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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 90 LCM-81

Date: June 7, 1990

Division: Operations

TO: Local District Commissioners

SUBJECT: Child Support Enforcement Regional Meetings

ATTACHMENTS: Questions and Answers on Regional Meeting
(Attachment available on-line.)

Attached is a list of questions and answers which resulted from the recent child support enforcement regional meetings. I would encourage your child support enforcement unit coordinators to review the attached and direct any questions to their OCSE County Representative at 1-800-342-3012.

I hope this information is helpful to you.

Donald J. Faden
Deputy Commissioner
for Operations

1099 REPORTS

- Q. Can 1099 information be recorded on CSMS?
- A. No, not directly. As the March 16, 1990 Coordinator letter advises, OCSE has requested permission from Federal OCSE to store the information on CSMS, but has not yet received approval. As such, 1099 information must be independently verified (i.e. with a Postal Clearance, Confidential Wage Report, or bank inquiry). Any information received from post offices, employers or banks should be stored on appropriate CSMS screens.
- Q. When OCSE sends out reports identifying CSMS cases matched with 1099, will ADC cases be identified?
- A. Yes. The reports will identify if a case is active ADC.
- Q. A couple of districts questioned whether, given the safeguarding requirements, receiving 1099 Reports is worth the trouble?
- A. The safeguarding requirements can be very easily met (e.g. obtaining a safe deposit box at a bank). The 1099 Report information provides asset and income information which is not otherwise identified through other systems interfaces. We believe if properly used will be an invaluable resource.

TRAINING

- Q. When will the Baruch Training course Policy and Procedures for IV-D Managers be scheduled?
- A. The course is scheduled as follows:

POLICY AND PROCEDURES FOR IV-D MANAGERS
Training Schedule

<u>Date</u>	<u>OHRD Regions</u>	<u>Training Site</u>
May 22-23, 1990	Region IV	Lake George, NY Warren County
June 5-6, 1990	Region III	Wampsville, NY Madison County
July 17-18, 1990	Region I	Niagara Falls, NY Niagara County

POLICY AND PROCEDURES FOR IV-D MANAGERS
Training Schedule

<u>Date</u>	<u>OHRD Regions</u>	<u>Training Site</u>
July 24-25, 1990	Erie, Monroe, and Onondaga counties	Rochester, NY Monroe County
September 12-13, 1990	Region II	Canandaigua, NY Ontario County
September 17-18, 1990	Region V	Carmel, NY Putnam County
September 25-26, 1990	Westchester, Suffolk, and Nassau Counties	White Plains, NY Westchester County

To register for any any these deliveries or for more information, please call Mary Thronnd at (212) 725-3156.

Q. When will the course on interstate child support enforcement presented by the American Bar Association be offered?

A. A specific date is not yet available. The earliest date will be October 1990. Districts will be notified 4-6 weeks in advance.

Q. Can the Baruch Training classes be scheduled for Wednesdays through Fridays?

A. Attempts will be made to schedule classes Tuesdays through Thursdays. Experience has shown that Mondays and Fridays are not good days to schedule training.

Q. Several districts asked if additional training could be developed to address issues not covered by existing courses.

A. OCSE advised at the meeting, and reiterates here, that OHRD will be sending out the annual needs analysis in May of 1990. OCSE encourages CSEU Coordinator to identify and communicate training needs to staff development coordinators.

CHILD SUPPORT STANDARDS ACT OF 1989 (CSSA)

Q. Several districts requested a listing of cases which have had either minimum orders (i.e. \$25 per month) or orders below the CSSA standards.

A. OCSE has produced a case listing which was sent out to districts on April 24, 1990.

- Q. Hearing examiner orders child support for child in receipt of public assistance pursuant to Section 415 of the Family Court Act instead of CSSA (section 413).
- A. To reiterate the March 6, 1990 Susan Demer's letter which was provided at the regional meeting, it is the position of this department, based on federal law requiring support guidelines to be used in every proceeding and New York State law FCA 413, that the CSSA applies to all cases particularly those involving, with no exceptions, children receiving public assistance.
- Q. Hearing examiner orders support pursuant to CSSA but only requires the respondent to pay one-half of the obligation allowing the other half to accrue.
- A. The CSSA provides that "child support" means "a sum to be paid" (emphasis added) pursuant to a court order (FCA 413(1)(b)(2)). It is the position of this department that this definition does not authorize deferral of portions of support amounts. Decisions such as this which are inconsistent with CSSA need to be opposed by filing objections/appeals with the court pursuant to FCA 439(e).
- Q. Hearing examiner calculates child support obligation to be 12.5% of income for one child receiving public assistance when respondent has another child in his household (i.e. one-half of 25% support under CSSA for two children).
- A. The hearing examiner erred in utilizing 25% of CSSA. Since there was only one child who was subject to the instant support proceeding, the hearing examiner should have calculated support based on CSSA at 17% of income for the child receiving public assistance. Decisions such as this which are inconsistent with CSSA need to be opposed by filing objections/appeals with the court pursuant to FCA 439(e).
- Q. A hearing examiner orders no support when a respondent is in receipt of public assistance.
- A. CSSA generally provides that the basic support obligation is determined based on income and number of children at issue. However, the CSSA also provides that "in no instance shall (emphasis added) the court order child support below \$25 per month. (FCA 413(g))
- Q. When respondents do not appear in court or does not provide financial disclosure to the court to determine gross income, hearing examiner issues default orders of \$25 per month (i.e. minimum support obligation).
- A. CSSA requires the court shall order child support based upon the "needs or standard of living of the child whichever is greater". (FCA 413(k)). When a respondent defaults in appearing or does not provide financial disclosure (e.g. tax return) to determine gross income, neither condition suggests a \$25 per month order but rather districts should request an order which at least exceeds the public assistance being provided for the dependents.

Q. Most districts indicated that respondents are not providing the court with copies of tax returns.

A. OCSE advises that districts should review the summons form the court is using. Form 4-1A (summons) was modified August 1989 to reflect current financial disclosure requirements which require the person summoned to "attach a current and representative paycheck stub and the most recently filed state and federal income tax returns to the disclosure form" (FCA 424-a). It was discovered that some courts had not started using the new forms and thus respondents were not being notified of the requirement.

In addition, OCSE advises that the absence of financial disclosure by respondents as required by the courts can cause the court to grant the relief demanded and preclude the respondent from offering evidence as to financial ability (FCA 434-a(b)). As such, districts need to review financial disclosure forms, tax returns and paystubs provided to the court by the respondent to ensure that full financial investigation is completed. If the respondent does not provide full disclosure, districts should ask the court for an order based on the needs or standard of living of the child whichever is greater (see FCA 424-a, SSL 111-c(2)(c), FCA 413(k)).

Q. Several districts asked to what extent districts must conduct financial investigation?

A. Departmental regulations generally require districts to review the financial status of the absent parent utilizing local, state and federal resources to determine gross income and allowed deductions in order to calculate the basic child support obligation (see 347.8, 347.10). Financial investigation must include review of the absent parent's most recent federal income tax return in order to comply with the CSSA in determining "gross (total) income" and to calculate the basic support obligation (413(a)(5)(i)). Since financial disclosure is compulsory (see FCA 424-a) districts should demand that tax returns be provided to the court for review and determination of the basic support obligation.

Q. Will CSMS monitor the \$500 cap on arrears as required by CSSA when a respondent's income is less than or equal to the poverty income guidelines at the time the order is entered?

A. Yes. We are planning to add a money field on IVDQRY to monitor and track the accrual of arrears under these circumstances so that the charging may be suspended when arrears reach the \$500 cap.

CSMS QUESTIONS

- Q. Some CSMS reports are time consuming to review, particularly the daily reports (e.g. IV-A/IV-D Interface). What can be done to make them easier to use?
- A. OCSE welcomes comments from local districts as to what changes should be made to make more meaningful CSMS Reports. The IV-A/IV-D Interface Report for example, is currently under revision to more accurately reflect transactions in IV-A which actually require activity by IV-D staff by eliminating reporting conditions such as CIN / CLI CIN. CSMS Reports are an integral part of case tracking and monitoring. The daily reports (i.e. Daily Action Listing and Status Change Report), if properly used, can actually manage staff time by identifying case conditions when they occur (e.g. delinquency switches, PLS/APRRS hits which require action).
- Q. When a temporary order of support is obtained it closes the "S" group on CSMS IVDJSI. What can be done about it?
- A. When a temporary order of support is obtained the worker should enter the status code S400 (Temporary Order) which will not close the S group.
- Q. Can information on the IVDRSP screen be automatically transferred to the appropriate respondent screens when case building on CSMS?
- A. Yes, on initial case building only utilizing the IVDPAB screen. OCSE suggests the worker building the case should review the IVDRSP screen prior to building the case on IVDPAB to ensure the children are associated with the proper respondent.
- Q. Are there any plans to modify CSMS to provide a summary screen for JRE records?
- A. Yes. A new screen will be added to CSMS which will display selected data for each JRE record. The user will be able to enter the desired page number in the passoff to bring up the JRE record. This change will help workers review JRE records on file for each case and will expedite accessing the record.
- Q. Can a local district using CSMS state name search (IVDSNS) view another districts case record for inquiry purposes?
- A. Currently terminal security does not allow users access to other district's records for inquiry purposes.
- Q. Can OCSE use the zap/status message to advise all districts of information to questions asked by districts which may have statewide applicability?
- A. No. The zap/status message is limited to transmission of critical systems messages to local districts. OCSE is, however, committed to increasing contact with local districts largely through county representatives on any issues which have statewide applicability.

INTERSTATE

Q. Are there plans to revise the Federal URESA forms, especially in reducing the number of forms?

A. We have been advised that Federal OCSE staff are in the process of revising these forms. Revisions will be based in part on the recommendations of several State OCSE agencies, and the findings of a committee which met at the Federal OCSE Central Registry and locate Workshop in April of 1989, to evaluate these forms.

Some forms will be revised in text or format design, others will be combined, while still others will be eliminated entirely or replaced by new documents. One issue being addressed is the exorbitant length of several documents (i.e. General Testimony for URESA - 14 total pages) in an effort to reduce the total number of pages, which may impact on our ability to support these forms in an automated manner.

It will be several months before these new forms are issued since they must be approved by the Federal Office of Management and Budget.

Q. What is considered an acceptable facsimile of the Federal URESA forms?

A. OCSE was advised by federal OCSE that the acceptable facsimile is all the questions in the same order as they appear on the URESA forms.

LOTTERY INTERCEPT

Q. When will the lottery intercept program begin? What will districts be responsible to do?

A. OCSE provided the Division of the Lottery with a tape of delinquent debtors on May 8, 1990. To date, Lottery has not implemented their match procedures and no offsets have occurred. The process, implementing the addition of Section 1613-a of Tax Law and amendments to Social Services Law 111-b (10) (11), involves the certification of respondents on a tape who are delinquent \$50 or more to Lottery who is to intercept any prize paid by Lottery of \$600 or more for the amount owed. Notices will be system generated to respondents by Lottery and OCSE. Local districts will be responsible to conduct administrative review for claims of mistake of fact. Specific instructions will be issued to districts in a forthcoming administrative directive.

PROGRAM STANDARDS

- Q. How will program managers at the local level be able to monitor compliance with the federal standards imposed effective October 1, 1990? Are new reports being contemplated?
- A. The Child Support Management System (CSMS), by its very nature and design, is a case management system. The opening paragraph of page 4-89 of the CSMS manual states:

"The case tracking function of CSMS is made possible by the use of status codes. Each code represents a specific activity which may be performed in the county IV-D operation. their main purpose is to provide you with a means of monitoring and managing your IV-D caseload. The IVDJSI screens will enable you to maintain complete status histories for each CSMS case and to react quickly to the CSMS reports that result from status input."

Assigning the appropriate IVDJSI statuses at Intake and throughout the case life as activities occur will ensure documentation of case processing which is critical to monitoring the activities relative to federal program standards. Critical to case processing is the assignment of worker/investigator codes to enable the proper routing of system generated reports. The CSMS status screen used in concert with the Status Change Report will, in itself, operate as an "automated internal referral system". The progress of the activities annotated on IVDJSI is monitored with the proper use of the CSMS Weekly Aging Report. Other critical reports relevant to monitoring compliance with the federal standards include but are not limited to daily CSMS IV-A/IV-D Interface, Overaged CAN Report, ASCU Daily Action Listing, and the Open Location Surname Report.

Federal program standards for the most part involve undertaking child support enforcement activities within certain established timeframes. Proper use of existing CSMS statuses will aid districts in monitoring for federal compliance.