustment batch (es).

Exception**:** Payment Credit adjustments regarding benefits paid by the Social Security Administration and/or Veterans Administration will be handled by the county/district office staff.

INSUFFICIENT FUNDS

Legal Base

Section 97-19-55, Mississippi Code of 1972, Annotated, as amended, makes it unlawful for any person to issue any check, draft, or order for the purpose of obtaining money to satisfy a pre-existing debt knowing there are not sufficient funds for the payment of such check, draft, or order. This section further makes it unlawful for an account to be closed without leaving sufficient funds to cover all outstanding checks, drafts, or orders upon such funds then outstanding. District Attorneys are authorized to assist in the recovery and distribution of restitution from persons charged with issuing bad checks.

Purpose

The purpose of the law is to provide an additional tool for obtaining restitution on bad checks. When a check is returned for insufficient funds, the noncustodial parent or employer is given an opportunity to rectify the situation.

Procedures

The receipt of one insufficient funds check suspends the noncustodial parent's and the employer's check writing privilege with the Mississippi Department of Human Services, Division of Field Operations. When a check, issued by the noncustodial parent, is returned by the bank stamped "Account Closed" or Insufficient Funds", the SDU supervisor enters a 'Y' in the NSF field on the Support Application Sub-case Status (CASE) screen and sends the noncustodial parent notice A441, *Notice of Nonsufficient Funds*, asking for full remittance of the bad check within 15days of the date of the notice plus a service charge fee of $30.00

The notice is accessed from WORD and sent by first class mail to the noncustodial parent's last known address. It provides the check, draft or order number, date issued, bank name, the amount of the check, and affirms the law and the Division of Field Operations authority to assess a $30.00 fee.

When a business check is returned marked "Account Closed" or "Insufficient Funds", the SDU supervisor accesses the ABSP Employer Maintenance (EMPL) screen and enters a `Y' in the "NSF" field on the List of Known Employers screen. Notice A441 is sent to the employer's business address asking for full remittance of the bad check, plus a service fee of $30.00, within 15 days.

Receipting Replacement Checks

When a child support payment is returned marked "Account Closed" or "Insufficient Funds" a bad check adjustment and the service fee adjustment is made in METSS by SDU, and METSS established a claim on the bad check. Refer to the section RECOUPMENT in this Chapter.

The notice(s) mailed to the noncustodial parent/employer requests that the repayment instrument specify that it is a replacement. The SDU worker must pay special attention to a repayment instrument so notated. These payments are receipted to the claim. The service charge fee may be included on the replacement instrument. This fee must be receipted as a service charge fee in METSS.

Procedure for NSF Flag Removal

Occasions will occur that warrant the removal of the NSF flag. A joint decision is made by the SDU supervisor and the SDU Bureau Director regarding the removal of the NSF flag on a case by case basis.

ABANDONED PROPERTY

Legal Base

Section 89-12-14(1), of the Mississippi Code of 1972 Annotated, as amended, states that all intangible property, including, but not limited to, any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state or local government or governmental subdivision, agency or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within five (5) years after the date prescribed for payment or delivery, is presumed abandoned and subject to the custody of this state as unclaimed property.

Definition

Abandoned/unclaimed property is all payments collected through the METSS system which remain undistributed for at least five (5) years from the original date of receipt on the system.

Procedure

A batch process will run on the 3rd of each month identifying all checks or payments meeting the criteria listed below:

- A check was issued for over 180 days and the check status is expired, voided, pending or held; or
- A payment was issued and the current status is pending, held or undistributed and,
- The date of collection of the original receipt from which the payment was created is at least four (4) years and eleven (11) months prior to the 1st day of the next month;
- The payment has not been excluded from this process; and
- The distribution type for the receipt is one that is included in the undistributed totals.

On the last day of each month, a batch process will run and identify all payments with the appropriate code in the abandoned property field and transfer these funds as unclaimed property.

METSS Enhancements

A new field was added to the DISB screen to identify payments that meet the requirements listed above. These payments will be coded with a 'P' (pending). Only designated staff will have the capability to update this field from 'P' to blank or 'E' (exclude). Once a change has been made to this field, a pop-up window will appear requiring an explanation for the change. If an explanation is not entered the change will not be saved.

If a payment has been identified, or a client request payment of funds previously identified as abandoned property with the State Treasury, designated staff will use the REPL function to access the replacement screen and reissue the funds to the client. A report of all payments reissued will be generated each month.

Responsibility of Child Support Staff

Due diligence must be used by staff to locate the owner of any and all unclaimed child support payments. It is the responsibility of child support staff to ensure the rightful owner of intended funds has the benefit of the property.

1. The noncustodial parent has receipts to verify payments and the custodial parent agrees with the records, or

2. The noncustodial parent does not have receipts, but the custodial parent agrees that the noncustodial parent paid, and signs the affidavit of accounting to this effect.

When the court order directs payments to the custodial parent and the noncustodial parent complies with the court order, but the two parents do not agree on the receipts or stated payment record, then the matter must be decided by the court.

In the two cases mentioned above, the court order must be redirected to the MDHS/SDU.

Court Orders Payable to MDHS/SDU

When the court order directs payments to the Department, and the noncustodial parent does not comply with the court order payment, credit can be awarded if:

The noncustodial parent has receipts to verify the payment and the custodial parent agrees with the receipts. However, if the custodial parent and the noncustodial parent do not agree, then the matter must be decided by the court.

NOTE: In no situation is credit to be applied toward Public Assistance (PA) arrears.

Procedures for Payment Credits for Social Security Administration and Veteran Affairs

Benefits for DFO Cases

Social Security Administration (SSA) and Veteran Affairs (VA) benefits received by a noncustodial parent's child can be credited toward the satisfaction of the noncustodial parent's monthly support obligations. Documentation from SSA or VA that shows the amount of the dependent benefit must be scanned to the case record. The county/district office staff must manually maintain these cases and give credit each month by doing a "PC" adjustment for both the current support obligation and the arrears obligation, if the arrears are NPA only. If a case has PA and NPA arrears, credit may be applied toward the NPA arrears, but must be done by an NPA arrears adjustment, not a "PC" adjustment.

No credit can be given toward an arrears obligation if the case has PA arrears only. In these cases the noncustodial parent is responsible for paying the monthly arrears obligation and a withholding order should be obtained and served on SSA.

If a child or children of a noncustodial parent is determined to be eligible for the payment of lump sum benefits and there is child support arrearage, the noncustodial parent shall receive credit toward NPA arrearage, if the arrearage accrued after the date of disability onset as determined by the Social Security Administration.

If the amount of the SSA or VA dependent benefit is less than the monthly support obligations, a court order must be obtained. Within 15 days of learning that SSA or VA dependent benefits exist, the child support worker must refer the case to the attorney for modification of the order.

If the child(ren) ceases to receive SSA or VA dependent benefit because he or she has reached the age 18 and the noncustodial parent is legally responsible for support until age 21, the order/withholding order should be referred to legal staff for modification.

NOTE: It is the responsibility of the custodial parent to inform the county/district office when the SSA or VA dependent benefit has ceased.

Social Security Administration (SSA) Benefits

SSA benefits (disability, retirement, etc.), if received by the noncustodial parent, may or may not be distributed by the Social Security Administration to the noncustodial parent's child(ren), depending on the particular circumstances. If benefits are not distributed to the noncustodial parent's child(ren), payments may be withheld by the department via a withholding order to satisfy the noncustodial parent's child support and arrears' obligations.

Supplemental Security Insurance (SSI) Benefits

Supplemental Security Insurance (SSI) benefits received by a noncustodial parent are not distributed to his or her child(ren) and may not be considered an alternative source of payment and cannot be withheld for child support.

Retroactive Adjustments

It is the responsibility of the noncustodial parent to inform the county/district office of his or her receipt of such benefits. The county/district office must be notified in writing, i.e., a letter from the Social Security Administration or the Veteran's Affairs Administration, that a benefit is being paid to the noncustodial parent's child(ren).

NOTE: Credit may not be applied toward a spousal obligation from benefits paid to the child(ren). However, a withholding order can be served to SSA for collection of spousal support. This may require an amendment to the order/withholding order.

Revised 12-01-14

BANK RECONCILIATION

METSS provides an online bank account screen (BANK) to maintain bank account balances.

The SDU bank statement and the BANK function in METSS must be reconciled each month.

Tools needed for the end of month reconciliation are:

a. Monthly bank statement from the SDU bank.

b. Printed copy of the BANK Panel for month of reconciliation.

c. Printed copy of BINQ Panel.

d. Manual deposit slips.

e. BANK PANEL - BANK STATEMENT RECONCILATION form.

Reconciling the SDU bank statement:

1. On the bank reconciliation form, start with ending balance from the bank statement.
2. Add any deposits not showing on the statement (using manual deposit slips and BANK Panel). This would be any deposit showing on BANK Panel that is showing on the bank statement.
3. Compare the EFT's on bank statement to the EFT's on the BANK Panel (Any EFT's listed on the BANK Panel that are not on the bank statement are outstanding).
4. Subtract EFT's (checks) outstanding.
5. This amount and the balance on the BANK Panel should agree.

Reconciling METSS BANK Panel:

1. Start with balance on the last page of the BANK Panel.

2. Add deposits not showing on the BANK Panel (This would be approved "S" batches from BINQ that have not been processed through the DEPO function or "BC" adjustments that showed up on the BANK Panel).

3. On the BINQ Panel find all adjustment batches, pull up the RINQ screen for each of the adjustment batches to find any "BC" adjustments not showing on the BANK Panel and subtract these adjustments.

4. This amount and the balance on the SDU bank statement should agree.

If there is a discrepancy in the balances of the bank statement and the BANK Panel, reasons for the discrepancies must be identified and corrected. Some discrepancies may occur when bank fees are involved. There could be an encoding error. There can also be other adjustments that show on one and not the other. These errors require further reconciliation and may require making an adjustment on the BANK Panel. If an adjustment to the BANK Panel is required, it must be done by the SDU Supervisor using the ADJT function.

ALLOCATION/DISTRIBUTION OF SUPPORT COLLECTION

Nightly Processing
During nightly processing METSS:

1. Updates financial balances as a result of payments receipted and adjustment transactions.

2. Allocates support payments

3. Determines distribution of support payments.

4. Recalculates financial history as a result of retroactive payments, adjustments, and/or obligation changes.

5. Provides financial reporting to the SDU and the Division of Budgets and Accounting (DBA).

As a part of nightly processing, reports are printed listing all receipts, adjustments, and financial transactions made. These reports are sent to the SDU for the staff to review and ensure all transactions updated properly and if not, correct any errors.

METSS Allocation Process

Allocation is the process of determining which child(ren)'s financial balances should be credited as a result of an approved support payment. All support payments are allocated according to federal regulations and state policy based upon the posting criteria of receipts, regardless of the program type.

Sequence of Allocation (SEQA)

Sequence of allocation tables in METSS are identified and applied to cases based on the program status of the individuals in the case. The current sequence of allocation tables used in METSS may be viewed by accessing SEQA in "D" mode.

DISTRIBUTION PROCESS

Legal Base

Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), revises Section 457 of the Social Security Act, which governs the distribution of any support collected under Title IV-D of the Social Security Act. Section 103 of PRWORA revises Title IV-A of the Social Security Act, in part, by replacing the assignment of rights requirements in Section 402(a) (26) with new requirements in Section 408 (a) (3) of the Social Security Act. Public Law 105-33 and The Balanced Budget Act of 1997 (BBA) contain technical amendments to Sections 408 (a) (3) and 457 of the Social Security Act. Section 5532 of the BBA added Section 457 (a) (6) to give States the option of implementing distribution changes under Section 457, which apply to former assistance cases, effective October 1, 1998, and includes other minor technical corrections.

In addition, Section 5547 of the BBA reinstates distribution requirements in former Section 457 governing Title IV-E foster care cases.

The DRA revised section 408(a) (3) of the Social Security Act now eliminates the assignment of pre-assistance arrearages in new assistance cases effective October 1, 2009. Under this requirement, assignments of rights on or after the effective date will be limited to the amount of child support that accrues during the assistance period, not to exceed the cumulative amount of unreimbursed public assistance (URPA). Such support may include the retroactive support ordered for the period that the family received assistance.

Definitions

Assigned Medical Support is any amount collected which represents specific dollar amounts designated in the support order for medical purposes. The assigned amount is forwarded to the Medicaid agency for distribution, if the family is or has been a recipient of TANF, Medicaid or IV-E Foster Care. The remainder is paid to the family.

Assignment of Rights is a condition of eligibility for assistance under Title IV-A of the Social Security Act. A member of a family must assign to the State any rights they may have (on behalf of the family member or any other person who has applied for or is receiving such assistance) to support from any other person, not to exceed the total amount of assistance paid to the family, which accrues (or has accrued) before the date the family leaves the assistance program.

All support collected while a family is receiving 1V-A assistance will be retained by the State to recover the amount of Unreimbursed Public Assistance (URPA) that was paid to the family.

Assistance means aid through a state program that is funded under Title IV-A of the Social Security Act or the state plan approved under Title IV-A.

Assistance Paid to the Family, for child support distribution purposes, is aid received in the form of money payments i.e., cash, checks, or warrants, immediately redeemable at par to eligible families under a state plan approved under Title IV-A.

Date of Collection is the date the payment is received in the MDHS State Disbursement Unit (SDU). Exception: If current support is withheld by an employer in the month when due and is received by the SDU in a month other than the month when due, then the date of withholding may be deemed the date of collection, when specifically notated on the check.

Distribution is the determination of the destination of monies based on the allocation of a collection.

Future Collection(s) is the amount collected which exceeds the current support obligation, fees obligation, total past due support, and court costs. A collection can only be applied to future months if current month obligations, any arrears and other costs due which are listed in the sequence of allocation have been satisfied.

Types of IV-D Child Support Cases

Current Assistance Cases - IV-D cases which are currently receiving TANF assistance.

Former Assistance Cases - IV-D cases which formerly received AFDC/TANF assistance.

Never Assistance Cases - IV-D cases which have never received AFDC/TANF assistance.

METSS tracks the current status of each case by a specific code appearing on APPD.MEMB. Each code is linked to the corresponding financial record and SEQA table. These codes are as follows:

1. CA – Current IV-A Assistance
2. CE – Current IV-E Assistance
3. CX – Current IV-E Assistance, former IV-A Assistance
4. FA – Former IV-A Assistance
5. FE – Former IV-E Assistance

6. NA – Never Assistance

Types of Child Support Arrears

NPA – Non Public Assistance Arrears are arrears (1) that accrued in never assistance cases, (2) in former assistance cases, arrears that accrued after the family's most recent period of assistance ended, (3) previously (permanent) assigned arrears that accrued while the family was receiving assistance that exceeds URPA when the family leaves the assistance program.

PA - Public Assistance Arrears are arrears (1) that accrued and were assigned before July 1, 1999, and does not exceed URPA, and (2) arrears that accrued on or after July 1, 1999, while the family received assistance, and does not exceed URPA.

Unreimbursed Public Assistance (URPA) is the cumulative amount of assistance paid to a family that has not been repaid by assigned support collections. The total amount of URPA paid to a family which the State may recover through the IV-D program is limited by the total amount of the assigned support obligation.

DISTRIBUTION OF COLLECTIONS THROUGH FEDERAL TAX OFFSET

Current Assistance Cases (TANF) Refer to SEQA Table CA (Current Assistance)

1. Collections are applied to PA arrears, up to the URPA balance and are retained by the state, as long as there are certified arrears.

2. Collections that exceed the URPA balance are applied to NPA arrears (if applicable) and are paid to the family, as long as there are certified arrears.

3. Collections that exceed NPA arrears are refunded to the noncustodial parent.

4. The URPA balance is reduced by the amount of the collection applied in #1.

Former Assistance Cases (Non-TANF) Refer to SEQA Table FA (Former Assistance)

1. Collections are applied to PA arrears, up to the URPA balance and are retained by the state, as long as there are certified arrears.

2. Collections that exceed the URPA balance are applied to NPA arrears and are paid to the family, as long as there are certified arrears.

3. Collections that exceed NPA arrears are refunded to the noncustodial parent.

4. The URPA balance is reduced by the amount of the collections applied in #1.

Never Assistance Cases (Non-TANF) Refer to SEQA Table NA (Never Assistance)

1. Collections are applied to NPA arrears and are paid to the family.

2. Collections in excess of NPA arrears are refunded to the noncustodial parent.

Current Assistance Cases (IV-E Foster Care) Refer to SEQA Table CE (Current IV-E Assistance) or CX (Current IV-E Assistance. but Former IV-A Assistance)

Collections are applied to PA arrears, up to the URPA balance and are retained by the state, as long as there are certified arrears.

1. Collections that exceed the URPA balance are applied to NPA (if applicable) and are paid to the family. (The family being the Social Services Office responsible for the care of the child(ren)

2. Collections that exceed NPA arrears are refunded to the noncustodial parent.

3. URPA is reduced by the amount of the collection applied in #1.

Former Assistance Cases (IV-E Foster Care) Refer to SEQA Table FE (Former IV-E Assistance)

1. Collections are applied to PA arrears, up to the URPA balance and are retained by the state, as long as there are certified arrears.

2. Collections that exceed the URPA balance are applied to NPA and are paid to the family.

3. Collections that exceed NPA arrears are refunded to the noncustodial parent.

4. URPA is reduced by the amount of the collection applied in #1.

DISTRIBUTION OF COLLECTIONS OTHER THAN FEDERAL TAX OFFSET

State tax offset will distribute the same as a regular child support collection, meaning it will follow the same distribution rules as listed below (current support first, etc.).

EXCEPTION**:** When a state tax collection is received and the certified arrears balance is zero, the entire collection is refunded to the noncustodial parent.

Current Assistance Cases (TANF) Refer to SEQA Table CA (Current Assistance)

1. Collections are applied to the current month TANF benefit and retained by the state.

2. Collections that exceed the current month TANF benefit, up to the current month support obligation, are retained by the state to recover URPA, as long as there is an URPA balance.

3. Collections that exceed the current month TANF benefit, up to the current month support obligation, are paid to the family, if the URPA balance is zero.

4. Collections that exceed the current month support obligation are applied to the arrears obligation and/or fees obligations, only if these obligations exist.

5. Collections that exceed PA arrears are applied to NPA arrears and paid to the family.

6. Collections that exceed NPA arrears are applied to fees if fees exist. Otherwise, collections that exceed NPA arrears are refunded to the noncustodial parent.

7. The URPA balance is reduced by the amount of the collections applied in #1, and #2.

Former Assistance Cases (Non-TANF) Refer to SEQA Table FA (Former Assistance)

1. Collections are applied to the current month obligation and paid to the family.

2. Collections that exceed the current month support obligation are applied to the arrears obligation and/or fees obligations, only if these obligations exist. Otherwise, collections that exceed the current month support obligation are applied to NPA arrears and paid to the family.

3. Collections that exceed NPA arrears are applied to PA arrears and retained by the state.

4. Collections that exceed PA arrears are applied to fees if fees exist. Otherwise, collections that exceed PA arrears, are refunded to the noncustodial parent.

5. The URPA balance is reduced by the amount of the collections applied in #3.

Never Assistance Cases (Non-TANF) Refer to SEQA Table NA (Never Assistance)

1. Collections are applied to the current month obligation and paid to the family.

2. Collections that exceed the current month obligation are applied to the arrears obligation and/or fees obligations, only if these obligations exist. Otherwise, collections that exceed the current month support obligation are applied to NPA arrears and paid to the family.

Collections that exceed NPA arrears are applied to fee arrears, if fee arrears exists. Medicaid only cases are considered never assistance cases, but if a cash medical support amount is ordered, it is possible to have these types of arrears. If neither arrears nor fees exist, collections that exceed NPA arrears are refunded to the noncustodial parent.

Current Assistance Cases (IV-E Foster Care) Refer to SEQA Table CE (Current IV-E Assistance) or CX (Current IV-E Assistance, but Former IV-A Assistance

1. Collections are applied to the current month foster care board payment and retained by the state.

2. Collections that exceed the current month foster care board payment, up to the current month support obligation, are retained by the state to recover URPA, as long as there is an UPRA balance.

3. Collections that exceed the current month support obligation are applied to the arrears obligation and/or fees obligations, if these obligations exist. Otherwise, collections that exceed the current month support obligation are applied to PA arrears, up to the URPA balance and retained by the state.

4. Collections that exceed PA arrears are applied to fees, if fees exist. Otherwise, collections that exceed PA arrears are paid to the family (This is the Family and Children's Services Office that is responsible for the care of the child(ren) or refunded to the noncustodial parent.

5. The URPA balance is reduced by the amount of the collections applied in #1, #2 and #3.

Former Assistance Cases (Non-IV-E Foster Care) Refer to SEQA Table FE (Former IV-E Assistance)

1. Collections are applied to the current month support obligation and paid to the family.

2. Collections that exceed the current month support obligation are applied to the arrears obligation an d/or fees obligations, if these obligations exist. Otherwise, collections that exceed the current month support obligation are applied to PA arrears, up to the URPA balance and retained by the state.

3. Collections that exceed PA arrears are applied to fees, if fees exist. Otherwise, collections that exceed PA arrears are refunded to the noncustodial parent.

4. The URPA balance is reduced by the amount of the collections applied in #2.

Cash Medical Support Refer to SEQA Table NA (Never Assistance)

1. Collections received as cash medical in medical assistance cases (TANF, Medicaid-Only and IV-E Foster Care) are paid to the Medicaid Agency.

2. Collections received as cash medical in non-medical assistance cases (Non-TANF and Non-IV-D) are paid to the family.

Interstate Responding

Collections received are distributed to the "Pay to" state agency/SDU listed in METSS.

FEES (Administrative fees, Fee arrears, Attorney's fees, Genetic testing fees and Court costs fees)

Collections received for fees are distributed as program income.

Recoupment Monies

Collections received to relieve claims are distributed as program income.

TAX OFFSET

Tax offset refers to the process of intercepting a noncustodial parent's federal and state tax refunds for the purpose of satisfying child support arrears. METSS only allocates to cases with current certified arrears. Tax offset processing is handled by METSS through automated interfaces with the Internal Revenue Service (IRS) and the State Tax Commission (STC). METSS provides for circumventing automatic processing when appropriate.

The IRS and the State Tax Commission send collections to MDHS. METSS automatically distributes receipts created through the tax offset collection process. IRS distributions occur nightly except for Non-TANF joint returns, which are held for six months. This is to allow for adjustments the IRS may submit to MDHS, if the spouse files an injured spouse appeal. The appeal for the IRS injured spouse form must be filed with the IRS. When this occurs the IRS may occasionally make "adjustments" to previous offsets. State Tax Collections are distributed after a 30 day hold period. This allows for potential injured spouse appeals. For the STC injured spouse appeal, the injured spouse must submit a written request for an administrative review to the Division of Field Operation, Customer Service.

If a noncustodial parent wants to appeal his or her tax offset, he or she must submit a written request for an administrative review (These types of reviews are handled by the county/district office staff).

State payment refunds are sent to the noncustodial parent for collections that exceed the current certified arrears in the following manner:

1. To State Treasury: When there is an unrecovered assistance balance, METSS allocates to assigned, current certified arrears.

2. To Custodial Parent: When there is no unrecovered assistance balance, METSS allocates to assigned, current certified arrears.

3. To Custodial Parent: When there is no unrecovered assistance balance, METSS allocates to unassigned, current certified arrears.

MESC UNEMPLOYMENT INTERCEPTS

DFO may intercept noncustodial parents' unemployment benefits as payment on a child support obligation. This is accomplished via an interface between MDHS and Mississippi Employment Security Commission (MESC). METSS automatically determines eligibility of an unemployment intercept (UI) based on certain criteria. If a noncustodial parent's unemployment is intercepted, METSS receipts, allocates, and disburses the monies in the same manner as any child support under wage withholding.

NOTE: Non IV-D cases are not included in MESC unemployment intercept.

Criteria for unemployment intercept:

1. Noncustodial parents' social security number is verified.

2. Noncustodial parent is included on the tape match received by METSS from MESC.

3. Code in the modifier field on the ORDR Panel pertains to unemployment benefits (A, S, T, V).

CANCELLATION/REPLACEMENT OF SUPPORT CHECK

Lost/Stolen/Mutilated

Situations occur in which a check issued by the state to a child support custodial, noncustodial parent, or other payee has been lost, stolen or mutilated.

When a child support payee reports a support check lost (a 10 working day waiting period is necessary, count from date of issuance) or stolen/mutilated (no waiting period is necessary), the county/district office should follow these procedures:

1. Discuss with the payee the full details for requesting a duplicate check. Explain to the payee if he/she is issued a duplicate check the original check will not be honored. Emphasize the importance of being sure that he/she has not cashed the original check. If the check has been cashed, the person who accepted the original check will have to recover their money from the person who signed the check.

2. If the child support payee, following the above discussion and waiting period, states that he/she did not receive and cash the check, obtain from him/her a written request for a duplicate check. This request must contain the details of the reason for requesting a duplicate check and the payee's signature must be notarized. Include in the statement the check number involved and the date the check was written. This information is available in METSS by entering DISB in the FUNCTION field, in D MODE and the 600 ID Number or the custodial parent's social security number. Form MDHS-CSE-690, *Request for Duplicate Check* must be used for the purpose of obtaining this statement, and must be forwarded to the Division of Budgets and Accounting (DBA).

3. Upon receipt of MDHS-CSE-690, DBA will initiate the procedures to determine if the check has been cashed.

    a. If the check has been cashed, DBA will return a copy of the original check to the county. The payee will view the check to determine if he/she did endorse the check or identify the person who might have signed the check. If the payee did not endorse the check, the child support worker will complete the MDHS-CSE-691, *Affidavit Regarding Check Endorsement,* for the client's original signature and official notary public seal and signature. If the signature on the MDHSCSE-691 and the signature on the check appear to be the same, a duplicate may not be issued.

    If the payee disclosed the name of the person who may have stolen the check, a police report should accompany the MDHS-CSE-691.

These documents must be returned to DBA, who send the documents to the bank for credit to the child support account.

b. If the check has not cleared the bank, DBA issues a stop payment to the bank along with the notarized statement from the payee.

c. DBA issues the duplicate check to the payee to replace the lost, stolen, or mutilated check.

Returned/Undeliverable Checks

Checks which are written from METSS and returned to the Division of Budget and Accounting (DBA) as undeliverable are handled according to the procedures outlined below.

Upon receipt of the check(s) and transmittal, the county/district office supervisor must sign, date, copy, and return the transmittal immediately to DBA. The supervisor is responsible for logging all returned checks. The log must contain the date the returned check is received, payee's name, check number, amount of check, date of disposition and disposition of check. The returned check(s) are to be held in locked storage until the disposition of the check(s).

On a monthly basis the regional staff will make a comparison of the copied DBA transmittal and the county/district office's returned check log. This comparison should be documented by the regional staff and maintained in the county/district office's administrative file. Any discrepancies noted should be thoroughly investigated and resolved by the regional staff. The discrepancy, investigation, and resolution must also be filed in the county/district office's administrative file.

NOTE: If the post office indicates a forwarding address on the returned check, the address must be verified prior to mailing the check to the address provided. The address can be verified by writing the recipient of services at the new address. At no time is the returned check forwarded by DFO without verifying a new address.

It is also the responsibility of the supervisor to check copies of MDHS-CSE-690s mailed to DBA to ensure that the returned checks are not in the process of being reissued. If a returned check is in the process of being reissued, at the point of discovery, the supervisor must contact state office, Client Services, by telephone to inquire if a stop payment has been issued for the check. If Client Services has not issued a stop payment and the check is not over 120 days old, the original check may be released to the payee.

NOTE: Telephone communication is imperative due to the limited time between the mailing of the MDHS-CSE-690 and the returning of the check. Such communications require narrative documentation in METSS.

If a check is received as undeliverable due to an incorrect address, the supervisor must alert the county/district office staff to begin efforts to locate the payee. Refer to the section below for Location of the Recipient of Services. If the payee is not located within a 30 day timeframe, the county/district office staff must request cancellation of the check using MDHS-CSE-689, *Request to Cancel Check/Reissue Check/Change Payee,* and notify the supervisor for documentation on the log sheet. The supervisor will deface the check by writing "VOID" on the check or by cutting off the signature on the check, attach the check to MDHS-CSE-689 and mail to the Division of Budgets and Accounts.

If the payee is located after cancellation, a request is made to reissue the check using MDHS-CSE-689.

If the recipient of services is located prior to the expiration of the 30 days, the county/district office staff must enter the correct address in METSS and notify the supervisor to complete the log with the date of disposition and the disposition of the check. The check is then forwarded to the recipient of services.

When the county/district office staff receives an undeliverable check, the county/district office staff must remove the incorrect address from METSS, which alerts METSS to insert the "NO CHECK FLAG" of "A" on the APPD.CASE screen and holds any future checks until a correct address is obtained.

If the county/district office supervisor is out of the office for an extended period or supervises more than one county/district office, he/she must type a memorandum designating an appropriate person to handle the returned check transmittal during his/her absence. The memorandum must list the responsibilities of the designee. The original memorandum is given to the designee and a copy is filed in the administrative file.

Held Checks

Held checks are those checks which are held by METSS due to lack of an address for the recipient of services or held through manually applied check holds (APPD.CASE). For those checks which are placed on manual hold, the person placing the hold must document the reason by entering a case narrative in METSS.

Checks that are placed on hold are listed in a county report posted on WORKSITE. The county/district office supervisor must review these reports on a weekly basis to determine why the checks are being held and when they are to be released. On a monthly basis, the regional staff must review the reports for the same reasons.

If the location of the recipient of services is known, Federal policy requires child support checks be issued within two days of receipt by the IV-D agency. Child support checks which are being held must be released to the recipient of services as soon as possible.

NOTE: At no time are child support checks to be held in the system for longer than six months.

Location of the Recipient of Services (Recipient)

If child support payments are returned to the county/district office with the address of the recipient as unknown, undeliverable, etc., county/district office staff must try to locate/contact the recipient. Location efforts for the recipient include all location efforts used for the noncustodial parent, including local locate, State Parent Locator Unit (SPLU), Expanded Federal Parent Locator (EFPL), the Mississippi Department of Public Safety (MDPS) and the Child Support Portal (CSP). (Refer to the Location section in this Chapter.)

To refer the recipient to SPLU, send an e-mail request to the State Parent Locate Unit being sure to provide the recipient's name and social security number. If the social security number is not known, provide the recipient's date of birth, sex, and the parents' names, especially the mother's maiden name. If the recipient is believed to be incarcerated in Mississippi, request MDOC search.

Automated Location Efforts

When it becomes necessary to locate the recipient, the county/district office staff enters a 'Y' in the submit for locate field on APPD.CLNT screen. If the 1) person is in a case, 2) person is not a noncustodial parent in an open IV-D case, and 3) there is no mismatch between the person's METSS SSN and their FCR SSN, METSS sends a locate request to EFPL and MDPS. These submissions occur at the beginning of a month. These two interface searches run for two months without worker intervention. Refer to LOCATION OF RECIPIENT OF SERVICES in this chapter for further discussion.

Unsuccessful Location Attempts

If location efforts are unsuccessful, Federal regulations at 45 CFR 303.11 provide for closure of a non-TANF case receiving IV-D services when DFO is unable to contact/locate the recipient of services within a 60 calendar day period which includes at least one attempt by DFO to contact the recipient with at least one letter, sent by first class mail, to the recipient's last known address. At the end of this 60-day period, which begins with the date of the letter, a closure notice must be sent to the recipient at the last known address. This is a total of 120 days, or more, if the second 60 day period ends in the middle of a month.

NOTE: Child support cases are closed only at the first of a month.

At the time of closure of the non-TANF case with payments held for disbursement:
Establish a non IV-D case (90); and

1. Refer the case to the child support attorney who petitions the court to:

    a. Suspend the income withholding order, and

    b. At the court's direction, allow payments to be disbursed to the clerk of the court for establishment of a trust account, or such other disbursements as the court deems appropriate.

A non-TANF child support case with an active income withholding order cannot be closed when the IV-D agency is unable to contact/locate the recipient of services until the following criteria are met:

1. 60 day location attempts; and,

2. Expiration of 60 day closure notice; and,

3. A court decision has been rendered.

For TANF and other referred cases, the county/district office staff must work with the referral source to identify the location of the recipient. If child support checks are being held and 90 days have passed without resolution, the case must be referred to the regional staff.

COURT COSTS

Legal Base

MDHS does not advance payment of court costs for actions brought on behalf of the agency (Miss. Code Ann. 11-53-13). However, MDHS pays court costs in cases when the clerk of the court presents MDHS a court cost bill.

There are no court costs required for any actions brought by MDHS through the Uniform Interstate Family Support Act (UIFSA).

Noncustodial Parent Responsible for Advancing Court Costs

In accordance with Miss. Code Ann. 43-19-33, the noncustodial parent is responsible for court costs related to the filing of an order approving a stipulated agreement for paternity and/or support. Although the statue does not require the noncustodial parent to advance the costs, please encourage the noncustodial parent to pay the costs at the time a stipulated agreement for paternity and/or support is filed. However, do not delay processing on any case because court costs and/or fees (i.e., genetic testing), and/or service of process has not been paid in advance if the noncustodial parent indicates he or she cannot or will not advance court costs and fees. Work on the case must proceed in a timely manner. MDHS will be billed for costs as in other cases. The person requesting service is still responsible for the costs and fees.

Responsibility for Payment at Conclusion of Action

Noncustodial Parent

Miss. Code Ann. 93-9-45 requires that costs be assessed to the noncustodial parent if the court makes an order of filiation of paternity and for the support and maintenance of the child. Rule 54(d) of the Mississippi Rules of Civil Procedures contemplates similar taxation in paternity as well as other cases.

The child support attorney must seek to have court costs assessed to the noncustodial parent in any case in which MDHS is the prevailing party. The noncustodial parent must pay court costs directly to the clerk of the court or to MDHS, if MDHS paid the cost.

As indicated above, the noncustodial parent is responsible for costs related to filing of a stipulated agreement and/or support.

MDHS

MDHS pays costs itemized on the court costs bill, as incurred by MDHS. Payment is requested by the attorney on the FPRQ (Fee Payment Request Panel) in METSS when the clerk of the court presents appropriate documentation.

Responsibility for Costs in Other Situations

There are costs that may be incurred related to a post judicial relief. MDHS pays the costs listed below:

1. Costs are incurred incidental to enrollment of a money judgment;

2. Certified or attested copies are obtained by the child support attorney; or

3. Cost associated with any appellant actions in which DHS is a party to the appeal.

Upon approval of the Division Director, via the Child Support State Office Senior Attorney, other costs incurred may be paid by MDHS.

Payment Procedures

METSS allows the attorney to request MDHS to pay court costs and service of process fees via the FPRQ panel regardless of who is responsible. Genetic testing fees are requested by state office personnel.

Legal Staff access the FPRQ Panel (Fee Payment Request Panel) in METSS, enters the appropriate responsibility code along with other information necessary to initiate a request for MDHS to pay. Print the screen, attach the original court costs/service of process fees bill and forward the hard copy request to the senior attorney. Once the required information has been entered, METSS derives the payee name and address or the name and address is entered manually. This request for payment appears on FPAP (Fee Payment Approval Panel) for second party review by the senior attorney. When the senior attorney receives the hard copy request for payment of court costs or service of process fees he or she reviews the information on the FPAP Panel (Fee Payment Approval Panel) in METSS. If appropriate, the senior attorney approves the payment for the fees submitted and forwards the hard copy to the DBA. This approval will appear on the UNPD (Unpaid Fee Listing Panel). When a check has been mailed for the court costs or service of process fees DBA's authorized users will access the UNPF Panel (Unpaid Fee Listing Panel) and code the specific account as paid. METSS updates

the case records to indicate the balance paid by the MDHS and balance of the fees owed by the noncustodial parent. The fees owed by the noncustodial parent can be viewed on the FEES Panel (Fee Summary Panel) in METSS.

Legal Staff will assign responsibility to the noncustodial parent when MDHS has already paid and the noncustodial parent is ordered to reimburse MDHS.

If the attorney populates the FPRQ Panel (Fee Payment Request Panel) and leaves the responsibility field blank, the FDUE Panel will appear when the attorney tries to refer the case back to the county. Legal Staff must assign responsibility at that time.

Fee Payment inquiries can be accessed through the FPHS Panel (Fee Payment History Panel). This panel displays one fee payment per screen and each payment includes the date and user-ID of each action that has occurred.

NOTE: The court and judge identifier listed on CTRK must match the same items on ORDR panel exactly or the fees will not roll over with "AP" listed as responsible party.

Reimbursement of Court Cost Paid by MDHS

The MDHS court order will specify the costs the noncustodial parent is responsible for reimbursing MDHS, and a fee obligation will be assessed against the noncustodial parent in order to collect these fees.

Recovery of court costs can be made through wage withholding per the court order, or by a direct payment from the noncustodial parent in the form of a certified check, money order, or personal check payable to the SDU and designated as “court cost” on the payment instrument.

If the noncustodial parent makes a payment and does not specify in writing at the time of the payment that all or a specified portion of the payment is for court costs, the SDU must receipt the entire amount of the payment as support and METSS will handle the allocation and distribution of the payment according to the sequence of allocation table.

When a noncustodial parent makes a payment designated as court costs, the SDU must review the FEES Panel to ensure these fees have been populated in METSS.

If court costs fees do exist on the FEES Panel, the SDU must receipt payment according to receipting procedures and hand or mail a receipt to the noncustodial parent. If no court costs fees exist on the FEES Panel, contact the attorney. These fees are usually generated to the FEES

Panel by the attorney entering the information on the FPRQ Panel, or it may require the SDU to do an adjustment.

RECOVERY OF COSTS

Legal Base

Miss. Code Ann. 43-19-31 and CFR §302.33(d), provides for recovery of costs from an individual who owes child support to a recipient of Title IV-D services. In addition, the statute gives MDHS the authority to provide any service required by the Office of Child Support Enforcement, and CFR § 302.33(d) which notes the "State may elect" to charge costs.

Purpose

Cost recovery allows MDHS to collect costs related to providing IV-D services. These costs are not recovered from individuals who are eligible for public assistance under the IV-A, IV-E, Food Stamp, or Medicaid programs. The determination of costs recovery is made on a case by case basis.

The noncustodial parent must be informed at the time of interview, or at the court proceedings, of costs that will be recovered as a result of providing the IV-D services. The county/district office staff must document in the case action log in METSS that this requirement has been met.

Costs to Recover

The following costs may be recovered by the State of Mississippi:

1. In-Person appearances at judicial hearings or trials. Costs for mileage, meals, and lodging of Division of Field Operations (DFO) representatives are assessed to the party requesting the hearing or trial when (a) DFO is the prevailing party or (b) DFO is not a party but incurs the costs in connection with the hearing or trial.

2. Obtaining hearing transcripts. Costs for hearing transcripts may be recovered from child support payments.

3. Subpoena of DFO staff for hearing. Costs are assessed to the party requesting the hearing when (a) DFO is the prevailing party or (b) DFO is not a party but incurs the costs in connection with the hearing or trial.

4. Actions taken in judicial proceedings (either as responsive or corrective actions in existing proceedings, or as independent actions) to protect the interest of the DFO.

5. Photocopies. Costs are assessed to the requesting party at the rate of $.50 per copy.

6. Attorney Fees. Costs should be recovered from the noncustodial parent. Attorneys' fees may vary depending on the region.

7. Court Costs. Court costs should be assessed to the noncustodial parent when DFO is the prevailing party.

8. Genetic Testing Costs. Costs for genetic testing may be recovered from the noncustodial parent.

9. Service of Process. Charges are to be assessed to the noncustodial parent when DFO is the prevailing party.

Procedures

Any costs to be recovered will be included in the order entered by the court and included in the wage withholding order initiated with the noncustodial parent's employer. Some of these costs are entered in METSS in the appropriate fields on the ORDR Panel or populated when the attorney completes the FPRQ Panel or by the SDU entering an adjustment.

COMPLAINTS/ADMINISTRATIVE REVIEW

TAX OFFSET

Legal Base

Public Law 97-35, Public Law 98-378 and State statute require that the noncustodial parent be given the right to contest the interception of his Federal and/or State income tax refund for the payment of past due child support. The noncustodial parent must have the opportunity to contest the offsetting of all or any portion of the tax refund.

Contesting the Offset

The noncustodial parent has the right to contest upon receiving:

- the pre-offset notice of the intercept of his Federal income tax refund by the Internal Revenue Service (IRS);
- the notice that the intercept by IRS has actually occurred; and
- the notice from the State Tax Commission of the State income tax refund offset.

The noncustodial parent may exercise his right to contest the intercept by personal contact, by telephone or by correspondence. It is important to recognize that an initial contact may be a complaint or inquiry. The noncustodial parent may only want information concerning the offset process or an explanation of facts pertaining to the particular situation, and if satisfied with the information may not formally contest the offset. Refer to the COMPLAINT/INQUIRY section in this Chapter.

If the noncustodial parent contests the offset by submitting a written request for an administrative review/hearing of the offsetting of his tax refund, an administrative review must be provided. There is no deadline by which the offset of a Federal tax return must be completed; however, a request for an administrative review of a State tax offset must be made within thirty (30) days of the date the offset notice was mailed. Refer to the ADMINISTRATIVE REVIEW section in this Chapter.

In the case of joint tax refunds, the spouse not responsible for the past due support obligation or the noncustodial parent on behalf of the spouse may contest the offsetting of the portion of the income tax refund due the spouse. Refer to the COMPLAINT/INQUIRY section concerning joint tax refunds in this Chapter.

A noncustodial parent with another State involvement may contest the tax offset. The child support agency in the other State may refer a case for an administrative review to be conducted in Mississippi or Mississippi may refer a case to another state for an Administrative Review, provided certain conditions exist. Refer to the section INTERGOVERNMENTAL REVIEW in this Chapter.

Except that the custodial parent in Non-TANF cases must be notified of the time and place of the review and the results of the review if the Non-TANF custodial parent participates in the review, the procedures for contesting the tax offset are the same for both TANF and Non-TANF cases.

Complaint/Inquiry

Each complaint/inquiry must be handled promptly by the Child Support Worker or designated staff. Respond to all complaints/inquiries within two working days of the initial contact made. Every effort must be made to resolve the initial complaint/inquiry informally by telephone, personal interview or correspondence.

Method of Contact

The noncustodial parent may contact the local county office by telephone (via the Customer Service Call Center), in person or in writing. The noncustodial parent's representative may also contact the local office on behalf of the noncustodial parent.

Telephone Call from the Noncustodial Parent

Upon receipt of a notice of the offset from the Internal Revenue Service (IRS) or from the State Tax Commission, the noncustodial parent may immediately call the Customer Service Call Center. Information concerning the tax offset process provided by the Call Center may provide a satisfactory response to the caller. If the caller needs further explanation that is specific to information in the case, the Call Center will send a mail message to the Child Support Worker. The Child Support Worker must:

- Document ACTN in METSS with information which will allow the Call Center to respond to the concerns of the noncustodial parent, or call the noncustodial parent and discuss the situation.

- If the information requested by the noncustodial parent cannot be provided within the time frame of the telephone call, inform the noncustodial parent that he/she will receive a return call or a letter providing the information requested. Make the return call or mail the letter no later than two working days after the initial telephone call.

- If the explanation by telephone is not satisfactory to the noncustodial parent, explain the right to request an administrative review by submitting a written request. The request for an administrative review of a State tax offset must be submitted within thirty days of the date the notice of offset was mailed.

- If the explanation is provided by correspondence, explain the right to request an administrative review by submitting a written request within 30 days of the notice of the offset if the complaint is related to State tax offset. There is no time limit for requesting an administrative review of Federal tax offset.

Telephone Call from the Noncustodial Parent's Representative

When a telephone call is received from a caller who states he is representing the noncustodial parent, the Call Center or Child Support Worker will provide general information concerning the tax offset process. If this does not resolve the matter satisfactorily:

- The Call Center or the Child Support Worker will inform the caller that it is necessary to have a signed statement from the noncustodial parent authorizing the Department to release information concerning the case. The statement must contain the name and mailing address and, if possible, the telephone number of the person to whom the information is to be released.

- Explain the right of the representative to request an administrative review provided; a) the written request for the review is received, and in the case of State tax offset is received within 30 days of the notice of the offset; and, b) the signed authorization from the noncustodial parent is received.

In Person

If the noncustodial parent and/or the representative come to the local county office:

- In a seated, confidential, interview provide the information or explanation needed to the noncustodial parent or the representative in the presence of the noncustodial parent.
- If the representative comes in alone and general information does not resolve the inquiry
- or complaint satisfactorily, explain that the signed statement from the noncustodial parent as described above is required prior to the release of information specific to the case.
- At any point that a satisfactory resolution is not achieved, explain the noncustodial parent's right to an administrative review.

In Writing

Upon receiving a complaint/inquiry in writing from the noncustodial parent it is important to determine if the complaint/inquiry is only a request for information or if it is a written request for an administrative review. Guidelines for making this distinction and the procedures to follow are:

- If the correspondence from the noncustodial parent or the authorized representative requests information on one or two specific facts such as the amount of the past due child support, the Child Support Worker must:
  - provide the information requested, and
  - explain the right to an administrative review.
- If the correspondence from the noncustodial parent/authorized representative requests an administrative review or hearing, or if the complaint/inquiry requires a detailed explanation, treat the written complaint or inquiry as a request for an administrative review and follow appropriate procedures**.**

Joint Tax Refunds

If the complaint or inquiry concerns a joint refund from Federal income tax, the Child Support

Worker must:

- Inform the person making the complaint/inquiry that Internal Revenue Service (IRS) will notify the noncustodial parent at the time of the offset of the necessary steps to take to protect the share of the refund which is payable to the spouse.

- If the offset has already occurred, refer the noncustodial parent or the spouse to IRS. The toll free number is 1-800-424-1040.

If the complaint/inquiry concerns a joint refund from State income tax the Child Support Worker must:

- Refer the noncustodial parent or spouse to the Division of Field Operations, Attention: Customer Service Unit, P O. Box 352, Jackson, Mississippi 39205.

- To expedite the resolution of the complaint, inform the noncustodial parent or spouse that they must send to Child Support Operations:

  - a written request for an administrative review based upon a joint return filed for State income tax refund;

  - a copy of the joint tax return filed with the State Tax Commission;

  - a copy of the taxpayer's W -2 form and the spouse's W -2 form; and

  - a copy of the offset notice received from the State Tax Commission

NOTE: In every instance when a complaint is made by the noncustodial parent and it is found, either by review of the department records or by evidence provided by the noncustodial parent, that the tax offset claim submitted by the department is incorrect, appropriate action must be taken immediately without further requirement of the noncustodial parent.

Administrative Review

The administrative review is intended to be a fact finding proceeding conducted to determine:

- if the offset is proper;
- if any of the certified arrearage has been satisfied by other means; and
- if the amount of offset has been computed properly.

The administrative review provides the noncustodial parent the opportunity to be heard concerning evidence he presents, either in writing or in person, objecting to the offset or the amount of the offset. The administrative review may be conducted through correspondence or in person. Procedures for both are provided below.

All correspondence, forms and documents pertaining to an administrative review are scanned to the child support case record. If there is no existing child support case in the name of the noncustodial parent, place the material in a folder labeled with the name of the noncustodial parent and custodial parent. Identify as Administrative Review and file in a section for this purpose.

Since review procedures vary somewhat between intrastate cases and intergovernmental cases they are dealt with under separate headings.

Intrastate Administrative Review

Intrastate cases are those in which the order was issued in Mississippi and Mississippi submitted the request for tax offset.

Request for an Administrative Review

If the complaint/inquiry is not resolved satisfactorily, a signed statement submitted by the noncustodial parent registering his dissatisfaction is accepted as a request for an administrative review provided:

- The request for a review of State tax offset is postmarked or presented within 30 days from the date the offset notice was mailed (No time limit is mandated for request of a review of IRS tax offset.)

- The request provides information about the basis for the dissatisfaction and is contesting the fact or the accuracy of the certified arrearage; and

- If the request is filed by the authorized representative of the noncustodial parent; there is a written statement by the noncustodial parent that the representative is authorized to act on the behalf of the noncustodial parent whose tax refund is being intercepted.

Scheduling the Administrative Review

The administrative review must be completed and notice of the results sent to the noncustodial parent within 45 days of the date of the written request.

Upon receipt of a request for an administrative review/hearing the Child Support Worker must follow the procedures for preparing and scheduling the administrative review utilizing METSS screen ADRV in E mode. Refer to METSS Procedure Manual 12.C 10.b.04.

Noncustodial Parent Fails to Appear or Respond

If neither the noncustodial parent nor his authorized representative responds or appears at the scheduled time for the administrative review without providing notice prior to the scheduled time of the review, the request for the administrative review is considered abandoned. Document the fact of no appearance or response for the record on ACTN panel in METSS.

If the noncustodial parent makes a second request, the request must be made within 30 days from date of the offset notice, if the request for a review pertains to State tax offset.

Administrative Review Process

To ensure that the noncustodial parent is provided the opportunity to exercise his right to contest the offset, the administrative review must be conducted on the scheduled date whether it is by correspondence or in person. Detailed procedures for the review follow:

Summary of Facts

The county child support office must have available at the administrative review a summary of facts, prepared by the Child Support Worker. The summary must contain the following identifying information:

- Name of local child support office;
- Name, mailing address and telephone number of noncustodial parent;
- Name of the Child Support Worker who manages the case;
- Case number;
- Name of custodial parent;
- Amount of support obligation; and
- Amount of certified arrearage.

- Copy of payment record
- Statement regarding fact and accuracy of certified arrearage with reference to supporting document Copy of court order(s) or other supporting documents mayor may not be attached, but they must be available at the review.

The summary of facts must be signed by the child support worker and the child support supervisor or regional director/designee. Give the original to the noncustodial parent or his representative or mail it if the review is conducted through correspondence. Scan a copy to the case record of the noncustodial parent.

Participants

Required to be present at the administrative review are:

- Child Support Supervisor or Regional Director; and

- Child Support Worker.

In addition to the staff listed above, those who may be present are:

- Noncustodial parent;
- Authorized representative of the noncustodial parent;
- Custodial parent, in the case of a Non-TANF review;
- Authorized representative of the Non-TANF custodial parent; and
- Persons who provide substantial evidence or documentation.

Conducting the Review in Person

The Child Support Supervisor presides over the review to ensure that those present feel comfortable, that the review is based on facts, and is conducted fairly and impartially. The summary of facts is presented first and then the noncustodial parent and/or his authorized representative are provided ample opportunity to present documented evidence that the offset or amount of offset is incorrect.

Upon presentation by the Department of sufficient facts regarding the basis of the certification for the tax offset and the submission, in writing or in person by the noncustodial parent and/or his authorized representative of documented evidence that the offset is improper or incorrect, the administrative review is concluded.

The review results are recorded in METSS via the ADRV screen. Refer to METSS Procedures 12.C.10.b.05.
If the review is conducted in person, the Child Support Worker, within 10 days of the administrative review or 45 days from the date of the request, whichever occurs sooner, will provide the absent parent and/or authorized representative, and in Non-TANF cases, the custodial parent who participates in the review the following:

Confirmation of the time, date and place of the administrative review and the names of those participating in the review.

- An Administrative Review Result Notice which advises the parties of the results of the review, the basis for the decision and the noncustodial parent's right of appeal to a court of law. METSS automatically generates the notice(s). Refer to METSS Procedures 12.C.10.b.06.

Conducting the Review in Writing

If the review is conducted in writing, the Child Support Worker or designated staff must, within ten days of the administrative review or 45 days from the date of the request for an administrative review, whichever occurs sooner, provide the noncustodial parent and/or authorized representative, and in Non-TANF cases, the custodial parent if a participant in the review with the following:

- Confirmation of the time, date and place of the review and names of those who should attend;

- Copy of the summary of facts prepared by the department;

- Summary of the evidence presented by the noncustodial parent and/or authorized representative and others, if applicable; and

- An Administrative Review Result Notice which advises the parties of the results of the review, the basis for the decision and the noncustodial parent's right of appeal to a court of law. METSS automatically generates the required notice(s). Refer to METSS Procedures 12.C.l0.b.07 .

Intergovernmental Administrative Review

Intergovernmental cases are those in which the order was established in another state and Mississippi submits the tax offset referral, OR the order was established in Mississippi and another state certifies the arrearage and submits the offset.

The noncustodial parent may request an administrative review of the offset of his tax refund in the state which submitted the request for the tax refund offset, or he/she may request the review in the state which issued the court order upon which the referral for offset is based.

All efforts must be made to conduct the review and resolve the complaint in the state which submitted the referral for offset.

The noncustodial parent must make his/her request for a review to the submitting state and the submitting state transfers the request to the state with the order, if the noncustodial parent wants the review to be held in that state.

Mississippi is Submitting State

Review by Mississippi

If the noncustodial parent requests an administrative review in Mississippi and the referral for tax offset was submitted from a county in Mississippi, follow the procedures set forth above for intrastate cases.

Review by Other State

If the complaint cannot be resolved in the Mississippi county that submitted the referral for offset and the noncustodial parent makes a written request for an administrative review in the state which issued the order upon which the referral for offset is based, the child support worker must:

- Notify the other state within ten days of the noncustodial parent's request for review in the other state. METSS automatically generates the request when the ADRV screen is properly coded. Refer to METSS Procedures 12.C .10.b.08.

- Provide to the other state, within ten days, necessary information, including a copy of the order and subsequent orders, a copy of the payment record or the custodial parent's affidavit regarding past due support owed; and in Non-TANF cases, the custodial parent's current address.

If Mississippi has made all efforts to resolve the complaint, including an administrative review and the noncustodial parent requests a review in the state with the order, Mississippi must within 45 days from the date of the initial request for a review, transfer the request for the review and all pertinent information to the state with the order This may result in two administrative reviews with the 45 day time frame applying to each review.

Results of Review by Other State

<u>Offset has not occurred prior to review.</u>

If the other state determines that a modification or a deletion is required, that state submits the modification or deletion to the Internal Revenue Service. Upon receiving notification that a modification or a deletion has occurred as a result of an administrative review in another state, the Child Support Worker must document the adjusted arrearage amount and the reason for the adjustment in ACTN in METSS, and the arrearage amount must be adjusted in METSS

for the case record to reflect the correct arrears. Refer to METSS procedure 12.C.10.b.08.

Offset has occurred prior to the review.

The other state with the court order notifies Mississippi of the decision made as a result of the review.

If the decision results in a refund due the noncustodial parent, a refund is immediately requested for the noncustodial parent.

NOTE: When an administrative review is conducted in the state with the order, the submitting state is bound by the decision made by that state. However, if the submittal is based upon orders from two states, the reviewing state verifies only the arrearage which accrued under its order Such submittal requires two separate administrative reviews, if the noncustodial parent challenges the entire submittal.

Other State is Submitting State

Another state may request an administrative review in Mississippi, provided:

- The other state submits the referral for tax offset;
- The court order on which the referral for tax offset is based was issued in Mississippi; and
- The noncustodial parent requests an administrative review in Mississippi.

Upon receiving, a) request from the other state for an administrative review in Mississippi by means of OCSE-107-U4, Interstate Child Support Enforcement Transmittal, or some other official written communication, b) necessary information, such as a copy of the support order and modifications, c) copy of the payment record or the custodial parent's affidavit and, d) in Non-TANF cases, the custodial parent's current address, the Child Support Worker must:

- Within five (5) days, notice the noncustodial parent and the custodial parent in Non-TANF cases, of the time and place of the administrative review.
- Conduct the review following the applicable procedures found in the Administrative Review Process for **Intrastate Review.** Refer to METSS Procedures 12.C.10.b.08.

Results of a Review for Other State

Offset has not occurred prior to the review.

Upon conducting a review that, a) was submitted for offset by another state and, b) the review results in a modification or deletion, the modification or deletion must be submitted from the Mississippi county where the tax offset was reviewed. METSS automatically generates the required notices.

NOTE: The data required is secured from Form OCSE-I 07-U4, mailed to the Mississippi county conducting the review. The data includes Social Security numbers, local code, case number and original arrearage to facilitate the submission of a deletion or modification based upon the outcome of the administrative review.

Notify the state that submitted the referral for offset of the decision by returning Part 4 of the Form OCSE-107-U4, Interstate Child Support Enforcement Transmittal, along with the remaining copy of the MDHS-669 and copy of the notice of the results of the review to the noncustodial parent and in Non-TANF cases, to the custodial parent.

Offset has occurred prior to the review.

If the offset has occurred prior to the review, notify the state that transferred the review to Mississippi of the results of the review by returning Part 4 of Form OCSE-107-U4, Interstate Child Support Enforcement Transmittal and a copy of the notice of the results of the review to the noncustodial parent, and to the custodial parent in Non-TANF cases.

LICENSE SUSPENSION

METSS automatically identifies and sends the noncustodial parent notice A407, that he/she is out of compliance with the child support order and that at the end of 90 days, the licensing entity may be notified to suspend his/her license(s). The notice informs the noncustodial parent of his/her right to request a review.

NOTE: This entire administrative review/hearing process must be completed within the same 90 day time frame as stated above.

Request for an Administrative Review/Hearing

The noncustodial parent must submit in writing his\her request for a review to the county address listed on the A407. A review can only be requested if the noncustodial parent believes a mistake has been made regarding one of two issues:

- The identity of the noncustodial parent required to pay under the order for support
- (mistaken identity); or
- The accuracy of the child support arrears.

Administrative Review/Hearing Procedures

Each request for a review must be handled by the county child support staff. The review provides the noncustodial parent the opportunity to be heard and present the evidence of payment. Upon receipt of a request for a review the child support worker must schedule a time and date for the review and notify the noncustodial parent via the CLDR function, and notify the supervisor and/or the regional director.

Participants

Required to be present at the review are:

- Child support supervisor or regional director;
- Child support worker; and
- Noncustodial parent.

Noncustodial Parent Fails to Respond or Appear

If the noncustodial parent fails to respond or appear at the scheduled time for the review without providing notice prior, the request for the review is considered abandoned. For the record, document the fact of no appearance or response on the CONT panel in METSS.

Summary of Facts

The county child support office must make available at a reasonable time after the review a summary of facts, prepared by the child support worker. The summary must contain:

- Identifying information
  - Name of local child support office;
  - Name, mailing address and telephone number of noncustodial parent;
  - Name of the Child Support Worker who manages the case;
  - Case number;
  - Name of custodial parent;
  - Amount of support obligation; and
  - Amount of arrears.
- Copy of payment record.
- Statement regarding fact and accuracy of the arrears with reference to supporting document. Copy of court order(s) or other supporting documents may be attached if needed for verification of arrears; but if attachments are not necessary, they must be available at the review.

The summary of facts must be signed by the child support worker and the child support supervisor or regional director or designee. Give the original to the noncustodial parent. Scan a copy to the child support case record of the noncustodial parent.

Conducting the Administrative Review /Hearing

The child support supervisor presides over the review to ensure that those present feel comfortable and that the review is based on facts and is conducted fairly and impartially. The summary of facts is presented first and then the noncustodial parent is provided ample opportunity to present documented evidence of his/her claim of mistaken identity or that the amount of the arrears is incorrect.

The review results must be recorded in METSS via the CONT panel.

A Review Results Notice must be requested via the WORD function (Free Form Text 901) to notify the noncustodial parent of the results of the review, the basis for the decision, and the noncustodial parent's right of appeal to a court of law.

CREDIT REPORTING

Legal Base

45 CFR 303.105(d) requires the IV-D agency to report cases with overdue child support to consumer reporting agencies. The IV-D agency must provide advance notice to the noncustodial parent who owes the child support concerning the proposed release of the information to the credit reporting agency and must inform the noncustodial parent of the methods available for contesting the accuracy of the information.

State statute at 993-11-69 requires that a notice be mailed to the noncustodial parent at the parent's last known address and that the noncustodial parent be given the opportunity to contest the information contained in the report.

Contesting the Report

The noncustodial parent has 15 days after the A405 notice is mailed to contest the accuracy of the proposed report to the credit reporting agency. To contest the noncustodial parent must file with the Division a brief written statement concerning the alleged inaccuracies contained in the report. Space is provided on the A405 notice for this purpose.

Immediately upon receipt of the noncustodial parent's statement contesting the proposed report, the child support worker enters a case narrative on CONT and the child support supervisor enters the "hold submission" code on CRDT screen in METSS. Within five days of receipt of the noncustodial parent's written statement, the child support worker examines the noncustodial parent's payment record and the information submitted by the noncustodial parent.

The Report is in Error

If the case review or the information provided by the noncustodial parent requires an arrears adjustment, the arrears adjustment is made by county staff. A case narrative is made on CONT and the child support supervisor updates the CRDT screen to remove the "hold submission" code leaving the field blank.

The Report is Correct

If the report is found to be correct, or if any adjustments made to the case are not sufficient for the deletion of the noncustodial parent's name from the interface tape, the child support worker notifies the noncustodial parent of this fact via A406 notice. After the A406 is mailed, a ten day

tickler is sent. The noncustodial parent has ten days from the date the A406 is mailed to again contest the report.

If within ten days the noncustodial parent does not contest the accuracy of the reexamined report, the child support worker makes a case narrative entry on CONT and the child support supervisor updates the interface code on CRDT. Refer to METSS Procedures Manual 12.C.09.f.O1 for the valid codes. METSS then writes the noncustodial parent's payment history and account information to the interface tape on the next monthly run.

Contesting the Report the Second Time

If within ten days of the A406 being mailed, the noncustodial parent still contests the accuracy of the report, the child support worker informs the noncustodial parent via A406 that the child support arrears will be reported to the consumer reporting agency. However, the report states that the noncustodial parent contests the reported information. The supervisor will update the interface code on CRDT to "C". The ″C' code denotes in the report to the consumer reporting agency that the information is "contested".

FIDM/MSFIDM FACT FINDING REVIEW

The noncustodial parent and/or an account holder of interest (joint account holder) may request a review of the encumbrance placed with a Financial Institution (FI). The request may be made verbally or in writing. The requestor must provide proof that the frozen funds are not the noncustodial parents and that the noncustodial parent does not have personal use of said funds. The proof will consist of at least two prior months bank statements accompanied by canceled checks and/or other information from the bank which verifies the funds are not the noncustodial parents and the noncustodial parent does not have personal use of the funds. **NOTE:** If the joint account holder is the noncustodial parent's current partner/spouse, the funds are considered available to him/her.

The case worker in the county in which the noncustodial parent resides and has at least one active case must review the facts/evidence surrounding the frozen funds in question. The case worker must take the necessary steps to resolve the matter, which may include scheduling an appointment. The case worker may schedule the appointment verbally with the requestor, but a written appointment letter must follow. Should further information be needed, an extra five days after the scheduled appointment will be allowed. Within 48 hours of receipt of the required information, a decision must be made to release the funds or to proceed with the lien. Every action and contact made by the worker or any party involved must be documented on ACTN. ACTN must be documented as to the status and findings regarding this fact finding review.

The time frames noted above do not preclude the noncustodial parent or the account holder of interest from requesting a review at any time prior to the expiration of the 45 day lien period.

The fact finding review must be completed prior to the expiration of the 45 calendar days following the signing of the green card by the FI. If the facts/evidence presented verify that the frozen account does in fact belong to someone else, the worker must immediately request the staff attorney send notice A464, *Notice of Disbursement,* to the FI to release the funds and notify the requesting party via free form letter of the decision.

Revised 10-10-13

FORMS AND INSTRUCTIONS

609	Absent Parent Data	6010-6012
613	Child Support Voice Response Unit (VRC) Pamphlet	
614	Child Support Information Pamphlet	
615	ASAP Pamphlet	
616	Child Support for Your Family's Benefit and Protection Pamphlet	
620	Notice of Claims of Good Cause for Failure To Cooperate	6015-6016
625/325	TANF Work Program Communication Form	6020-6021
634	Authorization for Optional Support Services	6030
943/643	Child Support Enforcement Cooperation Verification Request	6050-6051
647	Request to Access the Federal Parent Locator Service Parental Kidnapping Cases	6060-6061
648	Request to Access the Federal Parent Locator Service Child Custody Determination Cases	6062-6063
675	Application and Interview Guide for Child Support Services	
675 Log	MDHS-CSE-675 Log	
680 Log	Child Support Payment Log	6260
688 Log	Return Check Log	6270

689	Request to Cancel Check/Reissue Check/Change Payee	6274-6275
690	Request for Duplicate Check	6277
691	Affidavit Regarding Check Endorsement	6279
513	Rescission of Acknowledgement of Paternity	
514	Legitimation-A	
547	Legitimation	
564	Acknowledgement of Paternity	

NONCUSTODIAL PARENT DATA SHEET
MDHS-CSE-609

The child support worker uses this form to document information concerning an absent parent's address, place of employment, amount of income and deductions, and general information about the absent parent. The information on this form must be provided by the absent parent. Information changed or added to this form must be initialed and dated by the absent parent.

Prepare an original and include it with other required documents referred to the Child Support Attorney for action.

DETAILED INSTRUCTIONS

COUNTY: Enter the name of the county in which the child support case is open.

CUSTODIAL PARENT: Enter the name of the custodial parent.

CASE NUMBER: Enter the METSS case number.

IDENTIFYING INFORMATION

NAME: Enter the first name, middle name or initial, maiden name, and last name of the absent parent.

SOCIAL SECURITY NUMBER: Enter the absent parent's Social Security Number.

ALIAS/NICKNAME: List all other names that the absent parent may use.

SEX: Enter absent parent's gender (M or F).

ETHNICITY: Enter the ethnicity of the absent parent.
AL - American Indian/Alaska Native
AP - Asian or Pacific Islander
BL - Black (Not Hispanic)
HI - Hispanic
SA - Southeast Asian
WH -White

CITIZENSHIP: Enter Y or N to indicate US citizenship.

EDUCATION: Enter the last grade level completed, 01 - 20, for example, 12 = high school graduate.

MARITAL STATUS: Enter the marital status which describes the absent parent's current marital status.
MA - Married
LS - Legally Separated
SE - Separated
DI - Divorced
WI - Widowed
NM - Never married
XX- Unknown

HEIGHT: Enter the absent parent's height in feet and inches.

WEIGHT: Enter the absent parent's weight in pounds.

HAIR: Enter the hair color of the absent parent.

EYES: Enter the eye color of the absent parent.

HEALTH: Enter one of the codes listed for absent parent's general health condition.
AL – Alcoholic/Drug Abuse
CM - Other chronic Illness
DA - Disabled
MI - Mental Illness
MR - Mentally Retarded
OK - Healthy - No Disability
TI - Terminal Illness

PHYSICAL MARKINGS: Enter information on scars, tattoos, or other identifying markings.

DATE OF BIRTH: Enter the absent parent's date of birth.

BIRTHPLACE: Enter the birth place of the absent parent.

NAME OF PERSON LIVING WITH: Enter the name of person currently living with the absent parent, e.g., parent, spouse, companion.

MAILING ADDRESS: Enter the complete mailing address of the absent parent.

HOME ADDRESS: Enter the complete home address of the absent parent, if different from the mailing address.

Mississippi
MDHS-CSE 609
Revised 09-01-98

County _____
Custodial Parent _____
Case Number _____

NONCUSTODIAL PARENT DATA SHEET

First Middle Maiden Last _____ Social Security Number

_____ Alias/Nickname _____ Sex Eth Cit Educ MS

Ht Wt Hair Eyes Health _____ Physical Markings

_____ Date of Birth _____ Birthplace _____ Name of Person Living With

Mailing Address: _____ Home Address: _____

Directions to Home: _____

Child(ren) for whom support is sought: _____

Are you the natural father? ☐ yes, ☐ no

Have you ever supported these children?
☐ yes, ☐ no

Are you willing to support your child(ren)?
☐ yes ☐ no

Have you signed the child(ren's) birth certificate?
☐ yes ☐ no

Employer Name/Address: _____

Union: _____

Monthly Gross Income: _____
Type/Amount

Monthly Deductions: _____

Other Income: _____
Type/Amount

Resources: _____
Vehicles/Bank Accounts/Property

Medical Insurance: ☐ Group ☐ Employer

Additional Information: Explain: _____

Signature of Noncustodial Parent: _____ Date: _____

Child Support Worker: _____ Date: _____

information provided is used to locate a non-custodial parent.

If you Press 2:

You will hear a summary on what paternity establishment is, how paternity is established and why establishing paternity is so important.

If you Press 3:

You will hear a summary on establishing a support obligation, how a support obligation is established and determining the amount of a support obligation.

If you Press 4:

You will hear a summary on assigning your rights to support if you apply for public assistance, the recovery of child support payments for reimbursement of public assistance and the collection and disbursement of payments.

If you Press 5:

You will hear a summary on who can establish a child support case, how to establish a child support case and where to establish a child support case.

If you Press 6:

You will be returned to the previous menu, where you can choose another option or end the call.

MDHS-CSE-613
Issued 12-01-98

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF CHILD SUPPORT ENFORCEMENT

CHILD SUPPORT ENFORCEMENT VOICE RESPONSE UNIT (VRU)

Information that may be accessed through this system

•. General Payment
•. Locating Noncustodial Parents •. Establishing Paternity
•. Establishing a Support Obligation •. Establishing a Child Support Case

TELEPHONE NUMBERS FOR THE VRU

For Hinds or Rankin County

Dial 354-6039

For Outside Hinds and Rankin Counties, and out-of state

Dial 1-800-434-5437

Information you need to have available if you are inquiring about a child support payment:

• Your social security number and

- Your child support case number, (If you have more than one (I) child support case, have all case numbers available).

When you dial the appropriate number and once connected to the information line, you will hear the following message and instructions:

Thank you for calling the Mississippi Child Support Information Line

- I f you are calling from a touch tone telephone, **Press 1**

- If you are calling from a rotary telephone, please contact your local office between the hours of 8 am and 5 pm, Monday through Friday.

Information Options.

For specific information about your child support case, **Press 1**

For general information about child support seryices, **Press 2**

For instructions on using this system, Press *

To end call, **Press 9**

If you **Press 1:**

For child support information enter your social security number, now.
• If you entered your social security number:

- The social security number you entered is xxx-xx-xxxx, Press 1 if this is correct, otherwise, Press 2 to re-enter your social security number.

If you Press 1:

- According to child support policy, checks are processed 3 times a week and mailed Tuesdays, Wednesdays and Fridays, unless there is a problem with the system which might cause a delay.
- This social security number has 1 case, or This social security number has cases.
- Your case(s) is a 9 digit number, combined with a letter, (i.e., A,B,C, etc.). It or they \\ill be called I at a time. You will enter a I for more information on a particular case number, after it has been called or you may enter a 9 to end this call.

•For information on case number _____ _ Press 1
- For current payment information, Press 1
- For Fee information, Press 2
- To return to the previous menu, Press 3
- To end this call, Press 9

If you Press 1:

- The current monthly obligation for case number _____is $ _____. The last payment of $ _____was received on ___ , a total of $ _____ has been paid for the month of _____ , leaving a balance due of $_____ The arrears balance due for this case is $ _ _ _ _ _

If you Press 2:
• Fee balance due for monthly administrative fee is $ __ . Fee balance due for administrative fee arrears is $ _____

If you Press 3:

• You will return to the previous menu.

If you Press 9:

• "Thank you for calling, goodbye."

Information Options.

For specific information about your child support case, **Press 1**

F or general information about child support services, **Press 2**

For instructions on using this system, Press'".

To end call, **Press 9**

If you Press 2:

- F or information on locating noncustodial parents, **Press 1**
- For information on establishing paternity, **Press 2**
- For information on establishing a support obligation, **Press 3**
- For general payment information, **Press 4**
- For information on establishing a child support case, **Press 5**
- To return to the previous menu, Press 6.

If you Press 1:

You will hear a summary of what information is needed to locate a noncustodial parent and how

2.

MISSISSIPPI DEPARTMENT
OF HUMAN SERVICES

DIVISION OF CHILD SUPPORT
ENFORCEMENT

P.O. Box 352 Jackson,
Mississippi 39205 601-359-
4500

1-800-948-4010

For more information contact
your Local Child Support Office
Or

Visit our Webb Site on the Internet @
http://www.mdhs.state.ms.us/

MDHS-CSE-614
Revised 04-01-97

"CHILDREN AND FAMILIES
ALWAYS"

LIBERI ET FAMLIAE SEMPER

MISSISSIPPI DEPARTMENT
OF HUMAN SERVICES

DIVISION OF CHILD SUPPORT
ENFORCEMENT

MISSISSIPPI [FORMS AND INSTRUCTIONS]

Why is there a Child Support Program?

States are required under Title IV-D of the Social Security Act, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, to establish and operate a Child Support Enforcement Program. The Department of Human Services, Division of Child Support Enforcement is dedicated to providing the best possible services:

- Location of noncustodial parents.
- Establishment of paternity via court order, written agreement or through a program called "A Simple Acknowledgement of Paternity" (ASAP).
- Obtaining court order; for support and enforcement of those orders.
- Collection and distribution of support payments.
- Working with child support programs in other states to collect child support.

What is the purpose of child support?

- To provide children with a sense of family, social and financial security.
- To help families become more responsible and support their children.
- To help families to become less dependent on benefits like Temporary Assistance for Needy Families (TANF) and food stamps, and to promote self-sufficiency.

How do I apply for Child Support Services?

- Call or visit your local county child support office.
- If you are a TANF, Medicaid, or Foster Care recipient, you will automatically be referred to a child support office for child support services.
- If you are not a TANF, Medicaid or Foster Care recipient, you can obtain an application for child support services and pay a onetime application fee of $25.
- If you want to prove you are the father of a child or children, you can complete an application and pay a $25 application fee.
- If you only want to locate the noncustodial parent, you can obtain and complete an application for locate only services free of charge.

How will you get my child support from the noncustodial parent?

There are several methods we can use to collect and enforce child support.

Collection methods are:

- Income withholding - The employer takes the child support from the noncustodial parents paycheck.
- Tax Offset Intercept - Past due support is taken out of any refund due the noncustodial parent from IRS or State taxes.
- Unemployment Intercept – Current child support is taken out of the noncustodial parent's unemployment check.

Enforcement methods are:

- Contempt Action - A noncustodial parent can be taken back to court for non-compliance of the court order. This action could result in the court ordering the noncustodial parent to be incarcerated.
- Credit Bureau Reporting - A noncustodial parent will be reported to the credit bureau if he/she becomes delinquent in child support.
- License Suspension - A noncustodial parent who already has a contempt order against him/her and still is not complying with the court order could have his/her license suspended; (i.e., drivers, professional, other state issued licenses, etc.)
- Passport Revocation - A noncustodial parent with a child support arrearage of $5,000 or more will have his/her passport revoked or application denied.
- Court Ordered Employment - Courts can order a noncustodial parent to get a job.

Other things you need to know:

- Do your part by providing the child support office with information about the noncustodial parent; (i.e .. name, address, ssn, etc.)
- You may be required to pay some court costs if you do not receive TANF.
- When we establish your case, we will review the information and decide the best action to take. Our actions may or may not include one or more of the methods listed in this brochure.
- You or the noncustodial parent have the right to ask us to review the court order to ensure the amount is appropriately based on established guidelines. A periodic review is required and may result in an increase or decrease in child support.
- Any money received by you in error must be recouped. It will be repaid by a percentage taken from each collection received until paid in full, or you may choose to repay this in a lump sum amount.

If you have any questions please call:

MISSISSIPPI
Department of Human Services
Division of Child Support Enforcement
750 North State Street • P.O. Box 352
Jackson, MS 39202

(601) 359-4500
or
1-800-948-4010

Your County office is:

_____
_____
_____
_____

MISSISSIPPI DEPARTMENT
OF
HUMAN SERVICES

A Simple Acknowledgement of Paternity

DIVISION OF CHILD SUPPORT
ENFORCEMENT

MISSISSIPPI

[FORMS AND INSTRUCTIONS]

ASAP

PATERNITY·

Paternity means fatherhood. Paternity is in question when a baby's parents are not married. Paternity can be established through voluntary acknowledgment or through court proceedings.

BENEFITS OF ESTABLISHING PATERNITY

Identity:
Growing up is a tough job. It is important for your baby to know who he or she is and to feel the sense of belonging that knowing both parents brings.

Family Medical History:
Knowing the family's full history of diseases, illnesses, and birth defects will help your baby's doctor if your baby becomes sick. Knowing both parents also ensures against marriage between relatives.

Inheritance:
Your baby is entitled to benefit from both parents. When paternity is established, your baby should be able to take advantage of Social Security, veteran' s benefits, medical and life insurance from both parents.

Child Support:
Your baby has a right to food. clothing and a home. These can be better provided when both parents are involved. Children supported by only one parent often do not have enough money to meet their needs.

HOW CAN PATERNITY BE ESTABLISHED?

Paternity can be established while the mother is still in the hospital when both parents sign an acknowledgement of paternity form and their signatures are notarized. The form is tiled with the birth certificate. After leaving the hospital, paternity will be established by completing an acknowledgement of paternity form provided by the Division of Child Support Enforcement or from the Department of Health, Office of Public Health Statistics.

WILL THE FATHER'S NAME BE ADDED TO THE BIRTH CERTIFICATE?

As a result of completing the voluntary acknowledgment of paternity form, the father's name will be added to the birth certificate.

WILL THE CHILD'S LAST NAME BE THE SAME AS THE FATHER'S?

Yes; in most cases the child's name will be the same as the father's.

DOES THERE HAVE TO BE A COURT HEARING?

If both parents cooperate, a court hearing is not necessary to establish paternity

WHAT IF THE ALLEGED FATHER REFUSES TO SIGN THE ACKNOWLEDGMENT OF PATERNITY FORM?

The mother can request assistance from the Division of Child Support Enforcement in establishing paternity and obtaining child support through the Courts If the mother receives *Temporary Assistance for Needy Families* (TANF) or Medicaid benefits for the child, there is no charge for the service. If the mother docs not receive TANF or Medicaid there is a $25 00 application fee.

WHAT IF THERE IS A QUESTION ABOUT WHO THE BABY'S FATHER IS?

If there IS a question, paternity testing can he performed. The test compares the alleged father's, the baby's and the mother's genetic markers. Paternity tests arc nearly 100% accurate. For more information regarding paternity testing, contact your local Child Support Office.

WHAT ABOUT VISITATION RIGHTS?

The Division of Child Support Enforcement does not represent either party in establishing visitation or custody rights. However, establishing paternity and paying child support arc a step in the right direction. The father will need to seek legal counsel for advice on visitation and/or custody.

WHY IS NOW THE RIGHT TIME TO ESTABLISH PATERNITY?

The best opportunity to establish an emotional bond between a baby and his/her parents is at the time of birth. It is also a good time to establish a legal bond. This legal bond will go far in giving your baby the same emotional and financial support that would he expected if his/her parents were married. Today. mother and father arc happy and proud to have a child. tomorrow things may he different All Mississippi children deserve the financial, emotional and psychological support of both parents

LIBERI ET FAMILIAE SEMPER!

"Children and Families Always'"

Division of Child Support Enforcement

Liberi et Familiae Semper!
"Children and Families Always!"

Mississippi Department of Human Services

MDHS-CSE-616

If you have any questions please call:
MISSISSIPPI
Department of Human Services Division of Child Support Enforcement 750 North State Street
P.O. Box 352
Jackson, Mississippi 39201
(601) 359-4500
or 1-800-948-4010

CHILD SUPPORT FOR YOUR FAMILY'S BENEFITS AND PROTECTION

WHY IT PAYS TO COOPERATE!

MISSISSIPPI [FORMS AND INSTRUCTIONS]

Definition of Cooperation

Cooperation is the joint action of working toward a common goal.

Benefits of Cooperation

√ The establishment of paternity gives your child a sense of belonging that knowing both parents brings. Your child should be able to take advantage of Social Security, Veteran's Benefits and/or other government benefits, as well as inheritance rights.

√ Child support benefits can help provide financially for the child.

√ Medical support in the form of health insurance can help provide for the medical needs of the child.

√ More importantly, paternity establishment provides children with social and psychological advantages and a sense of family heritage and completes your child's medical history.

Cooperation Includes

* Keeping appointments with child support.
* Submitting yourself and your child for genetic testing.
* Providing information for private health Insurance.
* Appearing in court as a witness.
* Providing information when requested.
* Paying any child support payments you receive to the child support office. as may be required.
* Providing information about the noncustodial parent which includes:
  1. Name, address, and telephone number
  4. Date of birth
  5. Social security number
  6. Place of employment or school
  7. Names, addresses and telephone numbers of relatives or friends.

Penalty for Non·Cooperation

If you fail to keep appointments. provide the requested information. or fail to appear for court or genetic testing and you are a recipient of TANF benefits, your TANF case will be closed. If you do not cooperate with the *Division of Child Support Enforcement(DCSE)* and you are not a TANF client. your child support case will be closed.

If you participate in the food stamp program. you will not be able to receive food stamp benefits unless you cooperate with DCSE in establishing paternity for any child(ren) horn out of wedlock and in obtaining support for the child(ren).

Claims of Good Cause

You may be excused from cooperating with child support if any of the following circumstances have occurred:

√ The noncustodial parent has caused physical and/or emotional harm to the child.

√ Physical and/or emotional harm caused by the noncustodial parent to the relative caring for the child limiting the custodial parent's ability to care for the child.

√ Child conceived as a result of incest or rape.

√ Pending legal adoption proceedings.

√ A public or private social services agency assisting you. the custodial parent. to decide whether to keep the child or to release the child for adoption.

Proof Required to Claim Good Cause

√ Court. criminal. law enforcement. medical. psychological or social services record indicating the possibility of physical or emotional harm by the noncustodial parent to the child or the custodial parent.

Or

√ Medical records indicating emotional history and current emotional health status of the child or custodial parent.

√ Medical or law enforcement records indicating conception resulted from incest or rape.

√ Documents indicating that adoption is pending in court.

√ Written statement from the public or private agency assisting the custodial parent.

√ Sworn/notarized statements from individuals with knowledge of good cause circumstances.

NOTICE OF CLAIMS OF GOOD CAUSE FOR FAILURE TO COOPERATE MDHS-CSE-620

Child Support Staff uses this form to notify Research and Statistics of all good cause claims made by TANF clients for failure to cooperate with child support in establishing paternity and/or obtaining and enforcing child support. Research and Statistics reports, semi-annually, the total number of good cause claims made by TANF recipients, whether approved or denied, with or without corroborated evidence. When there is more than one noncustodial parent involved, prepare a form for each noncustodial parent.

The child support worker will complete Section A of the form at the time the good cause claim is made. Prepare and sign the form with an original and two copies. File a copy in the child support case record, forward the original to Research and Statistics, and send a copy to the Regional Director.

The child support worker to whom the case is assigned and the worker's supervisor recommends a decision based on the corroborative evidence supplied by the custodial parent or on evidence obtained by the county staff The recommendation is forwarded to the Regional Director who makes the final determination of good cause. The Regional Director prepares an original and two copies. File a copy in the Administrative File in the Regional Office; return a copy to the county child support office"" to be filed in the appropriate case record and mail the original to Research and Statistics.

INSTRUCTIONS

From: Enter the name and title of the person completing the form.

Re: Enter the name of the TANF client and the case number.

Section A:

Obtaining child support for the child(ren): List the names of the child(ren) for whom the TANF client has refused to cooperate in establishing paternity or obtaining child support.

Whose noncustodial parent is: Enter the name of the noncustodial parent of the child(ren).

Basis of the claim is: Enter a check in the appropriate block to indicate which of the allowable reasons was made for claiming good cause for failure to cooperate.

The date the good cause claim was made: Enter the date the custodial parent claimed good cause.

Section B:

The Claim of this custody parent was: Check the appropriate blocks and enter the date.

This claim was made: Check the appropriate block.

Name and Title: The child support staff member completing the form enters their signature and title here.

Date: Enter here the date on which the form is completed and sent to Research and Statistics.

Mississippi
MDHS-CSE-620
Issued 07-01-97

NOTICE OF CLAIMS OF GOOD CAUSE FOR FAILURE TO COOPERATE

To: Research and Statistics

RE: _____
Custodial Parent

From: _____
Division of Child Support Enforcement

_____
Case Number

A. The custodial parent named above has claimed to have good cause for failure to cooperate in establishing paternity and/or obtaining child support for the child(ren):_____

Whose noncustodial parent is: _____. The basis of the claim is:

- o Potential physical harm to child (with corroborative evidence).
- o Potential physical harm to child (without corroborative evidence).
- o Potential emotional harm to child.
- o Potential physical harm to custodial parent (with corroborative evidence).
- o Potential physical harm to custodial parent (without corroborative evidence).
- o Potential emotional harm to custodial parent.
- o Conception result of incest or forcible rape.
- o Legal adoption before court.
- o Custodial parent receiving pre-adoption services.

The date the good cause claim was made_____.

_____

B. (Complete at the time a decision is made regarding good cause.) The claim of this custodial parent was ☐accepted ☐rejected. The decision is based on evidence ☐supplied by the custodial parent only ☐ obtained by us only ☐ combination of evidence supplied/obtained by custodial parent and us on _____, 20_____ The claim was made ☐prior to ☐after the family was ☐ approved ☐ denied ☐ closed for TANF.

_____
Signature and Title

_____
Date

TANF WORK PROGRAM
COMMUNICATION FORM
MDHS-CSE-EA-625/325

INSTRUCTIONS

Before the Job Placement Entity (JPE) places the noncustodial parent in a work assignment, the child support worker must verify with Economic Assistance that the TANF case is open. Upon verification of the child (ren)'s TANF participation, the child support worker will prepare an Original and one copy of the form. The child support worker will complete the top position of the form, attach a copy of the court order, and route the original to the JPE and the copy will be filed in the case record folder. The JPE will complete the bottom section and return to the county child support office as changes occur. The JPE will make a copy for their records.

If the TANF case closes after the noncustodial parent's referral to JPE, but prior to placement or related activities, the child support worker will complete another MDHS-CSE-EA-625/325 notifying JPE that the TANF case has closed by completing the comments section above the CSE signature line.

To be completed by CSE:

County: Enter the name of the county in which the noncustodial parent lives.

CP County: Enter the name of the county in which the custodial parent lives.

NCP Name: Enter the name of the noncustodial parent.

NCP Social Security Number: Enter the noncustodial parent's social security number.

NCP Address: Enter the noncustodial parent's address.

CP Name: Enter the name of the custodial parent in the TANF case.

TANF Case No: Enter the MAVERICS case number.

IV -D Case No: Enter the METSS case number.

Does the TANF case show open in METSS? MAVERICS? Mark the appropriate "yes" or "no" block.
If the case is not open in METSS and MAVERICS the noncustodial parent must not be referred!

Comments: Enter appropriate comments in the space provided.

Signature of CSE: The child support worker completing the form must sign and date

To be completed by Job Placement Entity:

Each question should be answered by marking the appropriate "Y" (Yes) or "N" (No) block, and complete the items relevant to the question. Comments should be made if necessary to document any information relevant to the participant.

The JPE will complete the form when:

- the noncustodial parent fails to cooperate with the TWP, or
- at the end of 60 days, if placement is unsuccessful, or
- at any time there is a change in the status of the noncustodial parent's TWP participation.

Signature: The authorized representative of the IPE should sign and date to verify the disposition of the participant's placement.

MISSISSIPPI
FORM MDHS-CSE-EA-625/325
ISSUED 08-15-98

NCP COUNTY:_____
CP COUNTY_____

TANF WORK PROGRAM
COMMUNICATION FORM

To be completed by CSE:

NCP Name:_____

NCP Social Security Number:_____

NCP Address:_____

_____

CP Name_____

TANF Case No:_____

IV-D Case No:_____

Does the TANF case show open in METSS? ☐ yes ☐ no MAVERICS? ☐ yes ☐ no

Comments:_____
_____

Signature of CSE_____Date_____

To be completed by Job Placement Entity: This form should be returned to the CSE County Office as changes occur.

Y N
☐☐ Participant placed in full-time employment.
☐☐ Placement made with:
Name:_____ Address: _____
_____
Start Date:_____ Pay Per Hour:_____Hours Assigned:_____
First Pay Day:_____ Frequency:_____
☐☐ Is the placement for seasonal employment? Explain: _____
_____
☐☐ If yes, is there potential for year round employment? ☐ yes ☐ no
☐☐ Failed to participate Date:_____ Activity:_____
☐ first appointment? ☐ second appointment?
☐☐ Placement was not made at this time.
Reason:_____

Comments:_____
_____

Signature:_____Date:_____

MDHS and PUBLIC HOUSING AUTHORITY INTERAGENCY REFERRAL FORM MDHS-EA-CSE-929/629

PURPOSE

This form will be used by staff of the Mississippi Department of Human Services (MDHS) and the Public Housing Authority (PHA) to share information about individuals receiving public assistance, residing in public housing and/or receiving Section 8 tenant-based assistance· MD HS and PHA will use this data to coordinate and streamline the delivery of services to joint recipients of assistance. This will include coordination of resources and program activities, identification of eligible participants and coordination of verification of information to determine program eligibility.

INSTRUCTIONS

This form may be initiated by MDHS or PHA. The entity initiating the form will complete the form through Section A and Section B, C or D whichever is applicable, and forward it to the appropriate location. The responder will supply any information required within ten days of receipt and return the original, retaining a copy for the case record. Upon completion by MDHS and PHA, the original or a copy must be filed in the recipient's case record.

TO: Enter the name, address and phone number of the entity to which the form is being sent.

FROM: Enter the name, address and phone number of the entity initiating the form.

RE: Enter the name, social security number and address of the recipient.

Section A to be completed by the recipient

Recipient's Signature/Date: The individual for whom this information is regarding must sign on this line and enter the date he/she signed the form. The individual's signature represents his/her consent for each agency to receive and share information.

Section B to be completed by the Public Housing Authority

Check all blocks that apply and enter the required information.

Verification Type: Check the appropriate block(s) to indicate the type of verification requested.

Household Composition: Enter the household composition, e.g., mother, grandmother, child(ren), niece, etc.

Household Size/Adults/Children: Enter the total number of household members and enter the number of adults and children.

Household Income: Enter the current, monthly gross income for the entire household and indicate which household member(s) earned the income.

Rent: Enter the amount of rent due each month from the household. Do not include late fees or other charges.

Utility Allowance/Credit: Enter the amount of utility allowance credited each month.

Employed: Check the appropriate block to indicate whether the tenant is currently employed. Enter the employer's name, if applicable.

Work Exemption: Check the appropriate block to indicate whether the tenant meets a work exemption status. If yes, enter the reason for the work exemption. NOTE: Only an individual/organization with the legal authority to exempt a tenant from work qualifies a person as exempt from work.

FSS Program/Activity: Check the appropriate block to indicate whether the tenant is participating in the FSS Program. If yes, enter the activity in which the tenant is involved in to reach his/her goals.

Education Expense: Enter the tenant's educational expense, if applicable.

Comments: Enter comments, if applicable.

Signature/Title/Phone/Date: The authorized PHA representative must sign on this line and enter his/her title, phone number and the date he/she signed the form.

Section C to be completed by the MDHS, Division of Economic Assistance

NOTE: The following information will be provided if the individual has an open TANF case. Supportive services and employment data will be provided for individuals receiving transitional services. Indicate no benefits and/or assistance received in the comments section if the individual does not have an open case or is not receiving transitional services.

Check all blocks that apply and enter the required information.

Benefits: Enter the required information (grant amount, start date, number of adults/children) for the TANF and/or Food Stamp program(s).

Supportive Services: Check the appropriate block(s) to indicate the type of supportive services currently received.

Employed: Check the appropriate block to indicate whether the individual is currently employed and enter the employer's name, if applicable.

Education: Enter the last grade completed by the individual.

Work Program Status: Check the appropriate block to indicate the individual's work program status and enter the exemption reason, if applicable. Exemptions include: incapacitated, caring for an ill or incapacitated child/adult, caring for a child under 12 months, third trimester of pregnancy, temporary illness/injury, age (over 60, under 18), drug treatment, victim of domestic violence.

Work Activity Assignment/Dates: Enter the individual's work component/activity assignment, along with the start and end dates, if applicable.

Sanction Level/Dates/Reason: Check the appropriate block to indicate the individual's last sanction level. Enter the sanction start and end dates and the reason the sanction was imposed, if applicable.

Comments: Enter comments, if applicable. NOTE: If the individual does not have an open TANF case and is not receiving transitional services enter comments accordingly.

Signature/Title/Phone/Date: The authorized representative for the Division of Economic Assistance must sign on this line and enter his/her title, phone number and the date he/she signed the form.

Section D to be completed by the MDHS, Division of Child Support Enforcement (DCSE)

Child Support: Check the appropriate block to indicate whether the individual receives child support payments through the DCSE. If yes, attach the payment history for the prior 12 months.

Comments: Enter comments, if applicable.

Signature/Title/Phone/Date: The authorized representative for the Division .of Child Support Enforcement must sign on this line and enter his/her title, phone number and the date he/she signed the form.

Acronyms:		
	MDHS	Mississippi Department of Human Services
	TANF	Temporary Assistance for Needy Families
	PHA	Public Housing Authority
	TWP	TANF Work Program
	FSS	Family Self-Sufficiency
	CS	Child Support
	SS/SSI	Social Security Benefits/Income
	TT	Transitional Transportation
	TCC	Transitional Child Care

AUTHORIZATION FOR OPTIONAL SUPPORT SERVICES FORM MDHS-CSE-634

Form MDHS-CSE-634 is prepared as part of the packet referred to the child support attorney. This form is completed by Medicaid-only custodial parents prior to action being taken on the case. It provides documentation that service options have been discussed with the custodial parent and it records their decision.

Medicaid-only custodial parents must accept medical support services which include cooperating with child support staff in their efforts to obtain and/or to enforce health insurance or an existing court order for case medical support. Efforts to obtain all child support services will be provided unless the Division is informed that these services are not desired.

In continuation of service cases, it is not required that custodial parents given written consent, by signing of MDHS-CSE-634. **ALL** services must be provided unless the custodial parent requests that the child support case be closed.

The custodial parent must read, complete, sign and date the MDHS-CSE-634. However, prior to the custodial parent signing, the child support worker must also explain the options, answer any questions, and make every effort to ensure that the custodial parent understands.

File the original form on the left side of the child support case.

INSTRUCTIONS

County: Enter the name of the county in which the child support case is open.

Case No: Enter the METSS case number.

CP Name: Enter the name of the custodial parent.

AP Name: Enter the name of the absent parent.

MEDICAID-ONLY CUSTODIAL PARENT: This section must be read/discussed, the appropriate block checked, and be signed and dated by the medicaid-only custodial parent.

Child Support Worker: The child support worker must sign the form.

Date: Enter the date the form is signed.

MISSISSIPPI
Form MDHS-CSE-634
Revised 03-01-2000

County: _____
_
Case No.: _____ _
CP Name: _____ _
NCP Name: _____ _

AUTHORIZATION FOR OPTIONAL SUPPORT SERVICES

MEDICAID-ONLY CUSTODIAL PARENT

I understand that as a recipient of Medicaid. I must cooperate with child support staff in their efforts to obtain and/or enforce health insurance for the child(ren). or enforce an existing court order for cash medical support. I also understand that all child support services will be provided to me unless I inform the Division of Child Support Enforcement that I do not want these services.

- ☐ I do want child support services.

- ☐ I do not want child support services. If my Medicaid case should close, I understand I must accept an child support services.

If I receive food stamp benefits. in addition to Medicaid. I understand that I must cooperate with the Division of Child Support Enforcement in obtaining all child support services.

Signature _____

Date _____

_____ _____
Worker Date

MISSISSIPPI
Form MDHS-EA-CSE-943/643
Issued 10-01-97

County _____
Case Type:
☐ TANF
☐ Medicaid
☐ Food Stamps

CHILD SUPPORT ENFORCEMENT
Cooperation Verification Request

CP Name: _____ AP/NCP Name: _____

SSN for CP: _____ SSN for AP/NCP: _____

Case Name: _____ OBP Name: _____

Case Number: _____ SSN for OBP: _____

Date of Reapplication: _____ Effective Date of Closure: _____

TO: Child Support Enforcement Office

☐ The case closed because the custodial parent did not cooperate with Child Support Enforcement requirements.
☐ The custodial parent is disqualified for failure to cooperate with Child Support Enforcement requirements.
☐ The noncustodial parent is disqualified for failure to cooperate with Child Support Enforcement requirements.
☐ Client is requesting a good cause determination.
☐ Other _____
_____

Client must comply with Child Support Enforcement requirements ☐ before this reapplication can be approved or ☐ before this client can be added to the Medicaid or Food Stamp household. Please verify date of child support cooperation.

Eligibility Worker _____ Date _____

To be completed by client named above:

I understand that I must cooperate with Child Support Enforcement requirements in order to be approved for TANF benefits or in order to be included in the Food Stamp household or Medicaid budget group. ☐ Failure to comply with the Child Support requirements will mean denial of my TANF application or denial of my TANF and Food Stamp application ☐ Failure to cooperate will mean disqualification for Medicaid and/or Food Stamp Programs.

Signature _____ Date _____

TO: Eligibility Worker

☐ The above client has cooperated with the Child Support Enforcement requirements on _____
☐ The above client has not cooperated with the Child Support Enforcement requirements within the 30-day application timeliness period.
☐ Other _____
_____

CSEO: _____ Date _____

Child Support Enforcement Cooperation Verification Request
MDHS- EA-CS E-943/643

This manual documentation form will be used for communication between the Child Support Enforcement staff and the Economic Assistance Eligibility staff at reapplication and prior to re--approval for TANF, Medicaid and/or Food Stamp benefits when the case(s) closed because of failure to cooperate with child support requirements, or closed for another reason with a Child Support Enforcement noncooperation status also reported. The manual form will be used to verify cooperation with child support requirements prior to adding a person who was disqualified for failure to cooperate with child support back into an ongoing case. The form may be initiated by either Child Support Enforcement or Economic Assistance staff to provide or request information about the applicant/recipient.

Instructions

The initiator of the form will prepare an original and one copy sending the original to request or convey information and keeping a copy in the case record. The responder will complete the requested information and return the original form, keeping a copy for the case record. If the form is used only to convey information, prepare an original and one copy. Send the original and keep the copy in the case file. The completed form will be filed in chronological order on the right side of the case record folder. Completed forms should be sent/mailed daily to the Economic Assistance Office.

County: Enter the county name or number.

Case Type: Check each program affected by the communication.

CP Name: Enter the name of the custodial parent. If the failure to cooperate is on the AP/NCP, no entry is required.

SSN for CP: Enter the custodial parent's Social Security number. If the failure to cooperate is on the AP/NCP, no entry is required.

Case Name: Enter the METSS case name or enter "Same" if the CP is also the case name.

Case Number: Enter the METSS case number.

Date of Reapplication: The EW will enter the date of reapplication when the request for information

relates to verification of Child support cooperation prior to approval or adding the person to an ongoing case. If the child support worker initiates the form, no entry is required.

AP/NCP: Enter the name of the noncustodial parent relating to the custodial parent's failure to cooperate when the reason for the request relates to the CP's cooperation. If the request for

verification relates to absent parent or noncustodial parent's own failure to cooperate, enter the AP's name and do not complete the entry for CP's name and SSN.

SSN for AP/NCP: Enter the Social Security number for the AP/NCP whether the noncooperation relates to the CP or AP/NCP.

OBP Name: Enter the name of the other biological parent if one is included in the affected case(s). If no, enter NA.

SSN for OBP: Enter Social Security number for the OBP if there is one named.

Effective date of Closure: The EW will enter the effective date of closure for the MAVERICS case. If the form is initiated by child support, not entry is required.

TO: Child Support Enforcement Office: The EW will check the appropriate blocks and/or enter information as needed. The EW will sign and date the form to be completed by the client named above.

To be Completed by Client Named Above: This section should be completed by the client at the time of reapplication when the form is used for verification of cooperation with Child Support Enforcement. It should be completed at the time of the reapplication interview when the EW explains the child support program requirements and the appropriate blocks, checked related to the sanctions. However, if the client is unavailable at the time the EW discovers that the verification is required this section may be completed with the child support worker during the process of determining client's cooperation status. Completion of this section is recommended to reinforce client's understanding of the child support requirements. After the client has read the statement, he/she should sign and date the form. Refusal to sign the form or this section being omitted, does not prevent the information exchanged nor enforcement of all TANF, Medicaid and/or Food Stamp eligibility factors and requirements. A copy of the signed form should be given to the client.

TO: Eligibility Worker: Check the appropriate block and/or enter information as appropriate. The child support worker will sign and date the form.

NOTE: The completed form verifying cooperation with Child Support Enforcement must be received and filed in the Economic Assistance Case record before the case is reapproved or the disqualified person is added to the ongoing case. If no response has been received from the child support worker within the 30-day timely processing period for applications, eligibility staff should

contact the Child Support Office to determine the cooperation status prior to denial of the application, etc.

Form MDHS-CSE-647
Issued 05-01-91

REQUEST TO ACCESS THE FEDERAL PARENT LOCATOR SERVICE PARENTAL KIDNAPPING CASES

DATE: _____

: State Parent Locator Unit Supervisor
Division of Child Support Enforcement
Department of Human Services
Post Office Box 352
Jackson, Mississippi 39205

This request is made to ascertain the location of a child(ren) and his/her parent who has been charged with kidnapping and has absconded with said child(ren) in violation of Federal and State laws.

SECTION A COMPLETE THIS SECTION.

1. Name, Birthdate and Social Security Number of Missing Child(ren):

_____ _____ _____
First, Middle, Last DOB SSN

_____ _____ _____
First, Middle, Last DOB SSN

2. Absent Parent Information:
Name: _____ _____ _____
First Middle Last
Alias 1: _____ Alias 2: _____
Last name. If female, provide maiden name. Last name. If female, provide maiden name.
Social Security Number (SSN): _____
Date of Birth (DOB): _____ Race/Sex _____ / _____
Enter Yes or No.
The absent parent is or was a federal employee. _____
The absent parent is or was receiving veteran's benefits. _____
The absent parent is or was in a branch of the military. _____

3. Custodial Parent's Name: _____ _____
First Last

SECTION B IF ABSENT PARENT'S SSN IS UNKNOWN, COMPLETE THIS SECTION.
(Refer to reverse side for further instruction.)

1. Absent Parent's City and State of Birth: _____
2. Absent Parent's City and Country (if not USA) of Birth: _____
3./4. Name of Absent Parent's Father: _____ _____
First Last
5./6. Maiden Name of Absent Parent's Mother: _____ _____
First Last
7. Custodial Parent's SSN: _____ (if absent parent and custodial parent filed a joint tax return in the past 3 years)

I (1st Party) hereby certify that I am an authorized person as defined by federal regulation 45 CFR 303.15(a) to receive information concerning the above-named child(ren) and absent parent and that the parent has been charged with kidnapping and has absconded with said child(ren). (Persons authorized to make this request are named on the reverse side of this form.) I certify that I am actively working on the investigation and/or prosecution of this case. A copy of an existing warrant (or proof of indictment) for the abductor is attached. The Case No. is _____. I have read the reverse side of this form concerning authorization/instructions, and all requested information is included. The information received will be used only for the purposes stated herein.

_____ _____ _____
Signature (1st party) Title Date

_____ _____ _____ _____
Address: P.O. Box/Street City State Zip
Telephone Number: _____

_____ _____ _____
Signature (2nd party) Title Date

AUTHORIZATION/INSTRUCTIONS FOR REQUESTING SERVICES PARENTAL KIDNAPPING

This request may be made only for the limited purposes of enforcing any State or Federal law with respect to the unlawful taking or restraint of a child(ren).

The following individuals in their official capacities are authorized to request and receive information obtained from the Federal Parent Locator Service (FPLS) under 45 CFR 303.15 through the Department of Human Services (State Parent Locator Unit) if they currently have jurisdiction over a parental kidnapping case for which the information is being requested and are currently involved in the case at this time in their official capacities:

1. the Chancellor(s) having jurisdiction
2. the District Attorney having jurisdiction and any of his staff
3. the Attorney General
4. the law enforcement officers having jurisdiction
5. any agent of the United State government having jurisdiction
6. any attorney of the United States government having jurisdiction

Such persons must be actively involved in the investigation and/or prosecution of the unlawful taking or restraint of the child(ren).

A COPY OF AN EXISTING WARRANT (OR PROOF OF INDICTMENT) FOR THE ABDUCTOR MUST BE ATTACHED TO THIS REQUEST.

The form on the reverse side must be used to request the services of the State Parent Locator Unit in parental kidnapping cases.

SECTION A - Complete all items in SECTION A, if possible.

SECTION B - Complete SECTION B if the absent parent's Social Security Number (SSN) is unknown. Provide items listed below so that a manual search for the SSN may be processed by the Federal Parent Locator Service. A search cannot be made unless the SSN can be obtained. The absent parent's name and date of birth must also be provided (in Section A), in addition to items in this section.

Provide at least three (more if available) of the following six items for the absent parent.

1. city and state of birth
2. city and country (if not U.S.A.) of birth
3. first name of absent parent's father
4. last name of absent parent's father
5. first name of absent parent's mother
6. last name (maiden) of absent parent's mother

OR

Provide custodial parent's name (Section A, No. 3) and Social Security Number (Section B, No.7) if absent parent and custodial parent filed a joint tax return in the past three years.

SIGNATURE REQUIREMENTS - This request must be signed by the person (1st Party) making this request, and his/her complete address must be provided in the appropriate space so that the information may be mailed to him/her. This request must be signed by one other person (2nd Party) who by signing is attesting to the fact that the statement signed by the 1st Party is correct.

FEE REQUIREMENTS - The charge for this service is $25 and is not refundable. The fee must be paid by a money order or a cashier's check payable to the Treasurer, State of Mississippi and attached to the request. Personal checks will not be accepted.

CONFIDENTIALITY REQUIREMENTS - The request must be submitted to the Department of Human Services, Division of Child Support Enforcement, Supervisor, State Parent Locator Unit, Post Office Box 352, Jackson, Mississippi 39205 in a sealed envelope labeled "CONFIDENTIAL."

ACTION REQUIRED BY THE STATE PARENT LOCATOR UNIT - This request will be submitted to the Federal Parent Locator Service by the State Parent Locator Unit. No other sources will be accessed. Information from the Federal Parent Locator Service is generally six to eighteen months old. This service will not be of value in locating a person whose address has recently changed. Processing time is usually four to eight weeks. The information received from the Federal Parent Locator Service will not be verified by the State Parent Locator Unit. The State Parent Locator Unit does not guarantee the location of the absent parent.

The original printouts received from the Federal Parent Locator Service will be mailed to the person (1st Party) making the request by certified mail in an envelope labeled "CONFIDENTIAL." One copy of the printouts will be retained by the State Parent Locator Unit until the signed receipt is returned. The copy must then be destroyed.

Request to Access the Federal Parent Locator Service
Parental Kidnapping Cases

MDHS-CSE-647

This form is used by authorized individuals to request the services of the State Parent Locator Unit to access and receive information from the Federal Parent Locator Service in parental kidnapping cases to determine the location of a child (ren) and his/her parent(s). This information may be used only for the limited purpose of enforcing any State or Federal law with respect to the unlawful taking or restraint of a child (ren).

Each child support office must maintain a supply of these forms and provide one to an authorized individual upon request.

Authorization/Instructions for Requesting Services in Parental Kidnapping Cases (Reverse side of MDHS-CSE-647, Page 2)

The following persons are authorized to request and receive information from the Federal Parent Locator Service if they currently have jurisdiction over the case and are currently involved in the case in their official capacities.

I. The Chancellor(s) having jurisdiction.
2.The District Attorney having jurisdiction and any of his/her staff.
3.The Attorney General having jurisdiction.
4.The law enforcement officers having jurisdiction.
5.Any agent of the United States government having jurisdiction.
6.Any attorney of the United States government having jurisdiction.

Such persons must be actively involved in the investigation and/or prosecution of the unlawful taking or restraint of the child (ren). Other individuals involved in such cases may not obtain this information except through one of the authorized persons mentioned above. Requests from unauthorized persons will not be accepted.

A copy and/or proof of an existing warrant or indictment for the abductor must be attached to the request.

Instructions for completing the form are given on the front and back of the form. The instructions must be followed and the form correctly completed for the request to be processed.

Detailed requirements are listed on the reverse side of the form. These requirements must be met for this request to be processed. The requirements include:

- Signature requirements
- Fee requirements
- Confidentiality requirements
- Action required by the State Parent Locator Unit

Issued 05-01-91

CHILD CUSTODY DETERMINATION CASES

DATE: _____

State Parent Locator Unit Supervisor
Division of Child Support Enforcement
Department of Human Services
Post Office Box 352
Jackson, Mississippi 39205

This request is made to ascertain the location of a legal parent and/or a child(ren) for purposes of making or enforcing a child custody determination.

SECTION A COMPLETE THIS SECTION.

1. Name, Birthdate and Social Security Number of Child(ren):

_____ _____ _____
First, Middle, Last DOB SSN

_____ _____ _____
First, Middle, Last DOB SSN

2. Absent Parent Information:
Name: _____ _____ _____
First Middle Last
Alias 1: _____ Alias 2: _____
Last name. If female, provide maiden name. Last name. If female, provide maiden name.
Social Security Number (SSN): _____
Date of Birth (DOB): _____ Race/Sex _____ / _____
Enter Yes or No.
The absent parent is or was a federal employee. _____
The absent parent is or was receiving veteran's benefits. _____
The absent parent is or was in a branch of the military. _____

3. Custodial Parent's Name: _____ _____
First Last

SECTION B IF ABSENT PARENT'S SSN IS UNKNOWN, COMPLETE THIS SECTION.
(Refer to reverse side for further instruction.)

1. Absent Parent's City and State Birth: _____
2. Absent Parent's City and Country (if not USA) of Birth: _____
3./4. Name of Absent Parent's Father: _____ _____
First Last
5./6. Maiden Name of Absent Parent's Mother: _____ _____
First Last
7. Custodial Parent's SSN: _____ (if absent parent and custodial parent filed a joint tax return in the past 3 years)

I (1st Party) hereby certify that I am an authorized person as defined by federal regulation 45 CFR 303.15(a) to receive information concerning the above-named child(ren) and absent parent of said child(ren) in connection with a child custody determination. (Persons authorized to make this request are named on the reverse side of this form.) I have attached verification (court order or other proof) that I am actively working on this child custody determination case. I have read the reverse side of this form concerning authorization/instructions, and all requested information is included. The information received will be used only for the purposes stated herein.
I am seeking to locate the child(ren) named above. Yes ____ No ____
I am seeking to locate the legal parent named above. Yes ____ No ____

_____ _____ _____
Signature (1st party) Title Date

_____ _____ _____ _____
Address: P. O. Box/Street City State Zip
Phone Number: _____

_____ _____ _____
Signature (2nd party) Title Date

AUTHORIZATION/INSTRUCTIONS FOR REQUESTING SERVICES CHILD CUSTODY DETERMINATION

"Custody determination" as defined by federal regulation at 45 CFR 303.15 means a judgment, decree, or other order of a court providing for custody or visitation of a child, and includes permanent and temporary orders, and initial orders modifications.

This request is made to determine the location of a child and/or his/her legal parent only for the limited purposes of making or enforcing a child custody determination.

The following individuals in their official capacities are authorized to request and receive information obtained from the Federal Parent Locator Service (FPLS) under 45 CFR 303.15 through the Department of Human Services (State Parent Locator Unit) if they currently have jurisdiction over a child custody/determination dispute for which the information is being requested and are currently directly involved in the case at this time in their official capacities:

1. the Chancellor(s) having jurisdiction
2. the District Attorney having jurisdiction and any of his staff
3. the Attorney General
4. the law enforcement officers having jurisdiction
5. any agent of the United State government having jurisdiction
6. any attorney of the United States government having jurisdiction

A copy of a court order or proof that the requester of the information is currently involved in this case in his/her official capacity must be attached to this request.

The form on the reverse side must be used to request the services of the State Parent Locator Unit in child custody determinations.

SECTION A - Complete all items in SECTION A, if possible.

SECTION B - Complete SECTION B if the absent parent's Social Security Number (SSN) is unknown. Provide items listed below so that a manual search for the SSN may be processed by the Federal Parent Locator Service. A search cannot be made unless the SSN can be obtained. The absent parent's name and date of birth must also be provided (in Section A), in addition to items in this section.

Provide at least three (more if available) of the following six items for the absent parent.

1. city and state of birth
2. city and country (if not U.S.A.) of birth
3. first name of absent parent's father
4. last name of absent parent's father
5. first name of absent parent's mother
6. last name (maiden) of absent parent's mother

OR

Provide custodial parent's name (Section A, No. 3) and Social Security Number (Section B, No.7) if absent parent and custodial parent filed a joint tax return in the past three years.

SIGNATURE REQUIREMENTS - This request must be signed by the person (1st Party) making this request, and his/her complete address must be provided in the appropriate space so that the information may be mailed to him/her. This request must be signed by one other person (2nd Party) who by signing is attesting to the fact that the statement signed by the 1st Party is correct.

FEE REQUIREMENTS - The charge for this service is $25 and is not refundable. The fee must be paid by a money order or a cashier's check payable to the Treasurer, State of Mississippi and attached to the request. Personal checks will not be accepted.

CONFIDENTIALITY REQUIREMENTS - The request must be submitted to the Department of Human Services, Division of Child Support Enforcement, Supervisor, State Parent Locator Unit, Post Office Box 352, Jackson, Mississippi 39205 in a sealed envelope labeled "CONFIDENTIAL."

ACTION REQUIRED BY THE STATE PARENT LOCATOR UNIT - This request will be submitted to the Federal Parent Locator Service by the State Parent Locator Unit. No other sources will be accessed. Information from the Federal Parent Locator Service is generally six to eighteen months old. This service will not be of value in locating a person whose address has recently changed. Processing time is usually four to eight weeks. The information received from the Federal Parent Locator Service will not be verified by the State Parent Locator Unit. The State Parent Locator Unit does not guarantee the location of the absent parent.

The original printouts received from the Federal Parent Locator Service will be mailed to the person (1st Party) making request by certified mail in an envelope labeled "CONFIDENTIAL." One copy of the printouts will be retained by the State Parent Locator Unit until the signed receipt is returned. The copy must then be destroyed.

Request to Access Federal Parent Locator Service
Child Custody Determination Cases

MDHS-CSE-648

This form is used by authorized individuals to request the services of the State Parent Locator Unit to access and receive information from the Federal Parent Locator Service in child custody determination cases to ascertain the location of the legal parent(s) and/or a child (ren). The information received may only be used for the limited purposes of making or enforcing a child custody determination.

Each child support office must maintain a supply of these forms and provide one to an authorized individual upon request.

Authorization/Instructions for Requesting Services in Child Custody Determination Cases (Reverse side of MDHS-CSE-648, Page 2)

The following persons are authorized to request and receive information from the Federal Parent Locator Service if they currently have jurisdiction over the case and are currently involved in the case
in their official capacities.

I. The Chancellor(s) having jurisdiction.
2.The District Attorney having jurisdiction and any of his/her staff.
3.The Attorney General having jurisdiction.
4.The law enforcement officers having jurisdiction.
5.Any agent of the United States government having jurisdiction.
6.Any attorney of the United States government having jurisdiction.

Other individuals involved in such cases may not obtain this information except through one of the authorized persons mentioned above. Requests from unauthorized persons will not be accepted.

A copy of a court order or other verification that the authorized individual making this request is actively working on this case must be attached to this request.

Instructions for completing the form are given on the front and back of the form. The instructions must be followed and the form correctly completed for the request to be processed.

Detailed requirements are listed on the reverse side of the form. These requirements must be met for this request to be processed. The requirements include:

- Signature requirements
- Fee requirements
- Confidentiality requirements
- Action required by the State Parent Locator Unit

APPLICATION FOR CHILD SUPPORT SERVICES
FORM MDHS-CSE-675

As required by the Federal child support statute, the Department of Human Services makes child support services available to persons who are not recipients of TANF and who are not required to have assignments of support rights in effect. The Federal Act also requires such individuals to file an application and pay the appropriate fee(s) for such services. The service requested may be for FULL CHILD SUPPORT SERVICES or LOCATION ONLY SERVICES.

The application fee for full child support services is $25.00, and may be paid by personal check, cashier's or certified check, or money order payable to the CRDU. Location only requests do not require a fee. The completed location only application must be mailed to the State Parent Locator Unit.

The reverse side of the application explains the child support services available. Please advise the applicant to read the application and sign in the appropriate place. Child support staff must help applicants who request assistance or who appear to need assistance in completing the application. The applicant must be advised that the one-time application fee, due upon receipt of the application, does not guarantee that the noncustodial parent will be found, that an obligation will be established, or that payment will be collected. The applicant must realize that the application fee is not refundable and that there may be additional fees necessary; such as court costs, filing fees, service of process fees, etc., as described on the reverse side of the application. The applicant must also be advised that the department is required to recover any TANF grant money received by the children.

An application for child support services must be provided to anyone who requests it. The application must be accompanied by the MDHS-CSE-614, *Child Support Information Pamphlet.*

IV-D staff are responsible for providing the application and pamphlet to an individual on the same day the request is made in person or within five (5) working days of a written request or documented telephone request. Each county office and the CRDU must establish and maintain an application log. The log must document the date of request, name of requesting individual, date application given or mailed and the date returned to the office.

Mississippi
Form MDHS-CSE-675B
Revised 06-30-2000

ACKNOWLEDGMENT BY PUTATIVE FATHER
Applicant for Non- TANF Support Services
Attachment to Form MDHS-CSE-675

I hereby acknowledge that my application for Non-TANF Child Support Services for the purpose of establishing that I am the father of the child(ren) listed on the application form includes a request that a support obligation be established and enforced. I also acknowledge the following:

1. I may be required to submit to genetic testing to provide evidence that I am the father of the child (ren) and may be required to pay for the genetic test in advance. Advance payment may include the cost of the test for the mother of the child (ren) and the child(ren).

2. The court will be asked to consider my income and resources and the income and resources of the mother of the child (ren) and to divide the responsibility for the financial support of the child (ren) between us.

3. The Department of Human Services cannot represent me in any legal action taken, but will perform services that the Department determines to be in the best interest of the child (ren). The child support attorney handling the case cannot have the traditional "attorney-client" relationship with me.

4. The Department cannot handle custody and visitation issues.

5. I may have to advance certain costs of the action determined necessary by the Department to handle the case. I also may be ordered by the court to pay certain costs when the action is completed.

_____ _____
Signature of Applicant Date

_____ _____ _____
Signature of Child Support Worker County Date

ACKNOWLEDGMENT BY PUTATIVE FATHER Application for Non- TANF Child Support Services Attachment to MDHS-CSE-675

Form MDHS-CSE-675B

The Non-TANF putative father applicant must sign and date an original for MDHS-CSE-675B to acknowledge his understanding of the child support services available to him and the specific conditions under which the services will be provided. The signed and dated Form MDHS-CSE-675B must be attached to the completed MDHS-CSE-675, *Application/or Child Support Services,* and accompanied by the application fee of $25.00.

Mississippi MDHS-
CSE-OCY-675C Issued
07-15-2004

Mississippi Department of Human Services
Division of Child Support Enforcement
Application for Child Support Services
For
Child Care Certificate Recipients

County Use Only
Case ID# _____ _
Full Services ($25) _____
Date Received _____ _
MDHS-CSE-614 _____ _
MDHS-CSE-616 _____ _

I, _____,am applying for child support services on behalf of the following child(ren).
First Middle Last Name

CHILD (REN) INFORMATION IN THIS CASE ONLY:
1st Child's Name:_____SSN:_____ DOB:_____.Sex: _____
Eth: _____Citizen: _____City and State of Birth: _____
Relationship to CP: _____State of Conception:
2nd Child's Name: _____SSN_____DOB:_____Sex:_____
Eth: _____Citizen: _____City and State of Birth: _____
Relationship to CP: _____State of Conception: _____-
3rd Child's Name: _____S.SN: _____--'DOB: _____-Sex: _____
Eth: _____Citizen: _____.City and State of Birth: _____
Relationship to CP: _____ State of Conception: _____-
4th Child's Name: _____.SSN:_____--'DOB: _____Sex:_____
Eth: _____Citizen: _____C.ity and State of Birth: _____
Relationship to CP: _____State of Conception: _____-
Do the children have health insurance coverage: _____

CUSTODIAL PARENT (CP) INFORMATION

Are you the legal/biological parent _____Yes __ No._If no, complete biological parent information below.
SSN: _____DOB: _____Sex:__ Eth: __Cit: __Educ: -
Mailing Address: _____
Home Address: _____
Employer Name and Address _____

Telephone Number: Home: _____Work: _____Cell:
Relationship to Noncustodial Parent: __ Married, __ Never married, __ Divorced / Date of Divorce _____
__ Separated, __ Never married-Paternity Established, __ other relationship. Explain:. _____
Relationship to child(ren): __ Not related, Other relationship/Explain _____-

NONCUSTODIAL PARENT'(NCP) INFORMATION

Name:_____SSN:. _____DOB: _____Sex:
Eth: __ Citizen:__ Educ: __Wt: __ Hair:__ Eyes: __Scars/Tattoos:
Alias _____C.ity, County and State of Birth: _____Country if not USA:_____
Mailing Address: _____
Home Address: _____
Telephone Number: Home: _____Work: _____Cell:
Employer Name, Phone and Address _____

Multiple jobs: _____Health Ins._____Children covered:
Were you ever married to the other parent? __ Date of Marriage __/__/__. _ Divorced Date __/__/
Relationship to Child (ren): ____' Parent, paternity not an issue; _____Parent, paternity established by court order;
Alleged parent, Paternity not established; __Excluded from paternity; How:__ If paternity was established, tell how; such as
__In Hospital Paternity; __Genetic Testing, __ Court order, __Stipulated Agreement, __ other/specify
Give date paternity was established: _____

OTHER BIOLOGICAL PARENT (OBP) LEGAL PARENT INFORMATION

Name: _____SSN: _____DOB: _____.Sex:
Eth: __ Citizen: __Educ: __Ht: __ Wt: __ Hair: __ Eyes: __ Scars/Tattoos: ----------Relationship to other parent: Divorced_
Married__Never Married __ Separated-Other

Mailing Address: _____
Home Address:. _____
Telephone Numbers: Home'-- _____Work:. _____ Cell: _____
Employer's Name and Address. _____

Under the penalty of perjury I do hereby swear and affirm that the information I provided on this Application for Child Support Services is accurate and true to the best of my knowledge. I authorize the Mississippi Department of Human Services, Division of Child Support Enforcement (DCSE) to perform the following:

- Locate the noncustodial parent;
- Establish the legal paternity of my child (ren);
- Get a legal order for child support, including medical insurance, for the child(ren), or get an amendment to the Child support order if one already exists; .
- Enforce the child support order by any way permitted by law;
- Collect and distribute child support payments according to Federal guidelines and the laws of the State of Mississippi;
- Disclose my circumstances in pleadings or other documents filed in a proceeding to enforce/determine child support for my child (ren). I understand that I am entitled to a determination of good cause if my or my child (ren)'s health, safety, or liberty would be unreasonably put at risk if information concerning my circumstances is disclosed as stated above.

I understand that:

- A non-refundable fee of $25 will be charged as an application fee and to recover the costs of services performed for applicants who are not receiving public assistance {Temporary Assistance for Needy Families, (TANF). No Action will be taken until the application fee is paid;
- There may be additional fees necessary: such as; court costs, filing fees, service of process fees, etc.;
- DCSE does not guarantee that efforts on my behalf will be successful;
- If I do not cooperate with DCSE, my case may be closed after advance notice, and the child care provider notified;
- I understand the criminal penalties for making false statements and false swearing and do hereby attest to the truthfulness of the information provided. {False swearing is punishable by a fine of not more than $1,000 or by imprisonment of one year or both.};
- If I have an existing support order, upon paying the application fee for child support services, payments will be automatically directed to DCSE. Upon my request to close my child support case, it is my responsibility to have the payments redirected in court;
- It is my responsibility to notify DCSE of any direct payments I receive from the noncustodial parent or any subsequent child support orders I obtain;
- If I receive any money that was sent to me in error, the overpayment must be repaid by me;
- The state staff attorney and! or private contract attorney providing services pursuant to this application for child support services:

a. Does not represent me in any actions which may occur.
b. Represents only the state and the state's interest.
c. Cannot give me any legal advice; further, I understand that in want legal advice I should contact my own attorney. .
d. Does not deal with custody or visitation rights.

- That any monies herein paid by me are not attorney fees;
- I and/or the other parent each have the right to request a review, in writing, of the support obligation every three years to ensure the amount is appropriately based on established guidelines, and this review may result in an increase or decrease in the child support obligation;
- I must apply for and cooperate with child support enforcement as a condition of eligibility for a child care certificate; and
- I must notify DCSE immediately when I have a change of address.

DCSE will contact the noncustodial parent of my child (ren) and set up a meeting with him/her to attempt to reach an agreement to pay child support. The amount of child support to be paid will be based on his/her income. If I have any additional information that DCSE should know prior to this meeting (such as the noncustodial parents' income, employer, etc.) I will contact the child support worker immediately. Otherwise, an agreement may be reached on the amount of child support to be paid based on other information, including information the noncustodial parent tells the agent.

[ ] I am claiming good cause and, if proven, do not authorize disclosure of my case information.

Applicant's signature _____ Date: ___/_____/

APPLICATION FOR CHILD SUPPORT SERVICES
CHILD CARE CERTIFICATE APPLICANT/RECIPIENT
FORM DHS-CSE-OCY-675-C

NOTE: If YOU do not currently have an open child support case with the Division of Child Support Enforcement. YOU must complete the following application and pay the required $25.00 fee. An application and fee is required for each noncustodial/absent parent.

As required by federal child support statutes, the Mississippi Department of Human Services makes child support services available to persons who are not recipients of TANF (Temporary Assistance for Needy Families) and who are not required to have assignment of support rights in effect. The federal statutes also require such individuals to file an application and pay the appropriate fee(s) for such services. The application fee for full child support services is $25.00, and may be paid by personal check, cashier's or certified check, or money order payable to the CRDU.

The reverse side of the application explains the child support services available and your rights and responsibilities. Please read the application, provide the requested information, and sign in the appropriate place. Child support staff is available to provide assistance in completing the application upon request.

The completed application must be returned to your local child support enforcement office. The onetime application fee is due upon receipt of the application and is not refundable. The fee does not guarantee that the noncustodial parent will be found, that an obligation will be established, or that payments will be collected. There may be additional fees necessary, such as court costs, filing fees, service of process fees, etc. The Division of Child Support Enforcement must recover any TANF grant money received by the child(ren). This information is described on page 2 of the application. Please read prior to signing and submitting the application.

MDHS-CSE-6l4, *Child Support Information Pamphlet,* and MDHS-CSE-6l6, *Child Support For Your Family's Benefit and Protection: Why It Pays To Cooperate!,* will be provided at the time you bring the application and fee to the child support enforcement office

Verification of Application for Child Support Services

Mississippi Department of Human Services
Office for Children and Youth
This completed form is to be attached to parent's child care application.

_____ Designated Agent

_____ Custodial Parent's County of Residence

This is to verify that _____/ _____ _
(Custodial Parent) (Social Security Number)

Is currently cooperating and receiving child support services **or** has completed the application and paid the application fee for child support services for the following dependent child(ren):

_____ _____

_____ _____

_____ _____

AND/OR

This is to verify that _____/_____
(Custodial Parent) (Social Security Number)
Is excused from cooperating with child support for the following dependent child(ren).

_____ _____

_____ _____

_____ _____

_____ Date_____
DHS Child Support Enforcement Officer

County Office Official Stamp

Issued 7-8-04

MISSISSIPPI
MDHS-CSE-676
Issued 01-01-
2004

Permission to Recoup Overpayments

I understand b:y, signing this document, that should I receive child support monies that have been disbursed to me in error, I am giving the Mississippi Department of Human Services, Division of Child Support Enforcement permission to recover these payments. The Division will notify me when an overpayment occurs and let me decide how to repay the money. I will be allowed to repay the overpayment either in a lump sum amount or have my future child support payments reduced by a percentage until the overpayment is satisfied.

Signature of Client Date

Signature of Child Support Worker Date

Permission to Recoup Overpayments

The child support worker uses this form to obtain the permission of the recipient of services, who is a referral for" child support services, to recover any future child support payments that may be disbursed erroneously. During the intake interview with the new referral, the child support worker explains that should money be disbursed to him/her in error, the Division is asking that permission be granted to allow the Division to recoup the overpayment. It should be explained by the worker, that the client may repay the entire sum by money order made payable to CRDU, P. O. Box 4301, Jackson, Mississippi 39296-4301 or allow the Division to reduce future child support payments by a percentage. After explanations of the recoupment process are made, the child support worker obtains the signature of the recipient and dates the form.

Mississippi
MDHS-CSE-679
Issued 02-01-99

SSI CHILD ELIGIBLE FOR MEDICAID-ONLY CHILD SUPPORT SERVICES

Noncustodial Parent _____ Date _____

Custodial Parent _____ County _____

Completed By County	Completed By Medicaid

		SSI Medicaid (Yes or No)	Effective Date	Term Date
Child's Name _____		_____	_____	_____
Date of Birth _____	Date of Birth _____			
Child's SSN _____	Child's SSN _____			
Medicaid Number _____	Medicaid Number _____			
Child's Name _____		_____	_____	_____
Date of Birth _____	Date of Birth _____			
Child's SSN _____	Child's SSN _____			
Medicaid Number _____	Medicaid Number _____			
Comments _____	Comments _____			
_____	_____			
Signed _____	Signed _____			
Title _____	Title _____			
Date _____	Date _____			

Completed By State Child Support Office

Date Sent to Medicaid Agency _____

Signed _____ Title _____

Date Returned to County _____

Signed _____ Title _____

Mississippi, Volume VI **Section F**
Issued 02-01-99 **Page 6245**

SSI CHILD ELIGIBLE FOR MEDICAID-ONLY CHILD SUPPORT SERVICES MDHS-CSE-679

This form is used as authorization for the State IV-D agency to provide Medicaid-only child support services to an SSI eligible child who has a noncustodial parent(s) or an alleged parent liable for support of the child. The form is initiated by the child support worker when it is known that a child included in the family of a TANF referral, non-TANF application, or an existing child support case in either category is alleged to be an SSI recipient.

Complete the identifying information at the top and the section entitled "Completed by County". Submit the original and one copy to the Office of Child Support Enforcement, attention Program Operations. Retain a copy in the case record folder and document ACTN that the request has been made.

Program Operations staff will forward the original form to the Division of Medicaid (DOM) and retain the copy in a control file. DOM will confirm the receipt or lack of receipt of Medicaid benefit') by the child based on SSI eligibility, verify the other information according to their records, and return the original form to Program Operations. Program Operations will return the completed form to the county office with attention to the child support worker initiating the request.

Upon receipt of confirmation that the child receives SSI Medicaid, the child support worker will file the form in the case record folder on the left side and remove the copy. Immediate steps must be taken to provide all appropriate child support services.

If DOM confirms the child is not currently a recipient of SSI Medicaid benefits, file the confirmation in the child support case folder, document ACTN that Medicaid-only child support services do not apply, and remove the copy from the case record folder. Explain and offer child support services to the custodial parent for the child.

CHILD SUPPORT PAYMENT LOG FOR CRDU
MDHS-CSE-680

The county staff uses this form to document any payments received in the county office. Make a copy of all checks and this log. Send the original log and the checks to CRDU. The county should retain the copies for their records.

DETAILED INSTRUCTIONS

COUNTY: Enter the county name that is forwarding this log and checks.

TELEPHONE: Enter the county telephone number.

DATE OF RECEIPT: Enter the date the checks were received.

DATE FORWARDED TO CRDU: Enter the date that the checks and log is sent to the CRDU.

PAGE OF : Enter page numbers that are applicable.

CHILD SUPPORT PAYMENT LOG #: Enter a log number beginning with 100.

CHECK NO: Enter the check number from the top right comer of the check.

COMPANY NAME/NCP NAME/CASE NUMBER OR SOCIAL SECURITY NUMBER: Enter the name of the company from where the check was received.

AMOUNT OF CHECK: Enter the dollar amount that is on the check.

SIGNATURE OF PREPARER: The person completing the form must sign it.

SIGNATURE OF WITNESS: Enter signature of witness, this is person who is verifying the log matches the checks in hand.

MISSISSIPPI
MDHS-CSE 680
ISSUED 11-02-06

_____ _

County:
_____
Telephone: _____ _
Date of Receipt: _____ _
Date Forwarded to CRDU:_____
Page _____ of _____

Child Support Payment Log # _____ _

No.	Check No.	Company Name/NCP Name/Case Number or Social Security Number	Amount of Check
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

Signature and Title of Person Preparing Form Date

Signature and Title of Witness Date

RETURNED CHECK LOG
MDHS-CSE-688

Checks processed from METSS that are returned by the postal service as undeliverable must be controlled and accounted for by the Division of Child Support Enforcement.

Instructions

When check are returned from the postal service to state office, they will be logged-in by the Division of Budgets and Accounting (DBA). DBA will mail the checks to the county office with a transmittal sheet in an envelope marked **CONFIDENTIAL CHILD SUPPORT SUPERVISOR (TO BE OPENED BY THE SUPERVISOR ONLY).**

Upon receipt of the check(s) and transmittal, the child support supervisor will be responsible for signing, dating and returning the transmittal immediately to DBA, keeping the returned check(s) locked in a file cabinet or supervisor's desk until disposition and maintaining the, *Returned Check Log,* MDHS-CSE-688. The child support supervisor will enter the date the returned check was received, custodial parent's name, check number, amount of check, date of disposition and disposition of check.

If a check is returned and marked undeliverable (incorrect address), the supervisor must alert the child support worker and/or fiscal worker to begin location efforts on the custodial parent. The child support supervisor will provide information to the child support worker and/or fiscal worker from the check, but at no time will the check leave the child support supervisor's possession.

The child support worker and/or fiscal worker must remove the custodial parent's incorrect address from METTS. This alerts METSS to insert a "NO CHECK FLAG" of "A" on the APPD.CASE screen and hold any future checks until a correct address is obtained and entered in METSS

The child support worker and/or fiscal worker must set an alert for 90 days from the date of the check. If the custodial parent is located within this 90 day timeframe, the child support worker and/or fiscal worker must enter the correct address in METSS and notify the supervisor. The supervisor completes the log-in sheet with the date of disposition and the disposition of the check and forwards the check to the custodial parent.

If the custodial parent has not been located and the check has not been routed to the custodial parent within the 90 day timeframe, the child support worker and/or fiscal worker must request cancellation of the check using form MDHS-CSE-689. The child support supervisor must be notified for documentation on the log-in sheet.

If the custodial parent is located after cancellation, a request can be made to reissue the check using form MDHS-CSE-689.

MISSISSIPPI
Form MDHS-CSE-688
ISSUED 03-01-98

COUNTY/NO. _____

RETURN CHECK LOG

Date Received	Custodial Parent Name	Check Number	Amount of Check	Date of Disposition	Disposition of Check

FORM MDHS-CSE 689
Revised 02-01-96

COUNTY/NO. _____/____
CASE NO. _____

REQUEST TO CANCEL CHECK/REISSUE CHECK/CHANGE PAYEE

_____ _____
Name of Payee _____
_____
Current Address of Payee

CHECK NO: _____ DATE OF CHECK _____ AMOUNT _____

CANCEL CHECK, ***DO NOT REISSUE***
CHECK ATTACHED: YES NO
REASON FOR REQUEST: _____
_____
_____

DATE: _____ SIGNED: _____
FISCAL OFFICER
DATE: _____ SIGNED: _____
CHILD SUPPORT SUPERVISOR

REISSUE CHECK: (Check appropriate reason)
CHECK ATTACHED: YES NO
CHECK EXPIRED: _____
CHECK MUTILATED: _____
CHECK PREVIOUSLY CANCELLED: _____
NEW FIPS CODE: _____

CHANGE PAYEE: (Check appropriate line and give additional information)
CHECK ATTACHED: YES NO
Payee Change:
Line 1. Fill out line 1 on reverse of form.

LINE 2. Fill out line 2 on reverse of form.

LINE 3. Fill out line 3 on reverse of form.

LINE 4. Fill out line 4 on reverse of form.

REASON FOR REQUEST:
_____
_____
_____

SIGNED: _____ _____
FISCAL OFFICER DATE

SIGNED: _____ _____
CHILD SUPPORT SUPERVISOR DATE

FORM MDHS-CSE 689
Revised 02-01-96

LINE 1 NAME: _____

ADDRESS: _____

_____

LINE 2 NAME: _____

ADDRESS: _____

_____

LINE 3 NAME: _____

ADDRESS: _____

_____

LINE 4 NAME: _____

ADDRESS: _____

_____

REQUEST TO CANCEL CHECK/REISSUE CHECK/CHANGE PAYEE

MDHS-CSE-689 is used to notify the State Office of a change in the status of the original child support check. The reason for cancelling, reissuing, or changing the payee of the check must be explained in the appropriate section of the form. When requesting a reissuance of a previously canceled check, include a copy of the initial MDHS-CSE-689, which made the original cancellation request necessary.

Prepare an original and one copy of the form. Send original to the State Office, Division of Budgets and Accounts, Contracts/Client Services Section. File a copy in the county case record.

Detailed Instructions

COUNTY/NO*:* Enter the county name and the two digit numeric county code.

CASE NO.: Enter the number assigned to the case.

NAME OF PAYEE: Enter the name of the payee.

CURRENT ADDRESS OF PAYEE: Enter the payee's current address.

CHECK NO.: Enter the number of the check.

AMOUNT: Enter the amount of the check.

CANCEL CHECK: Check if request is being made to cancel check.

CHECK ATTACHED: Check the appropriate block. *Check to he cancelled must he attached*

REASON FOR REQUEST: Specify reason request is being made.

SIGNED: Signatures of Fiscal Officer and Supervisor are required.

DATE: Enter the date(s) the Fiscal Officer and Supervisor sign.

REISSUE CHECK: Check if request is being made to reissue check.

CHECK ATTACHED: Check the appropriate block.

CHECK EXPIRED: Check if check has expired. *Check must he attached unless the check has he en lost. If the check has been lost then attach the MDHS-CSE-690. REQUEST FOR DUPLICATE CHECK.*

CHECK MUTILATED: Check if check is mutilated. ***Mutilated check must be attached.***

CHECK PREVIOUSLY CANCELLED: Check if the check has previously been cancelled. **No check is required. Attach original MDHS-CSE-689. Please check METSS to verify that a check has been previously cancelled.**

NEW FIPS CODE: Check if new fips code is needed. Enter the corrected fips code in the space provided. ***Check must be attached***.

CHANGE PAYEE: Check if request is being made to change payee. ***Check with check stub must be attached***. For each line item on the check stub, you must indicate who the new payee should be. If changing payee information, check each stub line item on the front of the form. On the back of the form, give the name and address of who the new payee should be for each line item.

REASON FOR REQUEST: Specify reason request is being made.

SIGNED: Signatures of Fiscal Officer and Supervisor are required.

DATE: Enter the date(s) the Fiscal Officer and Supervisor sign.

MISSISSIPPI
Form MDHS-CSE-690
Issued 03-01-95

COUNTY/NO. _____/____
CASE NUMBER _____

REQUEST FOR DUPLICATE CHECK

Personally appeared before me the undersigned authority for said county and state _____, who under oath states the following facts:
Payee's Name

I state as a fact under oath that the Child Support check listed below (*Check one*)

- ☐ Has never been received, endorsed or cashed by me.
- ☐ Was received but has been lost, stolen, mutilated or cancelled and I have not personally benefited whatsoever by the receipt of said check or the proceeds from the same. I further state, on oath, that ☐ I did, ☐ I did not endorse the check.

Payable to: _____ _____

Payee's Name _____

_____

Current Mailing Address

Check No. _____ Amount _____ Date of Check _____

FOR STATE OFFICE USE

ORIGINAL CHECK # _____ AMOUNT $_____ DATE OF CHECK _____
DUPLICATE CHECK # _____ AMOUNT $_____ DATE OF CHECK _____

I hereby further state on oath that because of the foregoing facts, I make a formal request for the issuance of a duplicate of the above described check. I understand I shall be held PERSONALLY RESPONSIBLE for the original check should proof satisfactory to the law enforcement agencies of the above named county and state and/or by the *Mississippi Department of Human Services* be developed that representations, under oath, made by me herein are not true. I further state on oath and hereby pledge myself to protect the State against any loss should the original check be issued and paid because of my misrepresentation under oath. I further pledge that I will give full cooperation to the law enforcement authorities in the prosecution of any person who obtained my check or aided or abetted any other person to obtain my check unlawfully.

Additional remarks of **PAYEE** (*to be expressed in first person*):

_____

_____

Payee's Signature/Mark: _____

Witnesses: _____ _____

Personally appeared before me the foregoing _____ who says that the above statements are true and correct to the best of his/her knowledge and belief, and who signed the above statement in my presence.

Sworn to _____ Date _____
(Notary Public)

Duplicate Check Approved by _____ _____
Child Support Supervisor Date

Request For Duplicate Check
Form MDHS-CSE-690

A duplicate check is requested when the original check was not received by the payee. The original check may have been lost, stolen, mutilated or cancelled. The typed, signed, and notarized form MDHS-CSE-690 may be used as a legal document to protect the 'payee and the Department of Human Services against forgers. This form may be used by banks, bonding companies, businesses, and other institutions in the prosecution of persons guilty of law violations.

Prepare an original and one copy of this form. All copies must have the original signature of the payee. The original and the copy must be signed by the Child Support Supervisor as the authorizing official. The original is sent to the State Office, Division of Budgets and Accounts, Contracts/Client Services Section. The copy is filed in the county ease record.

Detailed Instructions

COUNTY/NO.: Enter the name of the county and the two digit numeric county code.

CASE NUMBER: Enter the case number assigned to the case.

PAYEE'S NAME: Enter the name to whom the check is payable.

PAYEE'S STATEMENT: This statement must be read by or explained to the payee and the appropriate block(s) marked.

PAYABLE TO: Enter the name of the payee.

CURRENT HAILING ADDRESS: Enter the current mailing address of the payee.

CHECK NO.: Enter the number of the check to be replaced.

AMOUNT: Enter the amount of the check to be replaced.

DATE: Enter the date the check was written.

FOR STATE OFFICE USE To be completed by State Office.

Additional remarks of PAYEE: Enter additional remarks if needed.

PAYEE'S SIGNATURE/MARK: Payee signs in the presence of Notary Public.

WITNESSES: Enter signature of two witnesses if the payee signs with mark and not a signature.

Notary Public signs and dates.

Child Support Supervisor signs and dates the original and the file copy.

MISSISSIPPI
Form MDHS-CSE-691
Issued 03-01-95

County/No. _____ / ____
Date _____

AFFIDAVIT REGARDING CHECK ENDORSEMENT

Personally appeared before me the undersigned authority in and for said county and state, _____, who under oath states the following facts:
Name of Payee

I have inspected **MDHS Child Support Check Number** _____, **dated** _____, **$**_____, payable to me and issued as **Case Number** _____, **Program Code** _____, **County/No.** _____/_____.

I further certify that the endorsement thereon is not mine, was not authorized by me, and that I have not benefited from proceeds of said check. I further pledge that I will give full cooperation to the law enforcement authorities of the above named county and state as well as the *Department of Human Services* in the prosecution of any person who obtained my check or aided or abetted any other person to obtain my check unlawfully.

I ☐ **did**, ☐ **did not** authorize anyone to receive or open my mail. I believe this check was stolen ☐ **from my mailbox**, ☐ **before it arrived at my mailbox**. I ☐ **do**, ☐ **do not** know of any witnesses to the theft. The name and address of any witness is _____
_____

I ☐ **do**, ☐ **do not** recognize the handwriting on this check. The handwriting is similar to that of _____, whose address is _____
_____

Signatures of Witnesses

_____ (_____)
(Signature of Payee) (His/Her Mark)

_____ _____

_____ _____
Date

Personally appeared before me foregoing _____ who says that the above statements are true and correct to the best of his/her knowledge and belief, and who signed the above statement in my presence.

Signed _____ _____
(Notary Public) (Date)

PRESENT ADDRESS OF PAYEE

_____
_____

ADDRESS TO WHICH CHECK WAS MAILED

_____
_____

Telephone Number _____

Please give additional information on separate sheet of paper.

AFFIDAVIT REGARDING CHECK
ENDORSEMENT FORK MDHS-CSE-69l

Form MDHS-CSE-691 is a legal affidavit designed for use in legal action following the payee's certification that the endorsement on his/her check is unauthorized or forged and that he/she received no benefit from the check. The State Office will return the check, together with form MDHS-CSE-691 to the bank for credit to the appropriate account of the Department of Human Services. The bank, bonding company or business holding the check will use this form in prosecution of the offender.

The fiscal staff must prepare an original and three copies. This affidavit must be notarized. The original as well as the three copies must have the original signature of the payee. Hail the original and two copies of the notarized forms to the State Office, Division of Budgets and Accounts, Contracts/Client Services Section. Retain one copy for the county case record.

Detailed Instructions

COUNTY/NO: Enter the name of the county and the two digit numeric county code.

DATE: Enter the date the form was signed, witnessed and notarized.

NAME OF PAYEE: Enter the name of the payee completing this affidavit.

Enter the check number, date and amount of the check.

Enter the case number, program code and county name/number.

Mark the correct blocks and if appropriate, specify the name and address of any witness or person

whose handwriting is recognized.

Payee signs and dates affidavit. If payee signs with a mark then two witnesses are required.

Notary Public signs and dates.

Enter current address and telephone number of payee.

Enter the address to which the check was mailed.

ACCESS AND VISITATION PROGRAM

Legal Base

Public Law 104-193 known as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) provides annual grants to states for access and visitation programs. The authority contained in Title III, Subtitle I, Enhancing Responsibility and Opportunity for Non-Custodial Parents, provides an opportunity to remedy access and visitation problems that have caused much pain and suffering for both children and parents.

Grants are provided to enable states to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children. Activities include, but are not limited to: mediation, parent education, development of parenting plans and guidelines for visitation.

In February 1997, the Mississippi Department of Human Services (MDHS), Division of Child Support Enforcement was directed by the office of the governor to develop an Access and Visitation Program to accommodate the specifications of Section 469B of Title IV -D of the Social Security Act as amended by Title ill of PRWORA.

Purpose

The purpose of Mississippi's Access and Visitation Program (MAV-P) is to promote the involvement of noncustodial parents in the lives of their children. MAV-P is designed to encourage visitation rights of noncustodial parents with their children and to provide mediation and parent education to both parents, once requested by the NCP. Mediation services are to help parents reach an agreement for unsupervised visitation. There is no application fee. Participants are required to be IV-D clients.

Effective October 1, 2017, the MDHS, MAV-P will be partnering with Families First Resource Centers (FFRC) for Mississippi to provide statewide accessibility to Mississippi Non-Custodial Parents (NCP) requesting access and visitation (AV) services.

Services Provided

Mediation is provided to participants who may or may not have visitation outlined in a divorce decree or other court order, but who desire visitation. Mediation is the process whereby MAV-P staff works with the custodial and noncustodial parents to affect a peaceful resolution to visitation problems.

Parent Education could include but is not limited to:

- An educational workshop, class or
- a seminar that provides non-custodial and custodial parents with information on a range of issues such as:
  - ♦ a) The effects of separation and divorce on children and families;
    a) Impact of parental conflict on children;
    b) How to develop a parenting agreement;
    c) Court procedures for filing a motion for visitation; (*Pro Se*)
    d) Custody and visitation compliance issues.
- Parenting classes regarding discipline, child development, basic child care, such as diaper-changing, etc., should not be included in AV parent education services.

Developing of Parent Plans could include but is not limited to:

- Voluntary assistance with compiling Pro Se packets.

Criteria for Access & Visitation Services

Application and/or Referral Process

Below are requirements/directions for AV services:

- Case must be an open Mississippi child support case.
- Both parties, Non-Custodial Parent (NCP) and Custodial Parent (CP) must reside in Mississippi and have valid Mississippi mailing addresses
- Case must have at least one child under 18 years of age.
- Case must have a valid, verified Social Security Number (SSN). If the SSN is a temporary SSN, the immigration indicator must be checked.
- Only the NCP can request access and visitation services.
- Referrals will be made to the appropriate FFRC based on the NCP's county.
- A MDHS-MAV-P 001, *Intake Form*, must be completed by MAV-P and/or FFRC staff on each client to document the immediate service request.
- The MDHS-MAV-P 002, *Access and Visitation Application*, is completed by each client requesting assistance from MAV-P. Completion of the application confirms that FFRC staff should contact the client for mediation and/or visitation issues. This form can be

found online on the MDHS website, and can also be given to the client by CSS at any local child support office.

Processing Referrals

CSE-MAV-P staff will complete the MDHS- MAV-P 001 form and refer to FFRC for services.

MAV-P 002 form can be completed and mailed to the address located on the form, or brought into a local child support office.

DEFINITION OF TERMS

Terms used during the day to day operation of the child support program are defined below in alphabetical order. Capitalized terms used within the definitions are also defined.

Abandoned/Unclaimed property is all payments collected through the METSS system which remains undistributed for at least five (5) years from the original date of receipt to the system.

Adjusted Gross Income - The gross income from all potential sources, less any legally mandated deductions and court-ordered child support

Adjudicated Arrears - The amount of court ordered arrears.

Adjustment - An entry to reverse data previously entered.

Administrative Fee for an Order Other than Income Withholding - A specific fee amount directed by any court order to be paid to the DFO to offset administrative costs.

Administrative Fee for Income Withholding Order – A specific fee, not to exceed $5.00 per month, to be withhold by an employer from an employee's wages when income withholding is being implemented. This amount is forwarded to DFO, along with the withheld child support payment.

NOTE: The administrative fee due for an income withholding order and the administrative fee established in an order prior to the income withholding order are not due concurrently and do not accrue arrears concurrently. Only one administrative fee is due per month whether it is from the income withholding order or from the underlying order.

Affidavit – A written statement, usually notarized, that is signed under oath or by affirmation.

Agency - The Agency that is responsible for the administration of the child support program under Title IV-D of the Social Security Act. Some IV-D agencies contract with District and/or County Attorneys or other entities for provision of specific IV-D services; therefore, intergovernmental cases received from such offices are considered to be from the IV-D Agency.

Alleged Father – A man named as the father of a child born of unmarried parents who has not been legally determined to be the father. The alleged father is also referred to as the putative father.

Allocation of Collection - The apportionment of the total support collection based on the sequence of allocation, regardless of the program code.

Applicant - An individual who has filed an application for Child Support Enforcement services.

Application Fee - The amount charged for the provision of child support enforcement services. The fee must be paid at the time an application is submitted requesting the service of the DFO. The type of service requiring an application and payment of a fee is called Full Non-T ANF Child Support Services.

Arrearage - The total amount of unpaid support obligations.

Arrears - The state of being behind in the discharge of an obligation Delinquent in an amount equal to at least one month's obligation according to the court order.

Arrears Obligation - The amount established in a court order that is to be paid toward any support arrears that accumulate.

Assigned Support - Support rights are assigned to the state by the TANF client for past, current and future support up to the time benefits terminate, and for any arrears still owed after benefits terminate. This may include child, spousal and/or medical support. The assignment gives the State the right to enforce a support obligation, collect support, and use all or a part of it to repay the State/Federal governments for benefits received by the family.

Assignment of Rights – The legal procedure by which a person receiving public assistance agrees to turn over to the state or tribe any right to child support, including arrearages, paid by the noncustodial parent in exchange for receipt of a cash assistance grant or other benefit. States and tribes can then use a portion of said child support to defray or recoup the public assistance expenditure.

All support collected pursuant to such assignment while the family is currently receiving IV-A assistance will be retained to reimburse the cumulative amount of assistance which has been paid to the family, unless a State opts to pay all or a portion of the collection to the family.

Assistance - Assistance under the State program funded under title IV-A of the Act or under the State plan approved under title IV-A.

Attorney Fee - A reasonable amount requested by the DFO in all child support cases to defray

the costs of attorney services provided by the DFO. Attorney fees are awarded to the DFO at the discretion of the Judge in court orders entered July 1, 1989 and after. The noncustodial parent must designate in writing that the payment is for attorney fees before a payment can be receipted as such.

Best Interest of the Child – This term pertains to a finding of good cause as a reason for not pursuing child support. It is determined in certain instances to not be in the best interest of the child to pursue child support when the pursuit may cause physical or emotional harm to the child or caretaker relative. The finding of good cause is the responsibility of the IV-D worker.

Biological Father - The man who provided the paternal genes of a child. The biological father is sometimes referred to as the natural father.

Birthing Hospital - Is a hospital that has an obstetric care unit or that provides obstetric services.

Birthing Center - Is a facility physically located outside a hospital that provides obstetric services.

Burden of Proof – The duty of a party to produce the greater weight of evidence on a point at issue.

Case - A case is comprised of a noncustodial parent, the other biological parent (who may or not be the custodial parent), and the child(ren) of this union. METSS assigns a nine digit number beginning with six to each case entered in the system based on this composition. (See Procedures Manual 12 B 03 - 12.B.04)

Central Registry - A single unit or office within the State IV-D Agency which receives, disseminates, and has oversight responsibility for incoming intergovernmental IV-D cases, including UIFSA petitions and requests for income withholding. The Central Registry may also perform these functions for outgoing intergovernmental IV-D Cases

NOTE: The Central Registry in Mississippi does not perform all of these functions for outgoing intergovernmental IV-D cases but does monitor these cases for actions/communications regarding the cases.

Certified Arrears (Tax Offset) - An arrears becomes certified for tax offset purposes when the amount of documented arrears is submitted to either the IRS and/or State Tax Commission.

Child - A person under 18 years of age; and a person 18 or more years of age with respect to whom a child support order has been issued pursuant to the laws of a State. **NOTE:** The definition of "child" includes persons over age 18, allowing for the duration of support to extend beyond a child's 18th birthday, if the issuing State's law so provides.

Child's State - The state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If a child is less than six months old, the child's state is the state in which the child lived from birth.

Child Support Enforcement Network (CSENET) - A Nationwide Communication Network linking child support agencies. It allows information between local child support offices in different states to flow electronically. It also links state automated child support systems encompassing CSE offices and Central Registries

Child Support – Financial support paid by parents to help support a child(ren) of whom they do not have custody. Child support can be entered into voluntarily or ordered by a court or a properly empowered administrative agency, depending on state or tribal laws.

Child Support Guidelines – A standard method for setting child support obligations, using a mathematical formula and based on the income of one or both parent(s) and other factors determined by state or tribal law. Guidelines are required to be used in determining the amount of child support for each family, unless they are rebutted by a written finding that applying the guidelines would be inappropriate in a case.

Collection Date - This is the date the collection is received by the MDHS State Disbursement Unit (SDU).

Collection Month - The month in which the support collection is received by any office or out of state IV-D agency.

Compliance (In) – This refers to when the noncustodial parent is making payments in full for current support obligation and/or arrears obligation according to the court order.

Compliance (Out of) – This refers to when the noncustodial parent has been found by a court of competent jurisdiction to be in contempt of an existing order for support and is at least two months in arrears or delinquent in making payments in full for current support, and/or in making payments on support arrears.

Concurrent Orders - Concurrent orders are two valid orders, usually a URESA/UIFSA order

and a Non-URESA/UIFSA order, in effect at the same time. Do not confuse concurrent orders with Multiple Orders. (See Multiple Orders definition)

Contestant - (1) A person, including a parent, who claims a right to receive child support; is a party to a proceeding that may result in the issuance of a child support order; or is under a child support order; or (2) A state to which the right to obtain child support has been assigned.

Continuing Exclusive Jurisdiction - A court of a State that has issued a child support order has continuing exclusive jurisdiction (CEJ) over the order as long as the issuing State remains the resident State of the obligor, the obligee, or the child for whose benefit the support order is issued (or until the individual parties agree in writing for another State to exercise jurisdiction).

Controlling Order - The order that was obtained by the State that has continuing exclusive jurisdiction. In cases where multiple orders exist. the controlling order is the one entitled to future enforcement.

Cooperation - Is the joint action of working toward a common goal. DFO must encourage cooperation from the applicant and/or recipient so that paternity and/or support orders may be established to benefit the child(ren}.

Court Costs - Charges made by the clerk of the court for processing an action through court. Such charges include, but are not limited to filing fees, service of process, and charges for copying and certifying documents.

Current Support Collections - The total amount collected on the Current Support Obligation.

Current Support Obligation - The amount of support obligation due each month. If ordered to be paid less than monthly, METSS converts to a monthly amount.

Custodial Parent - The person with whom the child(ren) is living and/or who is responsible for the care of the child(ren).

Delinquency - Child and/or spousal support payments that are ordered by a court to be paid by a noncustodial parent for the support of a child or spouse or former spouse with whom the child(ren) is living. Child and/or spousal support obligations are considered delinquent if they have remained unpaid for at least 30 days after payment is due.

De novo - Anew, afresh or a second time. The same as if there had never been a previous court order.

Department - The Mississippi Department of Human Services

Division - The Division of Field Operations which is charged with the state administration of Title IV-D of the Social Security Act.

Disbursement of Collection - METSS disburses all monies to the appropriate person(s) or agency account(s) as determined by the distribution process.

Distribution of Collection - The determination of the destination(s) of the monies based on the allocation of the collection. For example, in a TANF case a collection that is allocated to Past Due Support is distributed to TANF Recovery and/or to the TANF family as an Excess Past Payment.

Documented Arrears - The amount of support arrears which can be substantiated, and is documented by official or unofficial records. Examples of official records are records of the clerk of the court and the METSS financial screens. Examples of unofficial records are records maintained monthly by the custodial parent and/or a sworn notarized affidavit signed by the custodial parent.

Emancipation - Is a release which sets the child free from legal subjection and gives the right to labor for himself/herfself and to collect and to control their own wages. Consequently, emancipation concerns the extinguishment of parental rights and duties. Emancipation automatically occurs on arriving at the age of majority. The age of majority in Mississippi is twenty-one (21) years. Also, emancipation may refer to the emancipation that occurs before the child reaches the age of majority.

Excess Past Payment (Excess Payment from Past Due Support Collection) - The amount of the Past Due Support Collection that exceeds the total past unrecovered TANF Payments. METSS disburses this amount directly to the TANF family.

Expedited Process - Is the administrative and/or expedited judicial processes which increase effectiveness and meet processing time in IV-D cases.

Family Master - An officer of a court of chancery who acts as an assistant to the Judge.

Fee Arrears - Fees directed by court order or by State statute that have not been paid.

Fees Obligation - Fees directed by court order or by State statute to be paid to the DFO to defray administrative costs.

Full Faith and Credit - The principle that an out-of-state order, obtained by a lawful exercise of jurisdiction, should be recognized and given the same force and effect in all states as it would be given in the state of origin.

Future Collection(s) - The amount collected which exceeds the current support obligation, fees obligation, total past due support, and court costs. Payments will only be applied to future months if current month and any previous months have been satisfied.

Genetic Test Cost - Cost of laboratory tests performed to determine the probability that an individual is the father of a child(ren).

Good Cause - Reason for which a custodial parent is excused from cooperating in establishing paternity or in securing child support.

Home State - The state in which a child lived with a parent or a person acting as a parent for at least six consecutive months, immediately preceding the time of filing a petition or comparable pleading for support. If a child is less than six months old, the state in which the child lived from birth with the parent.

IRS Adjustment – This is the amount by which the Internal Revenue Service (IRS) has reduced a previous collection. An adjustment applies ONLY to an IRS collection and may occur if the noncustodial parent files an amended return with IRS. When an adjustment is received from IRS, METSS backs out the previous IRS collection which increases the arrears amount.

IV-D - Refers to Part D of the Social Security Act. Title IV-D established the child support program.

Income Withholding Order (Active) - An income withholding order is considered "active" when it has been served on the employer/payor, and the first money is received. If the order is enforced through other sources such as unemployment benefits, etc., it is active upon receipt of the alert " noncustodial parent has applied for, or is receiving unemployment benefits."

Income Withholding Order (Inactive) - An income withholding order is considered "inactive" when the income withholding order has not been served on an employer or income withholding cannot be enforced through other sources such as unemployment benefits, etc.

Incoming Intergovernmental IV-D Cases - Incoming UIFSA and intergovernmental income withholding requests received from another state for cases that meet the definition of a IV -D case as stated in Volume VI, Chapter 2.

Incoming Intergovernmental Non-IV-D Cases - Incoming UIFSA and intergovernmental income withholding requests received from another state for cases that do not meet the definition of a IV-D case as stated in Volume VI, Chapter 2.

Initiating Tribunal - The authorized administrative agency or court in an initiating state.

Initiating State - The state that originates the UIFSA or intergovernmental income withholding request. Mississippi is the initiating state when a UIFSA or intergovernmental income withholding request for a Mississippi case is sent to the IV-D Agency in another state.

Issuing State - The state in which a tribunal issues a support order or renders a judgment determining parentage.

Issuing Tribunal - The court or administrative agency that issues a support order or renders a judgment determining parentage .

Judge - A public officer appointed to preside and to administer the law in a court of justice.

Levy - A seizure, the obtaining of money by legal process through seizure and sale of property.

License - A license, certificate, permit, credential, registration, or any other authorization issued by a licensing entity that allows a person to engage in a business, occupation or profession, to operate a motor vehicle, to sell alcoholic beverages, or to hunt and fish. This law applies to licenses that are issued in the name of an individual person, not a corporation.

Licensee - Any person holding a license issued by a licensing entity.

Licensing Entity - Any state agency that issues a license registration authorizing a person to drive, to hunt or fish, to engage in a business, profession or occupation in Mississippi. The Supreme Court of Mississippi, which has authority over attorneys licensed to practice law in Mississippi, is considered the licensing entity for the legal profession.

Lien - A charge or security or encumbrance upon property.

Location - Means information concerning the physical whereabouts of the noncustodial parent, or the noncustodial parent's employer(s), other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action in a case.

Lump-sum payment - Means any form of income paid to an individual at other than regular intervals or a payment made upon a particular occasion regardless of frequency that is dependent upon meeting a condition precedent, including, but not limited to, the performance of a contract,

commission paid outside of and in addition to a person's regular pay cycle, the satisfaction of a job performance standard or quota, the receipt of a seasonal or occasional bonus or incentive payment, the liquidation of unused sick or vacation pay or leave, the settlement of a claim, an amount paid as severance pay, or an award for length of service.

Medical Support - The support assessed against an individual for the provision of medical/health care for a child(ren).

Mississippi Enforcement and Tracking of Support System (METSS) - The automated child support system.

Modification - A change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

Multiple Orders - Two or more orders (either URESA/UIFSA or Non-URESA/UIFSA, but not a combination), usually with different cause numbers, establishing a support obligation from the same noncustodial parent for the same child(ren).

The staff attorney must determine which order is enforceable and/or take necessary legal action to establish one order and clarify which order(s) establishes the amount of Support Obligation and Past Due Support. (See Concurrent Orders)

National Directory of New Hires (NDNH) – A national database containing new hire and quarterly wage data from every State Directory of New Hires and federal agency, and Unemployment Insurance data from State Workforce Agencies. OCSE maintains the NDNH as part of the expanded Federal Parent Locator Service.

Noncustodial Parent - The person with whom the child(ren) do not live.

Non IV-D Case - A case where the order is entered into privately and the child support enforcement agency is not providing locate, enforcement, or collections services; often entered into during divorce proceedings. Non IV-D cases are for payment processing only.

Obligation - The support, including current and arrears, ordered in the most recent court order.

Obligee - An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, or an individual seeking a judgment determining parentage of the individual's child.

The obligee can also be a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee.

Obligor - The individual who owes a duty to make payments under an order for support.

Office of Child Support Enforcement (OCSE) – The federal agency responsible for the administration of the Child Support Enforcement program.

Parent - Is any custodial parent, noncustodial parent or any other person or entity who may have authority to request a modification to the child support order

Past Due Administrative Fees - The amount of the unpaid Administrative Fees.

Past Due Income Withholding Fees - Unpaid fees for income withholding orders which have accrued since income withholding became effective July, 1985. An income withholding order must state a fee amount in order for a past due income withholding fee to accrue, unless a fee is already stipulated in the Underlying Order.

Past Due Support - The amount of the unpaid Support Obligation determined to be due for any month(s) prior to the current Collection Month.

Past Due Support Collection - The total amount collected (including tax offset) on unpaid Past Due Support

Pro bono - For the good; used to describe work or services (e.g. legal services) done or performed free of charge

Putative Father - The alleged or reputed father of an illegitimate child(ren)

Recipient - An individual who currently receives TANF, SNAP or Medicaid benefits.

Reciprocity – The process by which one jurisdiction grants certain privileges to another jurisdiction on the condition that it receives the same privileges.

Redirection - The process of requesting the child support obligation for any child(ren) receiving services through IV-D by operation of law, be paid to DFO instead of the recipient for the purpose of accountability

Register - To record a support order or judgment determining parentage in a court of the state having jurisdiction.

Registering Tribunal - A court or an administrative agency in which a support order is registered.

Responding Tribunal - The authorized court or administrative agency in a responding state.

Responding State - The state to which the UIFSA or intergovernmental income withholding request is sent. Mississippi is the responding state when a UIFSA or intergovernmental income withholding request is received from another state.

Review – This is an objective evaluation of information necessary for application of the State's guidelines for support. Refer to Volume VI, Chapter 3 for the proper application of the guidelines.

Second Party Review - The review of a record by a person other than the person who prepared the record to ensure accuracy in computation and/or the correct application of the appropriate policy/procedure(s).

Service of Process – This is the process of serving the respondent with notice of legal action.

Service of Process (Diligent) – This is defined as the utilization of all available resources by the IV-D Agency to ensure that the respondent has been served with notice of legal action within the specified time frames as prescribed by law. The requirements for diligent service of process have not been met until all available resources have been exhausted and the unsuccessful attempts to serve process have been documented.

Spousal support - Support for the spouse (or former spouse) with whom the child(ren) is living and receiving current support.

State - A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe, and a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Act, or the Uniform Interstate Family Support Act.

State Directory of New Hires (SDNH) – A database maintained by each state that contains information about individuals submitted by their employer within 20 days of hire. The data are transmitted to the NDNH, where they are compared to the employment data from other states as

well as child support data in the Federal Case Registry.

State Payment - If all or a portion of the tax offset certified arrears is satisfied prior to the receipt of the tax offset collection and the collection exceeds the remaining amount of the certified arrears, this excess is due the noncustodial parent and is referred to as a "State Payment". METSS notifies IRS of all monies returned to the noncustodial parent in order to prevent the noncustodial parent from filing an amended return and receiving an additional refund from the Internal Revenue Service.

Statute of Limitations – The cutoff point on the length of time a person has to take a legal action.

Stay – An order by a court that suspends all or some of the proceedings in a case.

Sub Case – This is a component of a child support case. It is the METSS nine digit case number that begins with a six, plus an alpha-suffix. This alpha-suffix represents each combination of custodial parent and program type within the METSS case. (See Procedures Manual 12.8.03 - 128.04)

Subpoena – A process issued by a court compelling a witness to appear at a judicial proceeding. Sometimes the process will also direct the witness to bring documentary evidence to the court.

Substantial Change in Circumstance – This is defined as a 25% change in the adjusted gross income of the custodial parent and/or the noncustodial parent; or a change in the needs of the child which require a change in the amount of support needed from the noncustodial parent.

Substantive Requirements - Information/documentation needed to take required action on a case.

Summons – A notice to a defendant that an action against him or her has been commenced in the court and that a judgment will be issued against him or her if the complaint is not answered within a certain time.

Support Arrears (Unpaid Past Due Support) - The amount of unpaid Past Due Support, beginning with the effective date of the Support Obligation. Unpaid Past Due Support that accrued prior to the date METSS was established must be Documented Arrears in order to be considered Support Arrears available for collection and enforcement.

Support Obligation - The support, including current and arrears, ordered in the most recent court order.

Support Order - A judgment, decree or order, whether temporary, final or subject to modification for child support, spousal support and/or medical support, issued by a court or an administrative agency of competent jurisdiction or a stipulated agreement signed by a Judge. The support order may also provide for arrears or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney fees and other relief.

TANF - Temporary Assistance to Needy Families.

TANF Grant - The amount of financial assistance paid to the family. The Temporary Assistance to Needy Families (TANF) program is administered by title IV-A

TANF Recovery - The amount of the support collection used to reimburse the State/Federal government for current and/or past TANF payments.

Tax Offset - The process by which Past Due Support is collected via interception of a noncustodial parent's Federal and/or State tax refund.

Tribunal - A court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

UIFSA - Uniform Interstate Family Support Act. This is the process by which child support cases are handled between states.

Underlying Support Order - The original support order on which withholding orders and other support orders are based. All income withholding orders and contempt orders have underlying support orders. Many of these orders established an administrative fee obligation prior to an income withholding order being in effect.

Uniform Interstate Family Support Act (UIFSA) - Process by which child support cases are handled between states. (Replaced URESA).

Unreimbursed Assistance - The accumulative amount of assistance paid to a family for all months which has not been repaid by assigned support collections. The total amount of unreimbursed assistance a State may recover through the IV-D program is limited by the total amount of the assigned support obligation.

Voluntary Payment - A payment(s) made by a noncustodial parent of his or her own free will for the purpose of providing support for his or her child(ren). In the absence of a support order, any amounts received as voluntary payments shall be treated as the obligation for the current month in which they were received.