

2017 ANNUAL CHILD SUPPORT TRAINING CONFERENCE & EXPO



**PARTNERSHIP
OF HEROES**

MAY 1-4, 2017 • GARDEN GROVE, CALIFORNIA

CHILD SUPPORT DIRECTORS ASSOCIATION OF CALIFORNIA

Exploring the Life Cycle of a Case

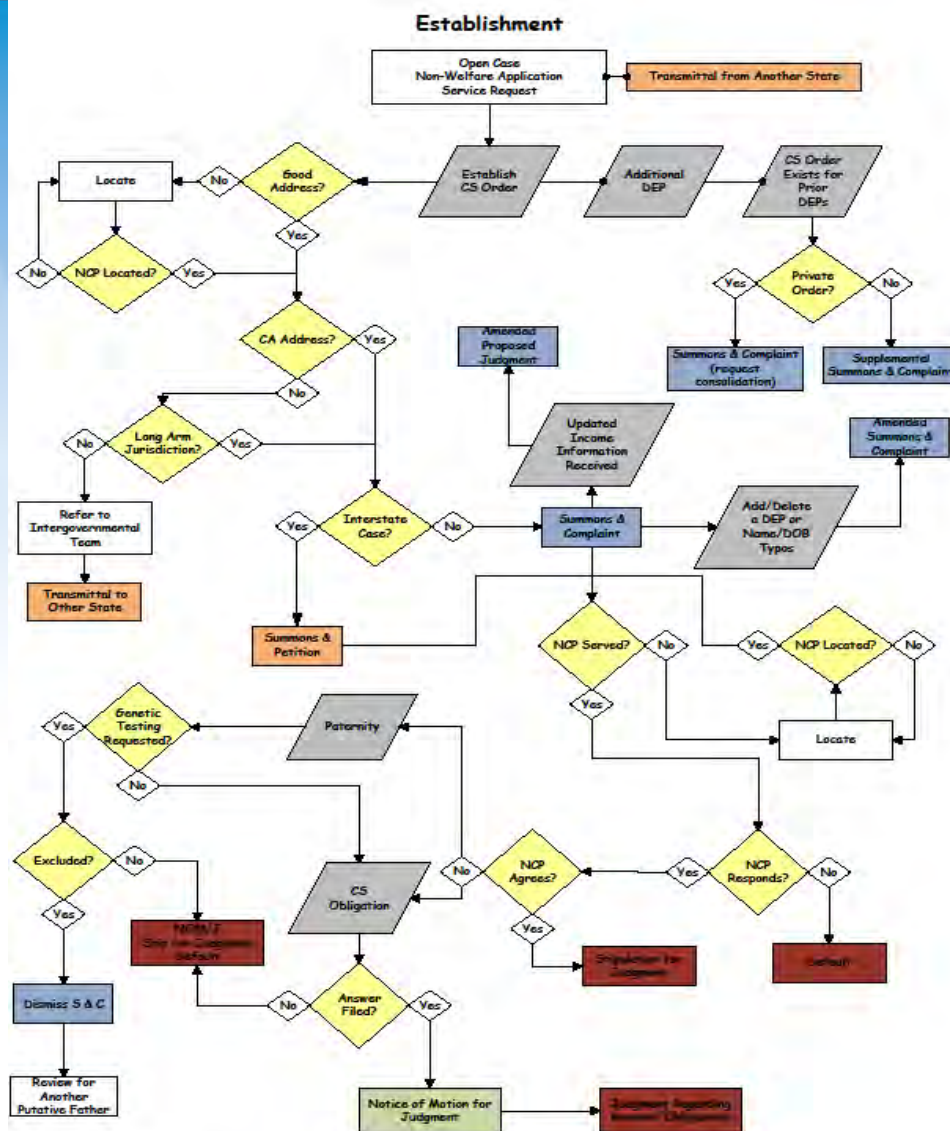
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Ventura County DCSS



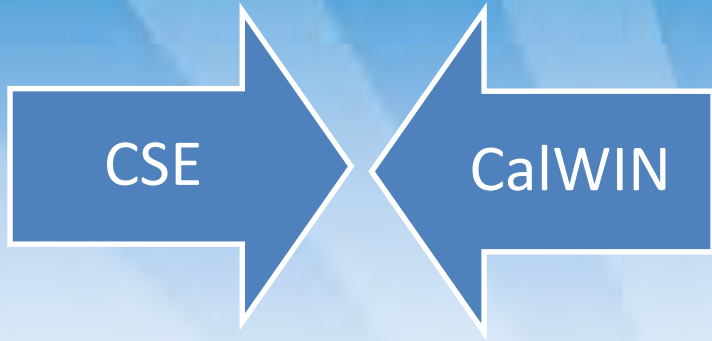
Overview

- General case flow: opening to closing
- Federal and State requirements
- CSE: Manual vs. **Automated** actions
- SDU
- Court processes

Case Flow Chart: Part I



Applications (Intake)



This is a sample application form for Child Support Services. It is titled 'APPLICATION FOR SUPPORT SERVICES' and includes sections for 'SECTION I. APPLICANT INFORMATION' and 'SECTION II. CHILDREN OF THE PARTY(IES) ABOVE'. The form contains various fields for personal information, contact details, and a table for listing children with their birth dates and support status. At the bottom, there are checkboxes for 'I am applying for...' and 'I am applying for...'.

A screenshot of the California Department of Child Support Services website. The header includes the CA.gov logo and the department name. A navigation menu lists 'Home', 'Custodial Party', 'Noncustodial Parent', 'Employer', 'Payments', 'Reports', 'Resources', and 'Child Support Professionals'. Below the menu, there is a search bar and a link to 'Applying for Child Support Services'.

An advertisement for the VIOLA online application system. It features a cartoon character holding a sign that says 'VIOLA'. The text reads: 'A New Online Application is Here! We heard from you and have made it easier! Introducing VIOLA The Virtual Interactive Online Application'. Below this, there are links for 'Introduction' and 'Tutorial', both available in English and Spanish. There is also a small icon for 'APPLY FOR CHILD SUPPORT'.



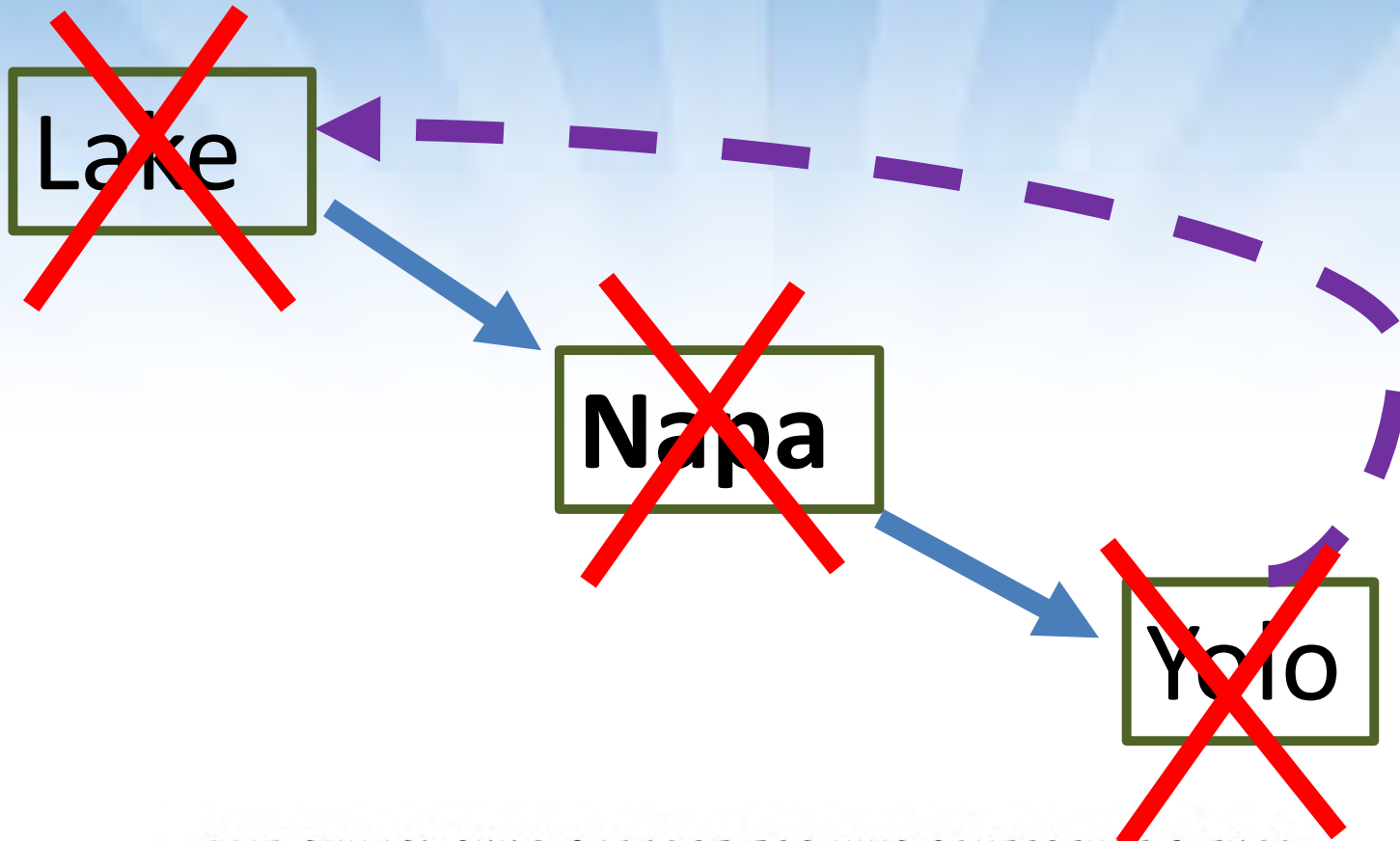
Transferring a case

ICT In vs. ICT Out



Case follows the child(ren)

Follow the bouncing case...



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Where it stops...

Lake

12345

Napa

23456

Yolo

34567

12345

Establishment

- **Case opening letters sent to CP/NCP**
- Call CP to conduct telephone interview
- Send CP required forms to be completed
 - ✓ Not returned = non-cooped or closure

If an order exists...

- Obtain copy, scan, enter terms in CSE
- Open accounts: **Automated** or manual
 - ✓ Arrears set based on CP's declaration
- **Automated** enforcement

TO REGISTER OR NOT TO REGISTER?

ROFO = Registration of Foreign Order

NO:

- No FILED enforcement action needed
- IWO is not filed in court
- Bank Levy is not filed in court
- Notice of Lien not filed in court

YES:

- Enforcement/R&A action **FILED** in local courts
- Responding UIFSA referral/order received

NOTICE REGARDING PAYMENT OF SUPPORT

Why? -Advise court **and** both parties of LCSA involvement
-Payments directed to SDU

When? -Private party orders (new or re-opening case)
-Other CA LCSA orders (new or re-opening case)
-Previously NRPS'd out so, must NRPS back in

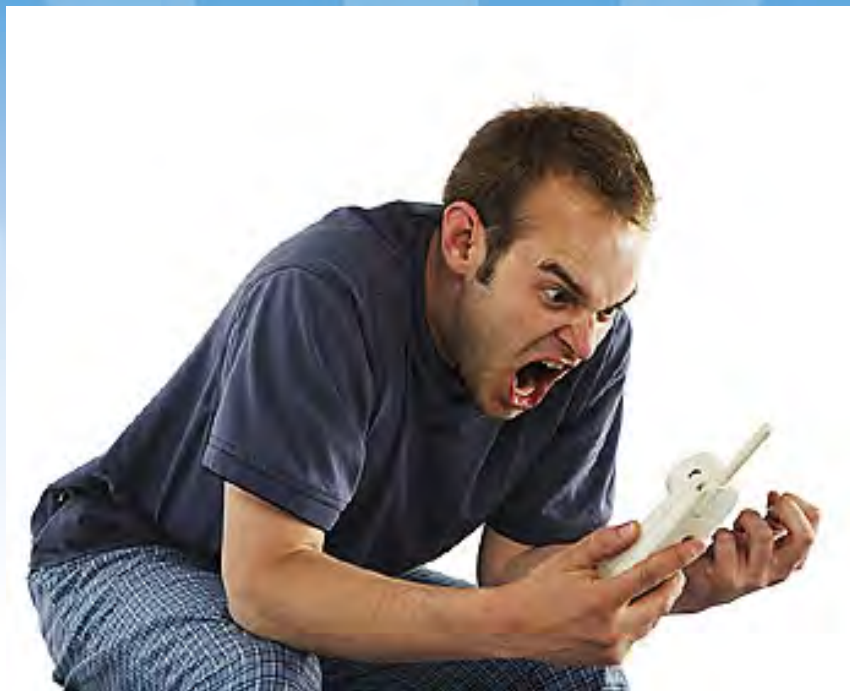
Notice of Change of Case Management Responsibilities (ICT)

Why? -Advise originating court **and** both parties **and** sending county of receiving county's involvement*
-All legal actions still to be filed in originating court (sending county)

When? -Case transferred from one California LCSA (sending county)
to another California LCSA (receiving county)

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Guideline Calculations



I have to pay how much?!?!

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Calculating Support

- Income
- Visitation
- Other Children
- Health Insurance Premiums
- Required Union Dues
- Child Support Paid for Children from Other Relationships
- Spousal Support Paid for This Relationship
- Property Taxes & Mortgage Interest
- Mandatory Retirement
- Child Care Credit

If no order exists...

- Establish an order (S&C)
 - ✓ Paternity
 - ✓ Child support
 - ✓ Health insurance
- Manual vs. **Automated**
- Service
- Due Process/Rights

Summons and Complaint

- Amended Proposed Judgment (APJ)
- Amended Summons & Complaint (AS&C)
- Supplemental Summons & Complaint (SS&C)



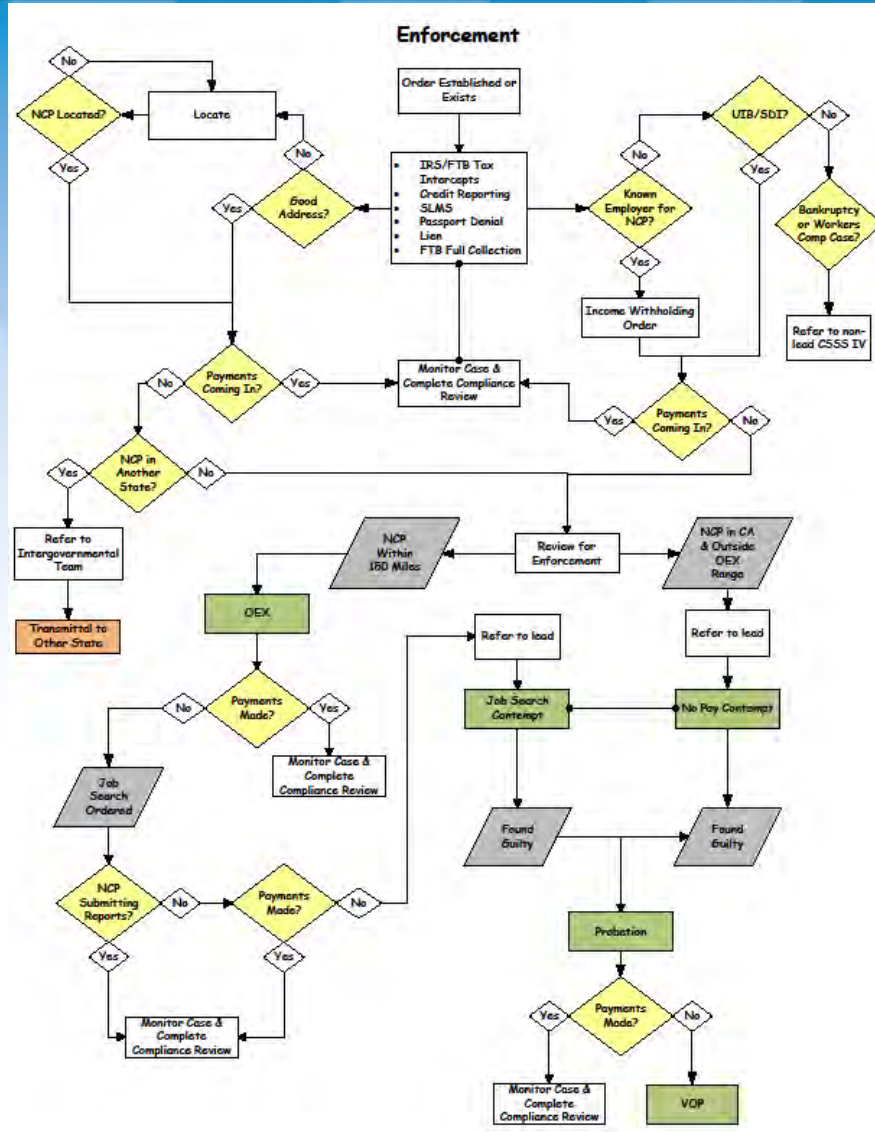
Due Process/NCP's Rights

- Request a Settlement
- Request Genetic Testing
- File an Answer with the Court
- Hire an Attorney
- Request an Extension
- **Do nothing = Default Order 30 days**

Enforcement

Automated vs. Manual

Case Flow Chart, Part II



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Financial Management

- CPs may receive payments via:
 - ✓ Check
 - ✓ Direct deposit
 - ✓ EPC card
- Default method for payment: check
- SDU runs periodic campaigns to enroll CPs in EPC cards (can opt out to continue receiving checks)
- Cash aid recipients receive up to first \$50 of current support collected (regardless of number of open cases)
- \$25 yearly fee

Initial Enforcement Tools

Income Withholding Order

- **IWO sent to NCP's employer**
- **Instructs employer to garnish NCP's paycheck**
- **Garnish up to 50% of NCP's net disposable income**

National Medical Support Notice

- **NMSN sent to the NCP's employer**
- **Instructs employer to enroll NCP's dependent(s) in health insurance coverage, if provided**

Intercepts

If NCP has valid SSN, is **AUTOMATICALLY** submitted to:

- **Federal Income Tax (IRS):** Full amount owed from NCP's refund
- **Franchise Tax Board (FTB):** Full amount owed from NCP's state refund
- **Unemployment Insurance Benefit (UIB):** 25% of NCP's unemployment benefits
- **Disability Insurance Benefit (DIB):** 25% of the NCP's disability benefit
- **Board of Equalization (BOE):** NCP's sales and use tax refunds
- **State Lottery:** Full amount owed from NCP's winnings
- **Writ of Execution/Bank Levy:** Full amount owed from property/accounts

State License Match System



- No payment for 30 calendar days: **Submitted to DMV for suspension**
- Suspension not limited to driver's licenses
 - Professional licenses (EMTs, contractors, lawyers, etc.)
 - Commercial driver's licenses
- Negotiate SLMS release
- NCP has case(s) in other county(ies):
 - Call or task the other case manager(s) to review for SLMS release

Federal Passport Denial Program

- **Balance of any amount submitted**
- **Department of State will not enter unless a combined arrears amount of \$2500.00 or greater**
- **Subject to removal (exclusion) if arrears balance = \$0.00**
- **NCP allowed to travel without paying off arrears balance:**
 - **Life threatening illness or death of immediate family member**
 - **Legal proceedings in another country and that country requests NCP's presence**
 - **Erroneous submission (mistaken identity)**

Bank Levy

- **Automated** and manual levy issued:
 - ✓ Balance exists / arrears equal to 2+ months of support obligation
 - ✓ Even if wage assignment / payments active
 - ✓ No suppression exists
- NCP / NCP's attorney can claim hardship or request State Hearing
- Amend or withdraw levy
 - ✓ Amend amount to levy
 - ✓ Withdraw levy entirely

Manual Enforcement Actions

- Modification (R&A)
- Order of Exam/Judgment Debtor Exam
- Contempt

Closure: Federal Criteria

These criteria include:

- Arrears less than \$500
- NCP or non-welfare CP is deceased
- **Unable to locate NCP for 3+ years**
- NCP resides in a foreign country/no reciprocity
- CP applied for services in another state (QUICK)
- NCP is incarcerated with no chance of parole
- **NCP receives SSI/SSP and has no other income**
- Case opened in error

Closure Mandates

Cannot be closed unless meets federal closure criteria

- Written Notice of Intent sent to recipient 60 days **prior** to closing
- Closure letter sent to CP and NCP
- When case meets eligibility for closure under one of the criteria, it **must** be closed

Does that mean...

- DCSS case is close
- Court order is closed

Questions?



Speaker Contact Information

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Please be sure to complete the session evaluation.



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