

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**DIVISION OF WELFARE AND
SUPPORTIVE SERVICES**

CHILD SUPPORT ENFORCEMENT MANUAL

CHAPTER VI

ENFORCEMENT OF OBLIGATIONS (600)

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ENFORCEMENT OF OBLIGATIONS

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600 ENFORCEMENT OF OBLIGATIONS

Federal regulations (45 CFR 303.6) require states meet specific requirements in enforcing child support obligations. All cases in which a child support obligation is established must be evaluated for appropriate enforcement methods. **The methods discussed in this chapter apply to all Nevada enforcing authority offices.**

Upon receipt of a filed Nevada order or another state's order, the enforcing authority must use all available administrative enforcement measures not requiring court action prior to implementing other enforcement methods. In cases where multiple child support orders exist, a preliminary determination of controlling order must be made in accordance with SEM 212; however, administrative enforcement actions must not be delayed pending a tribunal issuing a controlling order determination. If the validity or administrative enforcement of an out-of-state order is contested, the enforcing authority shall register the out-of-state support order in accordance with Nevada Revised Statute (NRS) 130.602.

All cases in which an obligation is established are monitored and enforced for monthly payment. Partial payments do not satisfy a support obligation.

All unpaid portions accumulate as delinquencies (SEM 601 - Delinquency Monitoring).

Enforcement actions which cannot be processed administratively must commence within thirty (30) days of identification of a delinquency. See SEM 600(B) - Expedited Procedures).

A. SEQUENCE OF ENFORCEMENT ACTIONS

1. Administrative Enforcement

Prior to scheduling a case for court action or prior to registering a child support order for enforcement, all appropriate administrative enforcement actions must be evaluated and utilized to the extent possible. Administrative enforcement actions include: income withholding (SEM 602), driver's license and sporting (i.e., hunting, fishing and trapping) license suspension (SEM 616), and IRS intercept (SEM 604).

a. Income Withholding (NRS 31A and 130)

Income withholding procedures apply to all child support cases with an established obligation. Upon receipt of information indicating the NCP's employment, income withholding procedures must be implemented. NRS 31A provides the authority for implementing income withholding within the state of Nevada, and NRS 130 provides the authority for implementing interstate income withholding.

b. Other Income Subject to Withholding

SEM 602.1 outlines other income subject to withholding. Income which requires specified procedures for withholding include:

- 1) Unemployment Insurance Benefits (UIB) are identified as income under NRS 31A.150 and are subject to income withholding requirements (SEM 603);
- 2) Veterans and Social Security benefits (SEM 609); and
- 3) Military Support (SEM 610).
- 4) Thrift Savings Plan (SEM 620.1)

c. Administrative License Suspension

Nevada law mandates reporting individuals owing overdue child support to the Nevada Department of Motor Vehicles and the Nevada Department of Wildlife for suspension of driver's license and hunting, fishing and trapping licenses. Administrative license suspension is a remedy which must be considered for all cases meeting the criteria, prior to taking other enforcement methods requiring court action. (SEM 616).

d. Federal Income Tax Refund Offset Program

At least once a month each state must submit all cases meeting IRS certification requirements for federal income tax refund offset. The initiating jurisdiction submits cases meeting the criteria. SEM 604 provides procedures for federal income tax refund offset.

2. Other Appropriate Enforcement Actions

Enforcement actions, other than those mentioned above, may be used as applicable. When income withholding and/or driver's license suspension enforcement methods are unsuccessful, cases must be evaluated to determine the most appropriate enforcement method. SEM 607 through 621 provides specific actions to be taken in the following areas:

- a. Consumer Credit Reporting (SEM 605);
- b. Attachments, Garnishments, and Liens on Property (SEM 606);
- c. Claims Against Estates (SEM 607);
- d. Bankruptcy (SEM 608);
- e. Enforcing Medical Support (SEM 611);
- f. Criminal Enforcement (SEM 613);

- g. Order to Show Cause (SEM 612);
- h. Registration of Foreign Support Order (SEM 614);
- i. Judicial Suspension of Other Licenses, Certificates, or Permits (SEM 617).

Nevada law allows for enforcement of child support through the court ordered suspension of professional, occupational, and recreational licenses, certificates and permits. Although available, these methods are not a remedy of first choice.

B. EXPEDITED PROCEDURES

In addition to income withholding and intercept actions, the enforcing authority must:

- 1. Initiate an enforcement action, as appropriate, within thirty (30) calendar days of identifying a delinquency when no service of process is necessary; and
- 2. Complete service of process if necessary and take the enforcement action within sixty (60) calendar days of identifying a delinquency, non-compliance, or location of the NCP; OR

Document unsuccessful attempts of service of process within sixty (60) calendar days of identifying a delinquency, non-compliance, or locating the NCP.

C. FINANCIAL DECLARATIONS FROM THE NCP (NRS 425.390)

NCPs are required by law to provide a financial declaration to the Division of Welfare and Supportive Services, an agent of the state which enforces an order for the support of the child, or a prosecuting attorney.

This statement is required upon demand to attach, lien, execute garnish or establish a support obligation under Nevada guidelines (NRS 125B). See SEM 507(B) for details on the contents of the declaration.

D. RE-EVALUATION OF ENFORCEMENT ACTIONS THAT HAVE FAILED

In cases in which enforcement attempts have been unsuccessful, at the time an attempt to enforce fails, the enforcing authority must determine, and document in the case record, the reason the enforcement attempt failed and when it will be appropriate to take an enforcement action in the future.

E. INTERGOVERNMENTAL PROCEDURES

1. Nevada Receipt of Another State's Order

Custodians (CST) applying for IV-D services or an out-of-state IV-D agency may request enforcement of a child support order issued in another state. Upon receipt of documents from another state or party requesting enforcement or registration for enforcement, the enforcing authority must assess the case and proceed with administrative enforcement to the fullest extent possible prior to registration. Nevada cannot accommodate limited service requests. Apply Full Faith and Credit rules as outlined in SEM 215 when enforcing an order from another state. If the NCP does not contest administrative enforcement, the order is not registered. If the NCP contests the validity or administrative enforcement of the order, the enforcing authority shall calendar the case for hearing and notify the requesting agency or party.

2. Nevada Initiating an Enforcement Action to Another State

Prior to sending a case to another state for enforcement, it is essential the case be assessed to determine the most effective method of enforcement. Each case is unique and it may be determined more efficient to maintain control and send a direct income withholding (IW) to an out-of-state **income payer** rather than requesting another state complete enforcement actions.

- a. When jurisdiction can be established over a nonresident NCP pursuant to NRS 130.201, the enforcing authority must utilize all available administrative enforcement tools prior to initiating a two-state enforcement process. Implementing direct income withholding to the NCP's **income payer** in another state is the primary remedy for the enforcement of a child support obligation.

If an attempt was made to enforce by direct income withholding and a payment is not received within sixty (60) days of the IW notice sent date, initiate a two-state process for enforcement. However, if a new **income payer** has been verified another direct IW can be sent.

- b. When unable to enforce administratively, establish jurisdiction over a nonresident, or proceed without the assistance of another state, initiate a two-state process for enforcement.
- c. Upon determination a two-state process is appropriate for the enforcement of child support, the Intergovernmental Child Support Enforcement Transmittal #1 MUST be sent to the responding state within twenty (20) days of locating the NCP in that state. All required documents must be included with the transmittal along with a request specifying "registration for enforcement only" unless registration for modification is sought.

Additionally, each state may have different requirements for the enforcement of child support. Use the Intergovernmental Referral Guide (IRG) to determine additional state requirements for enforcement. The IRG is available on the OCSE website at <https://ocsp.acf.hhs.gov/irg/welcome.html>

If the enforcing authority determined it would be more effective to enforce the case locally, the case manager MUST document the case record with the justification.

- d. Documents required to be included with the Transmittal #1 when requesting registration for enforcement include the following:
 - 1) A letter of transmittal requesting registration and enforcement;
 - 2) Two copies, including one certified copy, of all orders to be registered, including any modification to an order;
 - 3) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
 - 4) The name of the NCP and, if known:
 - a) The address and social security number of the NCP;
 - b) The name and address of the NCP's **income payer** and any other source of income; and
 - c) A description and the location of property of the NCP in the other state not exempt from execution; and
 - 5) The name and address of the CST, unless exempt for reasons of domestic violence or a protective order; and, if applicable, the agency or person to whom support payments are to be remitted.

601 DELINQUENCY MONITORING

The Nevada Child Support Program defines delinquency as:

Any payment required to be made within a calendar month if not received within the calendar month for which it is due.

All cases in which an obligation is established are monitored and enforced for payment of the obligation. Partial payments do not satisfy a support obligation. All unpaid portions accumulate as delinquencies. Enforcement or locate actions must commence within thirty (30) days of identification of a delinquency.

When delinquency is identified, a delinquency notice may be sent which provides the NCP an opportunity to become current with the obligation. If no payment or contact is made within fifteen (15) days of the notice, evaluate the case for appropriate enforcement actions as outlined in SEM 600(A).

602 INCOME WITHHOLDING

Income withholding is the mandatory deduction of a specified amount from an obligor's wages or other qualifying money for payment of child support. All income withholders must honor an income withholding order (IWO). Out-of-state IWOs are valid throughout the country. Child support has priority over any other proceeding against the same money, with one exception: a federal (IRS) tax levy entered prior to the underlying child support order. In cases where multiple orders exist, a preliminary controlling order determination must be made prior to implementing income withholding; however, the income withholding process should not be delayed pending a tribunal issuing a controlling order determination.

All IV-D orders issued or modified by the court/master must include a statement requiring the NCP keep the enforcing authority informed of any changes regarding current **income payer**, access to health insurance coverage, and health insurance policy information.

NRS 31A.025 specifies two different processes for implementing income withholding.

- A. **IMMEDIATE INCOME WITHHOLDING** is the procedure for immediate implementation of income withholding pursuant to a court ordered provision for income withholding without regard to delinquency. Upon entry of a child support order which includes an immediate income withholding provision, no additional notification to the NCP is required to implement income withholding. Follow procedures defined in SEM section 602.5 for implementing income withholding.
- B. **INITIATED INCOME WITHHOLDING** is the procedure for implementing income withholding when the NCP becomes delinquent. This procedure is implemented when orders do not contain the "immediate" income withholding provision and includes cases where a finding of good cause has been entered by the court or a written agreement exists between the parties for an alternate payment plan.

Initiated income withholding requires notice to the NCP that withholding has commenced. The notification to the NCP is **only required** once, regardless of subsequent periods of employment or different **income payers**. Follow procedures defined in SEM 602.3, 602.5, and 602.6.

602.1 INCOME WITHHOLDING SOURCES (NRS 31A.150)

In addition to wages, salaries, bonuses and commissions, **regardless of the frequency of payment**, other sources of income which may be intercepted by implementing an income withholding order (see NRS 31A.150) include:

- A. Any money due from pension;
- B. An annuity;
- C. Unemployment compensation;
- D. Disability benefits, including Social Security Disability (SSD) benefits;

- E. Retirement benefits or any other benefit;
- F. Money from the state, any political subdivision of the state or an agency of either a public trust, corporation, board, or a system for retirement, disability, or annuity established by a statute of this state or any other state, due another person because of the NCP's death;
- G. Money due as a return of contributions and interest;
- H. Any lump sum payments;
- I. Any compensation of an independent contractor including, without limitation, any compensation described in subsection 1 to 4, inclusive (NRS 31A.016), as applicable; and
- J. Money due as a judgment, settlement or prize from any contest, lottery, or gambling winnings, from any person or other entity, whether money is payable periodically or in a lump sum. "Gambling winnings" means winnings at a licensed gaming establishment, as defined in NRS 463.0169, that are required to be reported to the Internal Revenue Service on Form W-2G.

602.2 CALCULATION OF AMOUNT TO BE WITHHELD (NRS 31A.030)

A. INCOME WITHHOLDING CONVERSION FORMULAS

Orders may require a one-time lump sum payment, monthly, semi-monthly, or weekly amount to be withheld.

B. AMOUNT TO BE WITHHELD (NRS 31A.030) (NRS 125B.100)

The amount to be withheld must include:

1. The amount of current support due plus:
 - a. An amount equal to ten (10%) percent of the current periodic payment ordered for support to be applied to satisfy arrearages, if any;
 - OR
 - b. The court ordered amount for arrearages.
2. Nevada statute allows an amount equal to 25% of payment ordered for current support withheld if the current monthly support is not being enforced.

When the circumstances change and the current monthly support obligation is enforced, amounts collected for arrears must be adjusted to 10% of current.

NOTE: There are no notice requirements to apply the 10% or 25% payback on arrears when immediate income withholding procedures apply. Follow notice requirements outlined in SEM 602.6 when initiated income withholding procedures apply.

3. If the child has emancipated, the current support obligation and any court ordered amount for arrearages is applied to the arrearage until paid in full.

4. The amount of income withheld must be calculated in accordance with the percentages set for in NRS 31.295, regardless of whether the income qualifies as disposable earnings.

C. CONSUMER CREDIT PROTECTION ACT & WITHHOLDING LIMITATIONS
(15 U.S.C. Chapter 41)

The Consumer Credit Protection Act (CCPA) limits the amount of an individual's disposable earnings that may be garnished. The CCPA defines "earnings" as "compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program". "Disposable earnings" are "that part of the earning of any individual remaining after deduction from those earnings of any amounts required by law to be withheld".
See 15 U.S.C. 1672.

Examples of deductions required by law include federal, state and local taxes, the employee's share of Social Security and Medicare, and state unemployment insurance tax. Deductions not required by law include voluntary wage assignments, union dues, health and life insurance, purchases of savings bonds, contributions to charitable causes, and retirement plan contributions (except those required by law).

The total amount withheld (including the employer fee of \$3.00) may not exceed the maximum amount permitted under the CCPA.

1. Income Withholding Limits - Statutory Requirements (NRS 31.295)

Under state law, the maximum amount of aggregate disposable earnings (earnings remaining after the deduction of any amount required by law, such as income tax, social security, Medicare) which are subject to withholding may not exceed:

- a. Fifty (50%) percent of the disposable income for that week if the NCP is supporting a spouse or child other than those for whom the support order was rendered,
- OR
- b. Sixty (60%) percent of disposable income for that week if the NCP is not supporting a spouse or child.
- c. Add 5% to the above percentages if arrears are owed, making the amounts 55% or 65% respectively.

2. Multiple Obligations

When more than one withholding notice is in effect against a NCP, the allocation of amounts available for collection must give priority to current support up to the limits imposed by the Consumer Credit Protection Act (CCPA) as outlined in this section. Refer to SEM 602.11 for allocation formulas.

3. Private Health Insurance Enrollment

If the cost of private health insurance exceeds the maximum amount per-mitted, the income payer must not enroll the child(ren) in the insurance plan. When the cost of private health insurance is within the maximum amount, the income is required to enroll the child(ren).

4. Lump-Sum Payments – Withholding Limits

Lump-sum payments, which may occur occasionally or only one time, are subject to CCPA limits if the lump-sum payment meets the definition of “earnings”. In determining whether a lump-sum payment is subject to CCPA limits, case managers must determine whether the income payer paid the amount for the employee’s services. Exhibit 600-23 provides common examples of types of employment-based lump-sum payments and whether CCPA limits apply to the specific payment.

602.3 CASES REQUIRING INCOME WITHHOLDING (NRS 31A.025) (NRS 125.450)

All active and incoming cases must be evaluated for income withholding. In cases where multiple orders exist, a preliminary determination of controlling order must be made in accordance with SEM 216(C) prior to implementing income withholding; however, the income withholding process must not be delayed pending a tribunal issuing the controlling order determination.

All child support orders issued or modified after January 1, 1990 must include an income withholding provision for the payment of support unless there is a good cause finding for postponement or all parties have agreed in writing for alternate arrangements. (NRS 125.450)

Income withholding **must be implemented immediately without regard to delinquency** on all child support orders which include a provision for the “**immediate**” income withholding for the payment of support. Exceptions to “immediate” income withholding include one of the following conditions:

A. GOOD CAUSE FINDING

Good cause is found by a tribunal for the postponement of income withholding. A finding of good cause is based on the tribunal’s written finding immediate income withholding is not in the best interests of the child. In an action for modification or adjustment, a finding of good cause may be based on evidence of timely payment by the NCP. **However, the enforcing authority must implement withholding upon identification of a delinquency regardless of the good cause finding.**

B. AGREEMENT BETWEEN PARTIES

All parties agree in writing there should be no “immediate” income withholding. **However, the enforcing authority must implement withholding upon identification of a delinquency regardless of the written agreement between the parties.**

C. NO PROVISION FOR INCOME WITHHOLDING

Child support orders which do not include a provision for income withholding shall become enforceable through income withholding once delinquency is identified. Follow procedures for implementing income withholding under SEM 602.5.

602.4 REQUESTS FOR “IMMEDIATE” INCOME WITHHOLDING

A. NCP REQUEST (NRS 31A.190)

If immediate income withholding is not ordered by the court, and delinquency does not exist, a NCP may voluntarily have the child support payment withheld from income.

The NCP must file a request and a copy of the Nevada order for support with the enforcing authority. If the order for support is from another state, a certified copy is required. The enforcing authority shall send the notice of withholding to the income payer, as outlined in SEM 602.5. The income payer shall withhold and pay the amount as required in the notice.

B. CST REQUEST

If immediate income withholding is not ordered by the court, a return to court may be appropriate in the following circumstances: 1) to reverse a good cause finding, 2) cancel an alternative arrangement, or 3) implement income withholding at the custodian's (CST) request if the delinquency requirement is not met.

Upon request by the CST for implementation of "immediate" income withholding, the enforcing authority must review the case for a change in circumstances to establish justification for implementation of "immediate" income withholding. The case will be scheduled for hearing for determination by the hearing master.

602.5 IMPLEMENTING INCOME WITHHOLDING (NRS 31A.025; 31A.070; 130.501)

Income withholding may be implemented by the enforcing authority either to retain regular wage payments or to intercept a one-time lump sum payment (see SEM 602.18 for lump sum). When implementing income withholding, a copy of the "Income Withholding for Support" form, (commonly referred to as an income withholding order or (IWO) must be sent to the NCP's current income payer and any subsequent income payers. This form meets all required data elements under NRS 31A.070 and is federally mandated to be used for income withholding notice purposes. Under federal law, income payers are required to reject an IWO that is not consistent with the federal Office of Management and Budget (OMB) approved form. The IWO form includes a box, which must be checked to notify the income payer to provide a copy of the order/notice to the NCP.

The notice to the income payer must be sent immediately upon the entry of an order for support if known on that date; or upon determining the NCP is delinquent in the payment of support for those cases not subject to immediate income withholding (SEM 602.3). Notices must be sent first class mail; or may be issued electronically. Upon receipt of a "match" from the State Directory of New Hires (SEM 304), the notice must be sent to the income payer within two (2) business days.

Once the NCP's employment is identified, an assessment must be made of the case circumstances. Procedures follow for implementing income withholding within the State of Nevada or outside the state. Specifics for implementing withholding against benefits such as unemployment, social security, or other income types are provided throughout Manual Section 600.

A. INCOME WITHHOLDING WITHIN THE STATE OF NEVADA

Upon the entry or receipt of a Nevada order, which includes an immediate income withholding provision, or upon determining the NCP is delinquent and upon identification of verified employment, a copy of the Order/Notice to Withhold Income for Child Support form must be sent, first class mail, directly to the Nevada income payer. The form can also be sent electronically.

Upon receipt of another state's order, the enforcing authority must implement income withholding to the extent possible, prior to registration for enforcement as defined in SEM 614. A copy of the Order/Notice to Withhold Income for

Child Support form must be sent first class mail, directly to the **income payer**. The form can also be sent electronically.

B. INCOME WITHHOLDING OUTSIDE THE STATE OF NEVADA

When a NCP works outside of Nevada and a current child support order exists, the enforcing authority must send an IWO directly to the out-of-state **income payer** unless it is determined and documented by the enforcing authority that a two-state process is more appropriate. Once the NCP is located, and a two-state process is determined appropriate, the case must be referred to the responding state within twenty (20) days.

Examples of when direct income withholding may not be the remedy of first choice include: (1) The case is currently under a two-state process and the responding state is enforcing through income withholding or the case is pending an enforcement action; (2) There are multiple overlapping orders and a controlling order determination has not been made; (3) the NCP has requested a hearing on another matter or it is known the NCP will make an objection; (4) there is a possibility more than one state is taking an enforcement action; (5) actions which may be required to go through the state's Central Registry such as withholding against unemployment or worker's compensation benefits. These examples are not all inclusive. Each case must be assessed individually and coordination with other states is essential in implementing the most effective method of enforcement.

1. Direct Income Withholding

A copy of the Order/Notice to Withhold Income for Child Support form must be sent first class mail, directly to a verified out-of-state **income payer**. See SEM 602.6 - 602.8. When unable to proceed with direct income withholding, the case must be documented and a two-state process (see #2 below) initiated.

If the NCP lives and works out-of-state, but the **income payer** does business in Nevada, the notice to withhold can be mailed to the **income payer's** Nevada address.

2. Two-State Process (NRS 130.602)

Upon determining a two-state income withholding process is appropriate, the Intergovernmental Child Support Enforcement Transmittal #1 must be sent to the responding state within twenty (20) days. All required documents must be included with the transmittal along with a request specifying "registration for enforcement only" unless registration for modification is sought. Refer to SEM 614 for registration policy.

In addition, each state may have different requirements to implement income withholding. Use the Intergovernmental Referral Guide (IRG) to determine additional state requirements for implementing income withholding in that state. The IRG may be accessed from the OSCE website at <http://www.acf.hhs.gov/programs/cse/>.

602.6 NOTICE TO THE NONCUSTODIAL PARENT (NRS 31A.040)

Child support orders without a provision for "immediate" income withholding require notice to the NCP of the commencement of the income withholding action. The "Notice of Income Withholding" is a one-time notification and is not required for subsequent periods of employment or different **income payers** for the same individual. The following order/delinquency circumstances require notice to the NCP when implementing income withholding:

- A. There is a court order with no provision for income withholding and delinquency is identified.

- B. There is a court order, which provides income withholding will be triggered by delinquency and delinquency is identified.
- C. There is a court order, which finds good cause not to require “immediate” income withholding, and delinquency is identified.
- D. There is a written agreement for an alternate arrangement between the parties and delinquency is identified.
- E. The NCP has not been previously notified of child support arrears.

Do not send a notice when the NCP (not subject to “immediate” income withholding) requests income withholding voluntarily. (SEM 602.4)

Upon identification of employment on a delinquent case, the “Notice of Income Withholding” is sent with a “Request for Hearing” to the NCP’s last known address (by first-class mail). The notice to the NCP must be sent at the same time it is sent to the **income payer**

602.7 HEARING TO CONTEST INCOME WITHHOLDING (NRS 31A.050) (NRS 130.506)

The NCP has the right to contest the validity or enforcement of an income withholding action issued by this state or another state. The NCP may request a tribunal of this state to conduct a hearing for this purpose. The request for hearing must be in writing. Criteria and guidelines to follow are listed below:

A. HEARING REQUESTS

To guarantee a hearing, the NCP must return a written request for hearing to the enforcing authority within fifteen (15) days after the notice of withholding is mailed.

The NCP may contest the withholding on the following grounds:

1. The court which issued the order for support lacked personal jurisdiction.
2. There is a mistake of fact as to:
 - a) The NCP is delinquent in the payment of support.
 - b) The amount of arrearages or support.
 - c) The custody of the child.
3. The order of support was obtained by fraud.

UNDER NEVADA LAW (NRS 31A.050 & 130.506), NO OTHER ISSUES OR DEFENSES MAY BE PRESENTED TO THE COURT FOR DETERMINATION.

B. ENFORCING AUTHORITY RESPONSIBILITIES

1. Nevada IV-D case

The following actions must be taken upon receipt of a written hearing request contesting income withholding:

- a. Determine if the request is timely.
- b. Review request to determine if the withholding is required under policy and statute
- c. If withholding is not required, advise the NCP in writing the withholding will be rescinded and document the case file.
- d. If the request for hearing is a result of a withholding action sent to an **income payer** in another state, the following procedures will apply:
 - 1) Determine if the direct withholding should be rescinded and a two-state process initiated. If withholding is rescinded, the **income payer** must be contacted immediately and provided with a notice to stop the withholding. Follow two-state process procedures in SEM 602.5(B)(2); or
 - 2) Determine if income withholding should remain in place. If the NCP has requested the hearing to be held in the other state, supporting documentation must be provided and coordinated with the tribunal in which the hearing is held; or
 - 3) If the NCP requests the hearing to be held in Nevada, the Nevada enforcing authority will calendar for hearing and advise all parties of the hearing date, time, and place. Arrangements for telephonic hearing will be considered as necessary. Prepare and submit supporting documentation for hearing master's determination.
- e. If a hearing is required, schedule for hearing with the appropriate master. **The decision must be rendered within forty-five (45) days of the mailing of the notice of withholding to the NCP. Timeliness is imperative to ensure ongoing funding of the child support program.**
- f. Copies of all written findings of the court/hearing master must be provided to the NCP, **income payer**, and any other jurisdiction or party to the action.

C. DETERMINATION BY THE COURT/MASTER (NRS 31A.060)

If a request for hearing is received, timeliness is required to ensure ongoing funding of the child support program. **The issue must be submitted and resolved by the court/hearing master within forty-five (45) days after the notice of withholding is mailed to the NCP.**

1. An order to stay the withholding is issued if the court/master determines:
 - a. The court/master that issued the order lacked jurisdiction.
 - b. The order was obtained by fraud.
 - c. The order contains a mistake of fact.
2. When the income withholding is valid, the court/master shall issue an order confirming the withholding, and may assess costs and attorney fees against the NCP.

602.8 DUTIES OF THE EMPLOYER/**INCOME PAYER** (NRS 31A.080) (130.502)

1. DEFINITION OF EMPLOYER AND INCOME PAYER

- a. Employer means a person or entity that employs an obligor as an employee or independent contractor.
- b. Income Payer means any employer, person or other entity required to withhold and deliver income pursuant to NRS 31A.025 to 31A.190

An **income payer** who receives an order/notice to withhold income must:

1. Immediately provide a copy of the order/notice to the NCP.
2. Treat an income withholding order/notice issued by another state as if it had been issued by a tribunal of this state.
3. Withhold the amount stated in the notice from the income due the NCP, beginning with the first pay period occurring within fourteen (14) days after the date the notice was mailed, and continue until the enforcing authority notifies the **income payer** to discontinue or stay the withholding.
4. Satisfy terms of multiple orders to the extent possible giving priority to current support up to the limits imposed by the Consumer Credit Protection Act (CCPA).
5. Transmit the money withheld to ScaDU within seven (7) days after the scheduled payroll date.
 - a. GN0050 can be sent when the **income payer** fails to transmit income withholding payments to the enforcing authority within seven (7) days after the scheduled payroll date.
6. Notify the enforcing authority when the NCP terminates employment and, if known, provide the employee's last known address and the new **income payer**.
7. The **income payer** may deduct \$3.00 from each withholding to reimburse costs.
8. The **income payer** must deduct an additional \$2.00 fee from each income withholding. The fee is payable to the Nevada State Treasurer.
9. If an **income payer** withholds income for more than one employee, the payment may be made in one check. Each NCP and amount must be identified.
10. An **income payer** shall cooperate with and provide relevant information to an enforcing authority as necessary. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

602.9 LIABILITIES (NRS 31A.095) (NRS 31A.100)

A. **INCOME PAYER** LIABILITIES

1. An **income payer** who complies with a notice/order to withhold which appears regular on its face (federally required standardized format), may not be held liable in any civil action for conduct taken in compliance with the notice/order.

2. Compliance with notice to withhold is a discharge of **income payer**'s liability to the NCP of the portion of
3. If an **income payer** wrongfully refuses to withhold income as required or knowingly misrepresents the income of an employee, the enforcing authority may request a hearing for noncompliance.

STATE REGULATION ADOPTED JUNE 12, 2002

4. If an employer fails to accurately identify each NCP, the correct Social Security Number, and amount of withholding, the state will not be liable for any monies incorrectly distributed as a result of the inaccurate information transmitted to the state distribution unit.

- a. Exhibit 600-7 may be sent to the **income payer** when an inaccurately identified payment incorrectly distributes to the wrong CST(s).

B. ENFORCING AUTHORITY LIABILITIES

1. If a court issues an order to stay a withholding of income, the enforcing authority may not be held liable in any civil action to the NCP for any money withheld before the stay becomes effective.
2. The enforcing authority may be held liable to the NCP in a civil action for money withheld after the stay becomes effective.

602.10 REFUSAL OF **INCOME PAYER** TO WITHHOLD (NRS 31A.095)

A. UNACCEPTABLE **INCOME PAYER ACTIONS**

When income withholding is served, under penalty of law, the **income payer** must not:

1. Refuse to hire a potential employee.
2. Discharge an employee.
3. Take any disciplinary action against an employee.
4. Refuse to withhold the wages and commissions of a responsible parent.
5. Knowingly misrepresent the income of an employee.

B. PENALTIES: INITIATED BY THE ENFORCING AUTHORITY

The enforcing authority may file for and the court/master may issue an order directing the **income payer** to:

1. Hire or reinstate the employee with no loss of pay or benefits;

AND/OR

2. Assume all liability for any payments of support not withheld;

AND/OR

3. Pay a fine of \$1,000;

AND/OR

4. Pay attorney fees and costs of any action brought by the employee to recover their position in an amount not less than \$2,500;

AND/OR

5. Pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each pay period he failed to honor with withholding.

602.11 ALLOCATION/PRORATION OF AMOUNTS WITHHELD

A. ALLOCATION/PRORATION FORMULA

If there is more than one income withholding against the same NCP, NRS 31A.030(2) requires all current support obligations be met before any amounts are applied to arrears. If the amount collected is not sufficient to meet all obligations, then the total amount collected must be prorated by determining each person's share of the total.

An example of how proration works:

Step 1.	NCP's net income	\$800.00
	Limitation for withholding	<u> x 50%</u>
	Maximum amount withholding	\$400.00
Step 2.	Child Support Order - Person #1	\$300.00
	Child Support Order - Person #2	<u>\$200.00</u>
	Total amount of all orders	\$500.00
Step 3.	Person #1 - \$300/\$500 = 60% of Total	
	Person #2 - \$200/\$500 = 40% of Total	
Step 4.	\$400 collected through income withholding	
	\$400 x 60% = \$240.00 distributed to Person #1	
	\$400 x 40% = \$160.00 distributed to Person #2	

**B. MAILING TIME FRAMES
 STATE REGULATION ADOPTED JANUARY 15, 2002**

If there is more than one child support order (multiple custodians) against a non-custodial parent, and an income withholding order is in effect on only one of the cases, five (5) days mailing time shall elapse after the issue of an income withholding order/notice on a subsequent case before income withholding collections are allocated between the custodians.

C. ENFORCING AUTHORITY RESPONSIBILITIES

The enforcing authority must monitor compliance by the **income payer**, checking to determine if a payment was received and, if not, the reason.

602.12 INCOME WITHHOLDING AND DATE OF COLLECTION

With respect to income withholding, the date of collection is the date the child support payment is received by ScaDU. See SEM section 700.2.

602.13 NONCUSTODIAL (NCP) REFUNDS AS A RESULT OF IMPROPER WITHHOLDING
(45 CFR 303.100(a)(8))

The enforcing authority must promptly refund to the NCP amounts which have been improperly withheld through the income withholding process. This refund requirement includes the interception of periodic income such as an unemployment insurance benefit (UIB) payment.

Refund to a NCP as a result of improper income withholding may be based on mistake of fact in the following areas:

1. Identity of the NCP.
2. Amount of arrearages or support.
3. Custody of the child(ren).

Failure to appropriately terminate income withholding or hold/stop the distribution of income withheld monies to the client pending termination of an income withholding action may also result in improper withholding.

A. REFUNDS

The enforcing authority is responsible for refunds to the NCP. This does not preclude the enforcing authority from negotiating with the NCP for application of improperly withheld amounts to existing balances.

A refund must be issued to the NCP within thirty (30) days of identifying improper withholding has occurred:

1. When the NCP is not willing to negotiate application of improperly withheld amounts to existing balances;

OR

2. Where there are no existing balances in which to apply a negotiated refund.

602.14 NOTIFICATION TO **INCOME PAYERS** OF AMENDMENTS/MODIFICATIONS OF ORDER(S) (NRS 31A.180)

After the initial request for income withholding, the enforcing authority must send the **income payer** an amended income withholding notice immediately upon entering a modified order into the statewide child support computer system. The notice can be sent by mail or electronically.

602.15 TERMINATION OF INCOME WITHHOLDING NOTICES

The enforcing authority must discontinue the withholding action if all arrearages have been paid in full and no ongoing order for current support exists.

602.16 INCOME WITHHOLDING AGAINST STATE AND FEDERAL EMPLOYEES

A. STATE EMPLOYEES

All notices of income withholding against State of Nevada employees must be served at:

CENTRAL PAYROLL UNIT
NEVADA DIVISION OF HUMAN RESOURCE MANAGEMENT
100 N STEWART STREET, SUITE 100
CARSON CITY, NEVADA 89701
TELEPHONE: (775) 687-9077

B. FEDERAL EMPLOYEES

Each federal agency has a designated agent to accept notices of income withholding. The federal agencies have clearly defined the addresses to which income withholding notices should be sent. These addresses are posted to the OCSE website at http://www.acf.hhs.gov/programs/cse/newhire/contacts/iw_fedcontacts.htm

When implementing income withholding against federal employees, follow income withholding procedures in SEM 602, sending the notice to withhold income to the designated agent located on the website. If the obligor contests the income withholding, follow procedures in SEM 602.6.

NOTE: Refer to SEM 609 for specific procedures on enforcement against veterans or social security benefits. Refer to SEM 610 for specifics on obtaining support from military personnel.

Designated federal agents send (within 15 days) a copy of the notice to withhold income to the duty station or last-known home address of the individual. Within 30 days after receipt of a notice, designated agents are to comply with all applicable provisions of the notice and respond to the process.

602.17 WAGE ASSIGNMENTS VERSUS INCOME WITHHOLDING (NRS 31A.250, 260, 270)

A wage assignment is an enforcement tool used primarily by private attorneys and requires court action. It should not be confused with income withholding which is an administrative (expedited) process to be used by the enforcing authority without court action.

602.18 LUMP SUM PAYMENTS

If a lump sum payment qualifies as income under NRS 31A.016 or other sources of money from which support may be withheld under NRS.31A.150, an Income Withholding Order (IWO) should be issued by the enforcing authority.

Lump sums are defined as:

- 1) A Commission;
- 2) A discretionary or nondiscretionary bonus;
- 3) A productivity or performance bonus;
- 4) Profit sharing;
- 5) A referral or sign-on bonus;
- 6) An incentive payment for moving or relocation;
- 7) An attendance award;
- 8) A safety award;
- 9) A cash payment award;
- 10) Termination pay;
- 11) Severance pay; and
- 12) Any other one-time, unscheduled or irregular payment of compensation

Effective October 1, 2021, income payers doing business in Nevada must report qualifying lump sum payments. When an income payer has received an Income Withholding Order (IWO) for an obligor which includes an arrears payment provision, they are required to notify the enforcing authority at least 10 days before releasing any lump sum payment of \$150.00 or greater to the obligor.

The income payer may notify the enforcing authority by either submitting the information through the federal Office of Child Support Enforcement portal or by completing and returning the Notice of Lump Sum Payment 4004-EC form (Exhibit 600-24). The form may be submitted directly to the enforcing office, or it may be sent to Central Office. Any forms received in Central Office will be forwarded to the enforcing office for response.

Upon receiving notice that a lump sum payment is to be paid to an obligor, the enforcing authority must respond within ten (10) working days as follows:

- 1) If arrearages are owed, issue a One-Time Order/Notice for Lump Sum Payment to intercept the lump sum payment, or the portion of the lump sum payment sufficient to pay the arrearages in full up to the limits of the Consumer Credit Protection Act (CCPA). See SEM 602.2 (C).

To expedite the process, the One-Time Order/Notice for Lump Sum Payment may be issued electronically pursuant to NRS 31A.070(3).

- 2) If arrearages are not owed, notify the employer or other income payer that the lump sum payment may be released in its entirety to the obligor.

- 3) Case managers must document in a contact entry the status of the lump sum payment. If a lump sum payment is intercepted, note the date the IWO was sent and the amount requested. If no arrears are owed and the enforcing authority will not be intercepting the lump sum payment, note the date this information was communicated to the payer.
- 4) A national best practice endorsed by the federal Office of Child Support Enforcement (OCSE) recommends that if the notification of a lump sum payment is not answered by the IV-D agency within five working days, the payer will assume no portion of the payment is due child support and the lump sum payment will be issued to the obligor.

The NCP has the right to contest the validity or enforcement of the withholding of a lump sum. See SEM 602.7 for processing the NCP's request for hearing.

602.19 INSURANCE ASSETS

Effective January 1, 2020 all insurance companies doing business in Nevada must report personal injury, liability claims, workers' compensation claims and life insurance claims to the Child Support Enforcement Program within five days of opening a claim. CSEP receives insurance claims information from the federal Office of Child Support Enforcement (OCSE) and the Child Support Lien Network (CSLN) which have each partnered with the insurance industry to compare personal injury and workers compensation claimants (i.e., a person filing a claim), and life insurance beneficiaries to delinquent child support obligors.

Insurance matches can provide leads to possible obligor assets that may be available for seizure. Delinquent obligors are compared to claims records of over 2000 insurers, third party administrators (TPA), life insurance companies and state industrial insurance agencies. Insurance matching provides an opportunity to recover child support arrearages by identifying and intercepting life insurance personal injury and workers' compensation payments before funds are sent to a claimant owing past due support.

A personal injury (PI), or bodily injury (BI), settlement is compensation due an injured person for damages caused by another party's negligence. Settlements include reimbursement for actual out-of-pocket expenses, or "special damages", (e.g., doctors' bills) incurred by the claimant as well as compensation for "general damages" (e.g., "pain and suffering"). Typically, insurance companies pay personal injury settlements as lump sums at the conclusion of a claim. Although the entire amount of a BI settlement up to the amount of the arrears balance may be seized, enforcing authorities may negotiate the amount garnished if necessary.

Workers' compensation insurance (WC) compensates employees for job related injuries and diseases. Benefits include temporary total disability (TTD), permanent total/partial disability (PTD/PPD) and rehabilitation maintenance. TTD benefits and rehabilitation maintenance benefits are paid in lieu of wages and as such are subject to Consumer Credit Protection Act garnishment limitations. See SEM 602.2. Permanent disability benefits compensate injured workers for permanent impairments arising from job related injuries. Although the entire amount of a permanent disability settlement up to the amount of the arrears balance may be seized, enforcing authorities may negotiate the amount garnished if necessary.

Insurance companies may issue payments within days of opening a claim or resolution may take years if the claim is litigated. It is also possible that a claim will be denied and no payments will be made to the claimant. Therefore, enforcing authorities must investigate insurance matches promptly by contacting the insurance company identified in the match to

determine the type of claim filed and evaluate the next actions on the case. As a best practice, enforcing authorities are strongly encouraged to investigate insurance matches within two business days of receipt of the match.

In addition to its value as an enforcement remedy, insurance matching may provide useful locate information such as an obligor's address, employment, occupation, professional licenses, and social security number.

A. INTERCEPTING INSURANCE ASSETS

Insurance claim assets (disability benefits, judgments and settlements) are considered income under NRS 31A.150 and as such may be intercepted, when Nevada has jurisdiction to enforce, by sending the insurance carrier or Third Party Administrator (TPA) an income withholding order (IWO) pursuant to NRS 31A.150. The IWO must be issued promptly after identifying an insurance match to preserve the CSEP's right to intercept the asset. It is helpful to send a cover letter with the IWO explaining CSEP's authority to intercept settlements. An example of a cover letter is provided in Exhibit 600-19. See Section 602 for specific instructions regarding income withholding enforcement procedures.

Worker's compensation temporary disability benefits and rehabilitation maintenance benefits are paid in lieu of wages and therefore are subject to Consumer Credit Protection Act garnishment limitations.

The case manager will receive an alert when insurance match information is received. A review of the match information will be necessary to determine the claim status or if follow up with the insurance company is needed.

The case manager must document all pertinent information in the case file regarding the insurance claim as it progresses. Documentation must include whether a lien is placed on the claim and the rationale if a lien is not placed.

1. ALLOCATION OF INTERCEPTED INSURANCE ASSETS

Collections resulting from intercepted judgments, settlements and disability benefits are income withholding collections pursuant to NRS 31A.016 and 31A.150 and must be allocated as income withholding in accordance with NRS 31A.030, See SEM 700.

2. PRIORITIES OF LIENS

Priority over any child support lien must be given to any lien, claim or demand for attorney's fees, medical expenses or property damage.

B. OCSE INSURANCE MATCH PROGRAM

OCSE has agreements with over 750 insurers to exchange data. Central Office submits obligors certified for federal offset monthly to OCSE through the Federal Case Registry (FCR) for insurance matching. Responses received from OCSE are forwarded to the CSLN for processing and appear on the child support system as a CSLN match. See SEM 602.19(C) for information regarding CSLN matches.

C. CHILD SUPPORT LIEN NETWORK

Nevada is a member of the Child Support Lien Network (CSLN), an interstate coalition of IV-D agencies formed to compare delinquent obligor data with insurance industry personal injury and worker's compensation claims records. CSLN has data matching agreements with over 1,500 insurers.

Obligors with at least \$500 in arrears (adjudicated or unadjudicated) for one or more children are submitted to CSLN weekly. Matches are returned daily. When a match is identified, CSLN sends an e-mail to the responsible child support office. Authorized staff then access CSLN's secure website to obtain the insurance claims information necessary to garnish an obligor's insurance settlement or benefit. CSLN match information is also summarized in NOMADS on the CSLN screen. Case managers will receive an alert when a CSLN match is received in NOMADS.

Refer to the Enforcement Task Guides for details regarding receiving CSLN insurance matches in NOMADS, <https://dwss.nv.gov/secure/TaskGuides/iv-d-task/Enforcement/enforcement-14.pdf>.

1. NOTIFICATION OF CSLN MATCHES

Notifications of all CSLN matches for a given enforcing authority are sent to one designated email address only. This may be a specific individual or a generic email address that can be accessed by multiple staff (e.g., CSLN@dwss.nv.gov). Enforcing authorities must designate an email address for receiving CSLN notifications. Enforcing authorities must also advise the Central Office CSLN Coordinator of any changes to the email address. Central Office will then advise CSLN of the changes.

2. CSLN CONFIDENTIALITY AND WEBSITE SECURITY

In accordance with the terms of the CSLN contract, only IV-D staff may have access to the CSLN website. Any information obtained from CSLN may only be used for child support enforcement purposes. All staff requesting access to the CSLN secure website must sign and agree to CSLN confidentiality terms.

Enforcing authorities may request staff access to the Child Support Lien Network (CSLN) secure website by submitting an Automated System User Request (ASUR), completed by the office Designated Security Coordinator (DSC), to welfsecurity@dwss.nv.gov. A scanned copy of the completed CSLN User Information Form (Exhibit 600-20) and the CSLN Confidentiality Statement (Exhibit 600-21) must be attached to the email. Information Security staff will forward requests to CSLN. End users will be emailed directly by CSLN representatives with user ID and password information.

3. PRORATION BETWEEN CSLN MEMBERS

Pursuant to the CSLN contract, if an insurance settlement is matched to identical obligor records submitted to CSLN by two or more participating state IV-D agencies, the intercepted amount will be divided proportionately by CSLN between the agencies based on the amount of arrears posted on CSLN at the time of the intercept. CSLN will automatically calculate the prorated share of the claim and instruct the insurer of the amount to be disbursed to each state. Rhode Island, the host CSLN state, will be the final arbiter regarding the correct apportioning of the arrears.

4. CSLN MATCH MANAGEMENT

a. Match Closure

Close matches on the CSLN website when insurance assets have been successfully intercepted or the enforcing authority has determined assets cannot be intercepted. Include the amount of the collection when closing a match due to a successful intercept. This information is important for analyzing the effectiveness of the CSLN interface.

b. Credit Policy

CSLN charges member states for each match received. Enforcing authorities must request a credit from CSLN within five business days of receiving a match when any of the below listed circumstances exists. Credit is requested by entering Closed Reason Information for the individual claim on the Close/Collect tab of the secure CSLN website.

- Already Closed – The matched claim was closed prior to the match date or the matched claim is for medical benefits only.
- Lien Already in Place – An IWO was sent to the insurer regarding the matched claim prior to the match date.
- Not the Right Person – The NCP and the claimant are not the same person.

c. Match Status

The match status should be updated on the CSLN website from “Reviewed” to “Liened” when an IWO has been issued. Timely updating the match status will not only assist enforcing authorities in managing the information available on the CSLN website, but will also help evaluate the effectiveness of the CSLN interface.

603 UNEMPLOYMENT INSURANCE BENEFIT (UIB) INTERCEPT

A. STATUTES/REGULATIONS

State and Federal Statutes/Regulations mandate the interception of unemployment insurance benefits to satisfy child support obligations. These statutes and regulations are:

1. Social Security Act Section 454 (19)
2. Nevada Revised Statutes Chapters 612.457 and 31A.025
3. Nevada Title IV-D State Plan Section 2.10
4. 45 CFR 302.65
5. Child Support/Employment Security Department (ESD) Intercept Agreement
6. 15 USC Section 1673

B. COOPERATIVE AGREEMENT

The Employment Security Department (ESD) has entered into a cooperative agreement with the Nevada State Division of Welfare and Supportive Services to process UIB intercepts for the Title IV-D program. This agreement authorizes a fee per intercept. The claimant has a deduction taken from his/her unemployment benefit check, a portion is paid by DWSS.

603.1 CRITERIA REQUIRED FOR INITIATING UIB INTERCEPT ACTIONS THROUGH THE AUTOMATED PROCESS

A. LEGAL AUTHORITY (NRS 31A.025); (45 CFR 303.100)

It is the enforcing authority's responsibility to ensure all UIB certifications have one of the following legal authorities to intercept:

1. Court order for garnishment.
2. Court order for wage assignment.
4. Notice of Intent to Withhold Income, under the income withholding procedures or through court order.

B. IDENTIFYING THE AVAILABILITY OF UNEMPLOYMENT BENEFITS

Central Office staff receives daily notification of NCP's that are now receiving unemployment benefits.

603.2 AMOUNT TO BE CERTIFIED

Compliance to court orders is required therefore there is no minimum dollar amount to be certified. Income withholding is initiated when immediate income withholding is in effect or the NCP becomes delinquent in an amount equivalent to one (1) month's support.

A. MINIMUM UNEMPLOYMENT BENEFIT AMOUNT

The claimant must have a UIB weekly benefit amount of at least \$50 before an intercept is initiated.

B. INTERCEPT LIMITATIONS

The Nevada Revised Statutes allow for deductions up to sixty (60%) percent of the responsible parent's disposable earnings. However, the Nevada Child Support Enforcement Program will apply a limitation of fifty (50%) percent of the unemployment benefit unless the initiating agency certifies the facts necessary to justify the higher percentages.

603.3 TERMINATION OF UIB CERTIFICATION

The enforcing authority must discontinue the UIB certification when an income withholding notice is sent to the NCP's new income payer if no ongoing order for support exists or all arrearages are paid in full.

For additional UIB claimant information, the case manager must fax a request to the DETR Employment Security Specialist at 775-684-0420.

604 FEDERAL INCOME TAX REFUND OFFSET PROGRAM
(45 CFR 303.72) (NRS 125B.150)

In 1981 the Federal Income Tax Refund Offset Program was enacted into law (Section 2331, Public Law 97-35) as an enforcement tool restricted to public assistance cases for the collection of past-due support. The program expanded in 1984 to include non-assistance cases.

The Federal Income Tax Refund Offset Program involves the interaction of all State IV-D agencies and three federal agencies: the Office of Child Support Enforcement (OCSE), the Department of Treasury's (DoT's) Bureau of the Fiscal Service (Fiscal Service) and the Internal Revenue Service (IRS).

A. DEFINITIONS

1. Past Due Support

Past due support qualifying for federal income tax offset is the amount of support determined under a court or administrative order for the **support and maintenance** of a child OR for the **support and maintenance** of a child and the parent with whom the child is living, which has not been paid.

2. Qualified Child

A qualified child is a minor OR who, while a minor, was determined disabled under Title II or XVI of the Social Security Act, AND for whom a support order is in effect. State law defines a minor.

B. PAST DUE SUPPORT QUALIFYING FOR FEDERAL INCOME TAX OFFSET

Past due support qualifies for federal income tax offset if there has been an assignment of support rights to the State OR the IV-D agency is providing child support services to a non-assistance client.

The following court ordered provisions are allowable for certification for federal income tax offset, if in the same order: Child Support, spousal support, cash medical support and cash medical expenses.

1. Public Assistance (PA) Cases

- a. the past due support amount must be at least \$150.
- b. submit TANF arrears even if child is no longer a minor.

2. Non-Assistance (NA) Cases

- a. past due support amount must be at least \$500.
- b. the support is owed to or on behalf of a qualified child.
- c. the support is owed to a qualified child and the parent with whom the child resides, if the same support order includes support for the child and the parent.
- d. submit if the child is emancipated even if the arrears accrued while the child was still a minor. (Effective 10/1/07)

3. Required Documentation

The IV-D agency must have in its records:

- a. a copy of the support order and any modifications;
- b. a copy of the payment record, or an affidavit signed by the custodian attesting to the amount of support owed; and
- c. in non-assistance cases, the custodian's current address.

C. NOTICE REQUIREMENTS

1. OCSE Notification

The State IV-D agency shall submit to OCSE notification of liability for past-due support and submit notification when deleting the liability for past-due support.

The notification of liability for past-due support shall contain the noncustodial parent's (NCP) name, Social Security Number, amount owed (increases and decreases), State Codes, and case type (PA or NA).

2. Out-of-State Jurisdiction (OJUR) Notification

The State submitting past-due support for federal income tax offset must notify all States involved in enforcing the support order when the State receives a federal income tax offset collection from the DoT.

3. NCP Notification

The State IV-D agency, or via OCSE, shall send a written advance notice, (OCSE Pre-Offset Notice (PON), exhibit 600-5) to inform the NCP the amount of the past-due support will be referred for collection by federal income tax offset until the past-due amount is paid in full. The PON is sent the first time a NCP is submitted for federal income tax offset and when resubmitted after being deleted.

The Department of Treasury, Fiscal Service will notify the NCP at the time of the tax offset by sending the Fiscal Service Offset Notice, exhibit 600-2.

D. FEDERAL INCOME TAX OFFSET ADMINISTRATIVE REVIEWS

The advanced written notice (PON, exhibit 600-5) to the NCP advises of the right to contest the past-due support owed or the amount of past-due support by requesting an administrative review within 30 days from the date of the PON. The review may be conducted in Nevada (the submitting state), or in the state where the support order was issued.

1. Request for Review

Upon receipt of a request for an administrative review either in writing or verbally, the case manager must review the file to determine if the case was submitted for federal income tax offset in error, the past-due amount submitted or intercepted is accurate, and the NCP is accurately identified.

2. Federal Income Tax Offset Error

If the case was submitted for federal income tax offset in error or if there has been a mistake in identifying the NCP as the obligor, the case manager must take appropriate steps to delete the federal income tax offset or promptly refund the federal income tax refund collection tax funds.

If the federal income tax offset amount is not accurate, the case manager must take appropriate steps to update the case to reflect the accurate past-due support amount for a modification submittal to OCSE or promptly refund the excess federal income tax offset collection to the NCP.

In the event the federal income tax offset collection had been distributed to the CST in error, the enforcing authority must obtain a repayment agreement with the CST and the enforcing authority is responsible for collecting on the repayment agreement. SEM 218.1(C).

3. Office or Telephone Conference

The case manager and, if appropriate, the supervisor must conduct an informal conference with the NCP to resolve any federal income tax offset issues. In the event the NCP is not satisfied, the supervisor sends the following documents to the Administrative Review Officer in Central Office:

- a. a memorandum providing a case summary of the tax offset factors, the purpose of the NCP's review request, and the conference issues and outcomes;
- b. all documentation relevant to the tax offset, including the support order;
- c. copy of the NCP's PON;
- d. copy of the NCP's request for review or the documented verbal request for review.

4. Administrative Review Decision

The Administrative Review Officer will notify the NCP, CST, the responsible office, and if applicable, the OJUR of the decision.

If, as a result of the decision, the amount of the federal income tax offset exceeds the amount of past-due support owed, the case manager must take appropriate steps to update the case to reflect the accurate past-due support amount for a modification/deletion submittal to OCSE or promptly refund the excess federal income tax offset collection to the NCP.

In the event Nevada conducts the administrative review, the submitting state is bound by Nevada's decision and must take steps to update the OJUR case to reflect the accurate past-due support amount for a modification/deletion submittal to OCSE or promptly refund the excess federal income tax offset collection to the NCP.

E. FEDERAL OFFSET PROGRAM PROCESSING

1. Bi-Weekly Case Submission and Update File

On the first and fifteenth day of the month, the statewide automated system performs the federal offset update job run. These updates (additions, modifications, and deletions) are transmitted to OCSE by CyberFusion Integration (CFI). OCSE sends all states' update information to Fiscal Service who processes the updates.

2. Federal Offset Collection Schedule

The federal offset collection schedule is located as exhibit 600-1. To estimate when the federal income tax offset collection will be applied to the case for distribution according to federal/state law and regulation:

- a. obtain the date of the offset from the NCP's Fiscal Service Offset Notice, Exhibit 600-2;
- b. find that date in column one, titled Fiscal Service OFFSET DATE RANGES;
- c. go to column four, titled TRANSFER OF FUNDS TO STATE; this is the date the funds are electronically transferred to the State's bank account;
- d. collection unit staff notify system staff to run the federal offset job;
- e. the federal income tax offset collection information is applied to the case approximately the next Tuesday or Wednesday following the date funds are deposited;
- f. federal income tax offset collections are retained for the State debt; credited to the NCP arrears and sent to the CST; or refunded (in whole or in part) to the NCP;
- g. case tracking contains offset information to include amounts, names and addresses.

3. Joint Federal Income Tax Returns

- a. The PON also advises the NCP's current spouse of the steps to take to secure a proper share of the couple's refund (IRS Form 8379–Injured Spouse Claim and Allocation).
- b. Never advise the NCP or current spouse to file an injured spouse claim with the IRS, as staff are not tax consultants. Advise you may not give tax advice and refer them to a tax consultant/preparer.
- c. Fiscal Service will notify the NCP and the NCP's current spouse at the time of the tax offset by sending the Fiscal Service Offset Notice, Exhibit 600-2. If the couple has filed an injured spouse allocation with the IRS, they will receive a special version of the Fiscal Service Offset Notice, Exhibit 600-3.
- d. Pursuant to 45 CFR 303.72, joint federal income tax offset collections received by the State Child Support Enforcement Program will be distributed six months from the date of receipt or until notified by IRS an adjustment is made to pay the injured spouse allocation filed by the NCP's current spouse.
- e. The joint federal income tax offset collection allocates to the case the date of receipt and disburses at the end of the six-month hold period or when the IRS adjustment occurs, whichever is earliest. Nevada will hold all joint federal income tax refunds for six months.

Prior to giving testimony in court to have a joint return released early, the CSEP Chief or designee must review and approve the request.

4. IRS Adjustments and Overpayments

An adjustment is IRS recouping funds IRS paid the tax payer from the funds previously sent to the State as a federal income tax offset collection.

An overpayment exists when the adjustment occurs after the federal income tax offset collection has been disbursed to the CST or refunded to the NCP. The enforcing authority must obtain a repayment agreement with the CST or NCP and the enforcing authority is responsible for collecting on the repayment agreement. See SEM section 218.1 C.

5. Notify any other state involved in enforcing the support order when the offset amount is received from the U.S. Department of Treasury. All states, with the exception of South Carolina, will be notified by a system generated CSENET transaction.

604.1 SAFEGUARDING FEDERAL TAX INFORMATION

Enforcing authorities must ensure that all individuals, including employees, contractors, interns, temporary staff, and volunteers, comply with confidentiality and background investigation requirements mandated in the Internal Revenue Code and Internal Revenue Service Publication 1075. Any individual with access to federal tax information or Division of Welfare and Supportive Services computer systems must satisfy background investigation requirements, specified in IRS Publication 1075, prior to accessing any computer systems.

Every three years the IRS, Office of Safeguards conducts an on-site review to evaluate the physical and logical controls established by the Child Support Enforcement Program to protect Federal tax returns and return information (FTI) received under the authority of Internal Revenue Code §6103 (I)(6).

In addition to the on-site review, CSEP completes an annual Safeguard Security Report (SSR) certifying the confidentiality of Federal Tax Information (FTI) is being adequately protected. Attachments to the SSR include copies of the following documents the Quality Control Specialist collects during your annual review:

- DISTRICT ATTORNEY’S OFFICE CHILD SUPPORT DIVISION, Internal Revenue Service Safeguard Plan and Procedures (Reviewed and signed by the office manager/IRS coordinator)
- INTERNAL IRS FTI SAFEGUARD INSPECTION REPORT, (completed and signed by the office manager/IRS coordinator and QC Specialist)
- EMPLOYEE/CONTRACTOR AWARENESS-IRS TRAINING CERTIFICATION, FORM 6115-AT (Reviewed and signed by any individual with access to federal tax information or DWSS computer systems, including employees, contractors, interns, temporary staff, and volunteers.)

A. CONFIDENTIALITY

To assure the confidentiality of federal tax return information is properly safeguarded and protected from unauthorized disclosure and access IV-D staff should be aware:

- Case records including payments, displaying FTI cannot be printed, faxed or e-mailed.

- Disclosure of the date and amount of a federal income tax refund offset, including the source of the payment, may be made to the CST after the payment is received by the agency. The CST may be told about payments received but held (Joint Return); however, the reason for the hold (Joint Return) may not be disclosed. The CST may be told the disbursement of the offset is being delayed because it may be subject to adjustment.

B. INCIDENT RESPONSE AND REPORTING

Within twenty-four (24) hours of discovering a possible improper inspection or disclosure of FTI, including breeches and security incidents, by a Federal employee, a State employee, or any other person, the individual making the observation or receiving information should contact their IRS Coordinator/Office Manager who will contact the CSEP's IRS Safeguard Coordinator in Central Office. CSEP's IRS Safeguard Coordinator will assist in contacting the appropriate Special Agent-In-Charge, Treasury Inspector General for Tax Administration (TIGTA), which is listed below.

Field Division: Denver
Telephone Number: (303) 446-1880

Mailing Address:
Treasury Inspector General for Tax Administration
Ben Franklin Station
PO Box 589
Washington, DC 20044-0589

Hotline Number: 1-800-366-4484

Website: www.treas.gov/tigta

In addition to contacting TIGTA within twenty-four (24) hours of the reported discovery, the CSEP's IRS Safeguard Coordinator will assist the DWSS Information Security Officer in contacting the IRS Office of Safeguards to report an event of an improper inspection or disclosure of FTI.

C. TAX INFORMATION SECURITY GUIDELINES

Additional safeguarding information can be found in the Tax Information Security Guidelines for Federal, State, and Local Agencies – Publication 1075. You can access Publication 1075 at www.irs.gov.

605 CONSUMER CREDIT REPORTING (NRS 125B.170)

The Child Support Enforcement Amendments of 1984 require each state to establish procedures for making information available to Consumer Reporting Agencies (CRAs) upon request, regarding the amount of past due child support owed by NCP's residing in the state. CRAs are private companies which collect, classify and distribute information to merchants, lending institutions, collection agencies, or public agencies, who are involved in granting credit or collecting on an account.

NRS Chapter 125B.170 permits the Nevada Child Support Enforcement Program to release information concerning a NCP's obligation or failure to pay support to CRAs.

The exchange of information with CRAs extends Nevada's impact on NCP's who are delinquent in child support payments to nationwide proportions. The transfer of child support information is important to CRAs as support payments affect NCP's (consumers) ability to pay other debts incurred. One of the purposes for the release of information with CRAs, is to ensure the NCP's does not accumulate other debts which may interfere with the ability to pay the current child support obligation. Providing CRAs with current information on NCP's child support debt enables the CRA to provide better service to credit granting clients.

STATE REGULATION ADOPTED FEBRUARY 23, 2005

A. PROCEDURES FOR INFORMATION REQUESTED IN WRITING

1. All requests from an eligible consumer reporting agency for information on arrearages owed a custodial parent must contain the following:
 - a. Name, address, and telephone number of the requesting credit agency.
 - b. A statement certifying the consumer reporting agency meets the definitions as defined in federal and state statutes.
 - c. Name, date of birth, Social Security Number, and any other identifying information on the noncustodial parent of inquiry.
2. All requests must be reviewed to determine if:
 - a. The requesting agency is eligible to receive the information requested.
 - b. The noncustodial parent is a resident of the state. Nevada IV-D can only release information on noncustodial parents who live in Nevada.
 - c. The noncustodial parent is identified as the same person in our files.
 - 1) Compare identifying information and release no information unless the name, **and either the** date of birth, or Social Security Number match;
OR
 - 2) The noncustodial parent verifies he/she is the party of the consumer inquiry.

3. **The Consumer Reporting Notice (GN0079)** must be sent to the noncustodial parent named in the inquiry which specifies:
 - a. The name of the credit agency making an inquiry on the past due child support balances.
 - b. The name and identifying information of the noncustodial parent named in the inquiry.
 - c. The balances shown due as child support arrears within the enforcing agency's accounting records.
 - d. A statement of the noncustodial parent's rights to contest he/she is the party named in the inquiry or the arrearage amount(s) is inaccurate, and a description of the procedures for contesting the release of the requested information.
4. The noncustodial parent must be given twenty (20) days to contest the identification of his/her person, the amount of arrears, or the release of the information. **If the NCP does not respond, send the Response To Your Inquiry On Child Support Arrearages (GN0080).**

B. AUTOMATED CONSUMER REPORTING

1. Cases which meet the following criteria will be reported to CRAs:
 - a. The noncustodial parent has a Nevada judgment of **\$1,000** or more and, the **custodial** parent resides in Nevada (or the last known address was in Nevada).
2. The noncustodial parent is notified of **the following by sending The Notice Of Intent To Disclose Child Support Delinquency To Consumer Reporting Agencies (GN0066).**
 - a. The intent to submit name to CRA.
 - b. The amount of the current support obligation and overdue support to be reported.
 - c. The noncustodial parent has twenty (20) days to request a
conference
or bring the past due amount current

C. ISSUES NCP CAN CONTEST

The only issues which may be contested are:

1. Identifying information;
2. Existence of past due support; or,
3. Existence of a court order for support.

D. CONFERENCE

If a conference is requested, the case manager will attempt to resolve the issues. If the issues cannot be resolved, a hearing will be scheduled before a Master/Judge. The findings of the court will either affirm or rescind the action to report the information to the CRA.

If the noncustodial parent is, objecting to the release of the information to a CRA for a reason not listed above, the office manager or his/her designee will determine if the information is to be reported.

E. INFORMATION REPORTED TO THE CRA

The following information will be reported to the CRA:

1. Noncustodial parent's name;
2. Noncustodial parent's date of birth;
3. Address of the noncustodial parent;
4. Court order number;
5. Current monthly support obligations; and,
6. Past due child support.

The CRA will store the information provided on the credit trade line, including the highest past due amount reported.

F. CONTINUOUS AUTOMATED REPORTING

Once a noncustodial parent is reported to a CRA, a continuous automated reporting will occur until the child support case is closed.

606 ATTACHMENTS, GARNISHMENTS, AND LIENS ON PROPERTY FOR THE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS

Nevada has the authority to execute/attach absent parent's assets for the payment of child support obligations. The following areas fall into these criteria:

A. ATTACHMENTS/GARNISHMENTS

NRS 31.010-31.220 provide the authority for Attachments: The act or process of seizing property (real or personal) in the absent parent's possession for debts owed.

NRS 31.140-31.460 provide the authority for Garnishments: The process of securing money, property, or debts owed to the absent parent that is in the hands of a third party.

1. Wages/Salaries

a. NRS 31.295 establishes the following percentages for establishing how much of the absent parent's wages and salaries will be garnished:

1) Absent parent supports another spouse or children.

50% if no delinquency exists

55% if delinquency of three (3) or more months exist

2) Absent parent not supporting another spouse or children.

60% if no delinquency exists

65% if delinquency of three (3) or more months exist

b. For garnishing income of military personnel, under the Federal garnishment statute, both alimony and child support are defined to include the recovery of attorney's fees and court costs if recoverable under the law of the local jurisdiction and expressly provided for in the writ of garnishment.

c. Section 459 of the Social Security Act provides for the garnishment of certain Federal payments to satisfy child support obligations. See Exhibit 600-11 for the *Garnishment of Federal Payments for Child Support Obligations* chart.

2. Personal Property

When attaching property; e.g., vehicles, boats, bank accounts, etc., 100% may be seized. A personal property attachment/lien must be filed whenever enforcement of support cannot be obtained through other means on a regular basis and the following criteria are met:

a. An arrears amount of at least \$5000 exists for the attachment/ lien on personal property other than bank accounts.

- b. An arrears amount of at least \$200 exists for the attachment/ lien on bank accounts.
- c. The equity value of the property warrants execution and/or satisfies the arrearage debt.

B. STATUTE OF LIMITATIONS

Per NRS 21.010 once a judgment has been entered, the creditor may obtain issuance of a Writ of Execution for its enforcement at anytime.

C. LIENS ON REAL PROPERTY

NRS 17.150 provide the authority to initiate liens on real property. A real property lien must be filed whenever a judgment is rendered in a child support enforcement case.

Liens on real property must be satisfied before the property is sold, mortgaged, or transferred.

Liens for arrearages in the payment of child support shall be in effect until the:

- judgment is satisfied; or
- enforcement of the judgment is stayed on appeal; or
- the lien is otherwise discharged.

There is no dollar limit for judgments or liens on real property.

606.1 AVAILABLE SOURCES FOR LOCATION OF ASSETS

Following is a breakdown of the various assets available to the Child Support Enforcement program and locations to obtain the information.

LOCATION	ASSET TYPE
Financial Institutions	Bank accounts, safe deposit boxes, loans, money market mutual fund accounts, etc.
Dept. of Motor Vehicles	Motor vehicles, motorcycles, motor homes.
Assessor's Office	Real estate, mobile homes, travel trailers, airplanes.
State of Nevada Department of Wildlife	Boats.
Credit Bureau Reports	Information on bank accounts, credit unions, loans.
Business License Bureau	Information on equipment, personal property of NCP.

A. INFORMATION FROM FINANCIAL INSTITUTIONS

The IV-D program is authorized to request information from financial institutions. The information received quarterly from these institutions can be used to locate the NCP; establish, modify and enforce a court order; and identify assets to be attached.

The term "financial institution" means a depository institution as defined by the Federal Deposit Insurance Act. This includes, but is not limited to, banks, savings and loans, federal and state credit unions, insurance companies, safe deposit companies, money-market mutual funds or a similar entity authorized to do business in the state.

The term "financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution. Financial records may include but not limited to, the name, record address, social security number or other identifying number, and asset information.

B. NON-LIABILITY OF FINANCIAL INSTITUTIONS

Financial institutions are not liable to any person for disclosing any financial record(s) of an individual to a state child support enforcement agency attempting to establish, modify, or enforce a child support obligation of such individual.

C. SOURCES OF FINANCIAL INSTITUTION INFORMATION

Listed below are the various sources where information may be obtained on possible financial assets of NCP's.

1. FPLS, SPLS
2. Credit Reports
3. Financial Statement-Review and Adjustment, 4350-EC, (from NCP).

606.2 ENFORCING AUTHORITIES RESPONSIBLE FOR INITIATING PERSONAL PROPERTY GARNISHMENTS, ATTACHMENTS/LIENS

The enforcing authority is responsible for processing the necessary legal actions for the execution of liens.

607 CLAIMS AGAINST ESTATES (NRS Chapters 132 through 156, and NRS 125B.130)

The CSEP may file claims against the estate of an NCP for the recovery of a child support debt.

Nevada Revised Statutes require estates involving real property valued above \$25,000 be handled through the probate process.

All claims are filed with the county clerk where the deceased person resided.

The case manager may file a claim against the estate for any debt of the NCP.

607.1 GUIDELINES AND LIMITATIONS INVOLVING CLAIMS

A. TYPES OF ESTATES AND LIMITATIONS

Procedures may vary depending on the value of the estate and family circumstances. Some examples are listed below:

1. Estates valued at less than \$10,000, containing no real property, are exempt from the probate process and not available to the CSEP for filing a claim.
2. Estates containing real property, except those listed under 3 & 4 below, must go through the probate process and are available to the CSEP for filing a claim.
3. Estates containing property owned by more than one person, and recorded with rights of survivorship are not available to the CSEP. The estate is conveyed to the surviving person(s).
4. Estates involving a surviving spouse and/or child(ren) may not require the probate process. The surviving spouse and/or child(ren) can petition the court to abate the probate process and award the estate to the family. The court is usually sympathetic to the family's petition.

However, the case manager should file a claim against this type of estate. The county clerk will notify CSEP (claimant) if the estate has already been awarded to the family.

B. GUIDELINES FOR INITIATING CLAIMS AGAINST ESTATES

Survivors have 60-90 days from the date of death to file a Petition for Probate with the county clerk of the deceased person's residence. When the petition for probate is filed after the ninety (90) day period, an administrator or executor is appointed by the court. This may be the Public Administrator, a family member, attorney, etc.

The administrator or executor issues a notice of publication for all claims against the estate. Claimants have 60-90 days from the date of publication to file claims with the county clerk. A general claims form is used for each county.

In addition, special notices and/or hearings to sell certain properties may be required of the administrator/executor.

607.2 ENFORCING AUTHORITIES RESPONSIBILITIES

The case manager is responsible for the filing of estate claims.

A. REVIEW PROCESS FOR APPROPRIATE CLAIMS (NRS 146.70 and 146.80)

The following areas are reviewed to determine if a Nevada claim is appropriate:

1. Date of death. If the death is learned or reported late, the case manager must determine if ninety (90) days has elapsed since publication of the administrator's/executor's notice to file claims. If more than ninety (90) days has elapsed, a claim cannot be filed.
2. Review names of survivors, spouse and/or child(ren) to determine if claims are appropriate.
3. Property location (how the property is recorded, i.e., joint tenant, tenants in common or in trust) city, and state.
4. Value of estate. If less than \$20,000 total value (real plus personal property), the estate may not be probated.
5. Paternity. DNA testing may be required before a claim is settled; however, a claim must still be filed within 90 days.

607.3 OUT-OF-STATE CLAIMS

Each state has laws regarding probate process. The case manager must contact the other state's central registry to obtain the probate requirements. An interstate enforcement request is used to determine if a claim is appropriate (while implementing any new requirements of the state in question).

608 BANKRUPTCY

A noncustodial parent is obligated to pay child support even if filing bankruptcy with the United States Bankruptcy Court. Debts due for delinquent child support are not dischargeable in bankruptcy actions.

The Bankruptcy Abuse Prevention and Consumer Act of 2005, effective October 17, 2005, made several changes to the bankruptcy code related to child support. Some of the most significant changes relating to child support including removing restrictions regarding income withholding and federal tax offset. Most child support enforcement remedies now apply in bankruptcy cases.

Although child support is a non-dischargeable debt under any type of bankruptcy proceeding, notice of the bankruptcy must be provided to the enforcing authority's attorney by the case manager the day it is received for instructions on how to proceed.

609 ENFORCEMENT AGAINST RECIPIENTS OF VETERANS OR SOCIAL SECURITY BENEFITS

Section 459 of the Social Security Act provides for the garnishment of certain Federal payments to satisfy child support obligations. See Exhibit 600-11 for the *Garnishment of Federal Payments for Child Support Obligations* chart.

A. VETERANS ADMINISTRATION (VA) BENEFITS

1. Determining When Benefits May be Garnished

Veteran's retirement benefits may be garnished for apportionment.

Veteran's disability benefits paid to a veteran who waived all rights to military retirement pay may not be garnished or apportioned.

When a veteran receives both military retirement pay and veteran's disability compensation, part of the retirement pay was waived to receive veteran's disability compensation. The amount the VA disability benefits equal to the waived retirement pay can be garnished for apportionment.

The Department of Veterans' Affairs issued regulations pursuant to 38 U.S.C. 5307 providing 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)(1)(ii) provide if the veteran's children are not residing with the veteran and the veteran is not reasonably satisfying his/her responsibility for the spouse's or children's support, all or any part of the veteran's pension, compensation or emergency officer's retirement pay may be apportioned.

Additionally, where a hardship is shown to exist, regulations authorize a special apportionment of a veteran'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 person's interest, i.e., other children, the new spouse or the veteran. Factors which determine the basis for special apportionment include:

- ◆ the amount of veteran benefits payable;
- ◆ other resources and income of the veteran and those dependents in whose behalf the apportionment is claimed;
- ◆ special needs of the veteran; and
- ◆ special needs of the dependents and those applying for apportionment.

Ordinarily, the VA considers an apportionment of more than 50 percent (50%) of the veteran's benefits would constitute undue hardship on the veteran, while an apportionment of less than 20 percent (20%) would not provide a reasonable amount for any apportionnee.

2. Establishing Garnishment

To arrange for garnishment, contact the VA Regional Office providing the NCP's benefits. VA provides a toll free number to assist in determining which regional office is appropriate (1-800-827-1000). 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 a service of process for garnishment to the regional office serving the veteran.

3. When Garnishment is Not Allowed

When a court order for child support exists, and the NCP is receiving disability benefits but not paying court ordered child support, consider initiating other enforcement actions.

B. RETIRED MILITARY

The certification date on a copy of the court order sent to Cleveland-Defense Finance and Accounting Services (DFAS) need not be current in relation to the date of receipt by DFAS.

Effective service of a court order on DFAS provides for payments from the disposable retirement pay of a member to satisfy the child support amount and past due child support (arrearages).

Payroll deductions begin thirty (30) days after DFAS receives notice of withholding or the first pay period beginning after such thirty-day period.

C. SOCIAL SECURITY BENEFITS

Social Security benefits received by the NCP must be investigated to determine if payment is under Title II or Title XVI of the Social Security Act.

1. Supplemental Security Income (SSI)

Title XVI benefits are Supplemental Security Income (SSI). Eligibility for SSI is not related to a work history. Eligibility is based on a person being aged, blind or disabled and having limited income and resources. Supplemental Security Income (SSI) benefits cannot be used to determine a child support obligation.

Pursuant to 5 CFR 581.104(j) Supplemental Security Income (SSI) payments are not subject to garnishment for child support purposes.

2. Retirement, Survivors, and Disability Insurance (RSDI)

Title II benefits are Retirement, Survivors, Disability Insurance benefits. Persons with work histories meeting Social Security Administration’s (SSA) requirements are entitled to Social Security or RSDI benefits when disabled or at 62 years of age. There are several types of RSDI benefits including retirement, disability, family and survivor’s benefits. RSDI retirement, disability and survivor benefits are considered the same as wages and are, therefore, used to determine a child support obligation and subject to income withholding for child support and spousal support obligations. 5 CFR 581.103 indicates RSDI is available for both current and arrearage payments (subject to limitations set by Consumer Credit Protection Act). SSA is the payor.

a. Prerequisites

- 1) A court or administrative order for child support or child support and spousal support ordering income withholding.

b. Procedure

- 1) The enforcing authority must send a certified copy of the income withholding order by first class mail to their local SSA offices as follows:

Reno & Northern Nevada: (888)-808-5481	SSA GARNISHMENTS 1170 HARVARD WAY RENO NV 89502
North Las Vegas: (866)-614-9667	SSA GARNISHMENTS 4340 SIMMONS STREET N LAS VEGAS, NV 89032
Las Vegas: (866)-704-4859	SSA GARNISHMENTS SUITE 150 1250 S. BUFFALO DRIVE. LAS VEGAS NV 89117
Henderson: (800)-772-1213	SSA GARNISHMENTS 10416 S. EASTERN AVENUE HENDERSON, NV 89052

DO NOT OPEN must be written on the front of the envelope to alert the mail room.

The above SSA garnishment specialists will:

- send a notice to the client regarding the deduction amount
- fax the deduction amount to their payment center
- send an acknowledgment back to case manager

NOTE: This procedure is initiated whenever the child support order contains a provision for immediate income withholding. If there is no provision for immediate income withholding, the case manager must proceed according to NRS 31A.

610 OBTAINING SUPPORT FROM MILITARY PERSONNEL

Cases involving military members present unique challenges. Refer to the OSCE website http://www.acf.hhs.gov/programs/cse/newhire/employer/publication/military_quick_guide.htm for detailed information on procedures and best practices regarding working with the military on child support matters.

Use administrative processes whenever possible. It is always important to contact the military member first. If the member fails to respond, it may be appropriate to go up the chain-of-command. First-line commanders are generally the best place to start. If they are non-responsive, contact the next commander higher in the chain-of-command.

A. SERVICE OF PROCESS

Military status in and of itself does not insulate a military member from service of process. There are several methods including regular or certified mail, voluntary acceptance of service, sheriff's service, and personal service by a civilian authority or process server. If the military personnel live in a neighboring community, one may serve them as one would a civilian. If they live on an installation, contact the installation's legal office for assistance. The best and first choice is to serve long arm if possible. If you experience problems with service of process on a military installation, call the installation's legal assistance office. Neither the installation commander nor the installation's attorneys can assist you in actually serving the NCP, but they can tell you what you need to do to effect service on their installation.

Use the contacts below for additional information regarding service of process procedures for the appropriate military branch.

AIR FORCE

AFLSA/JACA
1420 AIR FORCE PENTAGON
WASHINGTON DC 20336-1420
(703) 697-0413

ARMY

OFFICE OF THE JUDGE ADVOCATE GENERAL
ATTN: DAJA-LA
2200 ARMY PENTAGON
WASHINGTON DC 20310
(703) 588-6708

COAST GUARD

COMMANDING OFFICER (LGL)
U.S. COAST GUARD PERSONNEL SERVICE CENTER
FEDERAL BUILDING
444 SE QUINCY STREET
ROOM 4100E, CGHQ
TOPEKA KS 66683-3591
(785) 339-3592 or 3595 (for questions)
Fax (785) 339-3788 (for employment verification and pay requests)

MARINE CORPS

LEGAL ASSISTANCE
HEADQUARTERS, US MARINE CORPS (JAL)
2 NAVY ANNEX
WASHINGTON DC 20380-1775
(703) 614-3880

NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL (code 16), SUITE 3000
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE
SUITE 3000
WASHINGTON DC 20374-5066
(202) 685-4637

B. DETERMINING INCOME FOR MILITARY PERSONNEL

As with any other obligor a military member's child support obligation is calculated based on the individual's gross income pursuant to NRS 125B.070. In the military, a member's basic pay is frequently neither a full nor a complete picture of that person's income. Military pay is comprised of basic pay, available allowances such as Basic Allowance for Housing (BAH), Basic Allowance for Subsistence (BAS), special skill pay (e.g., flight pay), and bonuses (e.g., reenlistment). The establishment of an appropriate support obligation relies upon a full disclosure of a military member's gross income. To determine a military member's gross income case managers should review both the individual's income tax return and Leave and Earnings Statement (LES). Gross income is defined by statute as the total income received from any source by an obligor. For the military member this includes base pay plus allowances, special skill pay and bonuses.

A detailed explanation of the LES and military income is available in the OCSE online publication [Working with the Military on Child Support Matters](#).

C. STATE INCOME WITHHOLDING ORDERS UNDER NRS 31A

Income withholding applies to all federal employees, including the military. It is the primary enforcement tool for military personnel. However, BAH and BAS cannot be attached via an income withholding notice. Therefore, it may be appropriate to use both an income withholding notice and a federal statutory allotment when the obligor is a military member. See SEM 610(D). Income withholding may take 60 days to process. When a service member rolls to retired status, a new income withholding must be sent.

1. Procedure

- a. Follow procedures for income withholding under SEM 602.
- b. Send all income withholdings and terminations (except Coast Guard) for Department of Defense (DOD) personnel (military and civilian) by regular mail or Fax to the Defense Finance and Accounting Service (DFAS):

Mailing Address:

DFAS CLEVELAND CENTER
DFAS-HGA/CL
PO BOX 998002
CLEVELAND OH 44199-8002

Customer Service Number
(888) 332-7411
Fax Number: (216) 522-6960

DFAS Website:
<http://www.dfas.mil/garnishment.html>

- c. The Coast Guard is now part of the Department of Homeland Security. Income withholding orders for Coast Guard personnel should be sent to:

COMMANDING OFFICER (LGL)
U.S. COAST GUARD PAY AND PERSONNEL CENTER
FEDERAL BUILDING
444 SE QUINCY STREET
TOPEKA KS 66683-3691
(785) 339-3596 (For questions)
Fax (785) 339-3784

FEDERAL STATUTORY ALLOTMENT (FSA)

The Federal statutory allotment is a separate and distinct enforcement remedy, specifically directed toward the military, which is available under the Social Security Act (42 USC 665). A IV-D agency may use a statutory allotment to enforce both child and spousal support obligations owed by a military member on active duty. The military member must be at least pay grade E-7 and in arrears totaling at least two months' amount of support.

The amount of the allotment is the amount necessary to comply with the support order. Arrearages can be recovered through the statutory allotment process only if a court order exists establishing the arrearage and specifying a monthly amount for the arrearage.

More money is available through a statutory allotment than income withholding because a statutory allotment allows the attachment of both BAH and BAS benefits which are not attachable by an income withholding notice/order. In some cases, it may be appropriate to use both income withholding and statutory allotment remedies at the same time. An example would be when a military member has both wages and other sources of income.

1. Requirements
 - a. A state order requiring the member to pay child support, or child support plus spousal support or alimony.
 - b. An arrearage equal to two months support. (This differs from the IV-D delinquency criteria of arrearage in an amount equal to one months child support.)
2. Procedure
 - a. An "authorized person" (any agent or attorney of a state having an approved IV-D plan who has authority to seek recovery of child or child and spousal support) submits a letter to DFAS-Cleveland (listed above) requesting a statutory allotment. The letter must include:
 - 1) Military member's full name, Social Security Number, and branch of military service;
 - 2) Request the initiation of an involuntary allotment pursuant to 42 USC 665 and 32 CFR 54.
 - 3) State the member is an obligor for child support or child support plus spousal support obligation, pursuant to a court or administrative order;
 - 4) State the amount of monthly support obligation;
 - 5) State a support arrearage equal to or in excess of the amount payable for two months has accrued;
 - 6) Provide the name and address of SCaDU and explain what information must accompany the payment;
 - 7) State when the involuntary allotment should terminate (e.g., due to the child's emancipation by age);
 - 8) A statement certifying the official sending the letter is an "authorized person" pursuant to 42 USC 665 and 32 CFR 54.3; and
 - 9) As applicable, state the delinquent support payments are more than twelve (12) weeks in arrears. (This will provide justification for the withholding of higher federal percentages.)
 - b. The request must be accompanied by a certified copy of the underlying support order. The support order is not required to contain enforcement by voluntary allotment or income withholding provisions.

- c. No advance notice or opportunity to contest the statutory allotment is required by federal regulations. The statutory allotment will begin automatically unless the member provides the finance center with evidence the underlying support obligation is modified, superseded, or terminated or the statement of arrearages is inaccurate.

NOTE: If a court order for arrearages is needed, do not wait to obtain such an order before requesting an statutory allotment. Send the request for current support, and at the time a court order for arrearage is received, send the additional request.

For additional information, regarding statutory allotments see the OCSE on-line publication Working with the Military on Child Support Matters, http://www.acf.hhs.gov/programs/cse/pubs/training/working_with_military.

E. ADDITIONAL SOURCES OF ASSISTANCE

When the case manager has exhausted all possible remedies, contact the OCSE military liaison officer for assistance.

JAMES MURRAY
COURT AND MILITARY LIAISON OFFICER
OFFICE OF CHILD SUPPORT ENFORCEMENT
370 L'ENFANT PROMENADE, SW
WASHINGTON DC 20447
(202) 205-0439
Email: james.murray@acf.hhs.gov

F. SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act (SCRA) permits temporary stays of civil judicial and/or administrative proceedings whenever military service prevents a plaintiff or defendant in military service from asserting or protecting a right. Courts must grant a service member's request for a stay of proceedings under SCRA if the service member is unavailable for the proceeding and the member's military duty requirements materially affect the service member's ability to appear.

Department of Defense regulations provide a service member must be granted leave to attend paternity establishment or child support obligation hearings unless the member is deployed in a contingency operation or exigencies of military service require denial of such a request.

The SCRA is a necessary protective device for military service members during a time of conflict or training. It is not a shelter from facing legal and family responsibilities. Whenever a service member requests a stay, inquire about the reasons for the delay. If the service member is requesting a stay because the member does not have sufficient accrued leave or the resources to travel, then it may be possible to conduct a telephone hearing instead.

G. RETIRED MILITARY PERSONNEL

When a military member with a child support income withholding order retires, the order does not automatically attach to the retirement pay of that member. A new income withholding order must be sent to the following address within two (2) business days of determining the NCP has retired from the military.

DFAS-CLEVELAND CENTERE
DFAS-HGA/CL
PO BOX 998002
CLEVELAND OH 44199-8002

611 ENFORCING MEDICAL SUPPORT (NRS 125B.085)
(Also see SEM 206)

45 CFR 303.31 requires the IV-D Program to secure and enforce medical support obligations for all individuals receiving IV-D services.

Every child support order issued or modified in Nevada after June 2, 2007 must include a provision specifying that one or both parents are required to provide medical support for the child(ren). Medical support includes health insurance, the payment of any premium, co-payment or deductible and the payment of medical expenses.

The enforcing authority must petition the court to include private health insurance that is accessible to the child(ren) and available at reasonable cost to the parent responsible for providing medical support, in every child support order issued or modified after June 2, 2007.

If private health insurance is not available at the time the order is entered or modified, the enforcing authority must petition the court to require the NCP to pay a cash medical support payment to help offset the CST's costs of medical support, until such time as private health insurance becomes available at reasonable cost and accessible to the child(ren).

611.1 NATIONAL MEDICAL SUPPORT NOTICE (NMSN) (45 CFR 303.32)

State Regulation Adopted August 28, 2003

Pursuant to NRS 31A.350, when an obligor is ordered to obtain health insurance and fails to enroll the child and provide written proof to the enforcing authority, the enforcing authority must mail to the obligor's employer or labor organization a notice requiring the employer or organization to enroll the obligor's child(ren) in the health insurance plan available to the obligor. The notice sent by the enforcing authority must be the National Medical Support Notice (OMB-0970-0222) and must be mailed first class.

If a court order has been entered into the state's automated system indicating the NCP is court ordered to provide dependent health insurance coverage, the system will generate a NMSN, GN0155, to the NCP's **income payer** any time employment information is entered into the system indicating health insurance may be available through the NCP's **income payer**. The NMSN must be sent within two business days of the NCP being registered with the state's directory of new hires. The NMSN is an ERISA (The Employee Retirement Income Security Act of 1974) form and will be used for all **income payers** both in state and out of state.

A. **INCOME PAYER RESPONSIBILITY**

Within twenty business days the **income payer** must respond to the issuing agency indicating why the NCP cannot provide dependent health insurance through the employer or forward Part B of the notice to the employer's health plan administrator. If the child(ren) is enrolled, the **income payer** will make the appropriate deductions to the obligor's wages.

1. **Income Withholding Limitations**

The total amount withheld may not exceed the maximum amount permitted under the Consumer Credit Protection Act. See SEM 602.2(C).

2. **Income Withholding Hierarchy**

STATE REGULATION EFFECTIVE OCTOBER 1, 2007

When there are insufficient funds available to meet the employee's contribution necessary for health coverage for the child(ren) and also to comply with any income withholding orders received by the employer, up to the limits of the Consumer Credit Protection Act, 15 U.S.C. 1673(b), the employer shall allocate the funds available in accordance with the following priority, unless a court or administrative order directs otherwise:

1. Current child and spousal support;
2. Health insurance premiums or current cash medical support;
3. Arrearages; and
4. Other child support obligations.

3. The mandatory \$2 treasurer's fee is deducted from the amount paid to the obligor after all child support obligations are met.

4. The NMSN requires the **income payer** to notify the issuing agency when health insurance coverage terminates.

B. **HEALTH PLAN ADMINISTRATOR RESPONSIBILITY**

Within twenty business days the administrator must either respond to the issuing agency indicating why health care coverage has not been initiated or enroll the child(ren) in a health plan.

If the health plan administrator notifies the issuing agency that more than one health plan option is available, the case manager must refer the case to the legal staff to make a reasonable effort to assist the NCP and CST in reaching agreement regarding health insurance coverage. If no agreement can be reached, the enforcing authority shall calendar the case for a court hearing to determine the plan that best serves the interests of the child(ren). The case manager is to notify the plan administrator of the pending action.

The health plan administrator must complete the health plan attachment and return it to the issuing agency.

A health plan administrator shall not deny enrollment of a child pursuant to an order for health insurance coverage on the grounds the child:

1. Was born out of wedlock; or
2. Has not been claimed as a dependent on the parent's federal income tax return; or
3. Does not reside with the parent or within the insurer's geographic area of service.

An insurance company or health maintenance organization shall not restrict the coverage of a dependent child, adopted child or child placed for adoption, because of a preexisting condition if the child would otherwise be eligible for coverage.

A health plan administrator shall:

1. Provide the custodial parent with such information as necessary for the child to obtain any benefits under that coverage.
2. Allow Medicaid, the custodial parent or the medical provider with approval of the custodial parent, to submit medical claims for coverage without approval of the non-custodial parent.
3. Enroll the child without regard to any restrictions upon periods for enrollment applicable to the employee.

C. CASE MANAGER RESPONSIBILITY

The case manager must input all health insurance policy details into the system if health insurance is ordered.

If the income payer or the health plan administrator fails to respond to the NMSN as required by NRS 31A.350(3), the case manager must consult with the enforcing authority's legal staff within ten (10) working days from the date the response is due to determine the next appropriate action.

The case manager must promptly notify the **income payer** or labor organization within five (5) working days of determining there is no longer a current order for medical support in effect for which the enforcing authority is responsible. See SEM 600 Exhibit 600-10, the NMSN Recall Letter.

The case manager must follow up with the responding jurisdiction every 180 days on enforcement cases receiving current support payments to obtain medical support information when Nevada is the initiating state in an interstate case.

The case manager must submit medical support information to the initiating jurisdiction within ten (10) working days of receiving the information when Nevada is the responding state in an interstate case.

D. MILITARY FAMILIES

The Defense Enrollment Eligibility Reporting System (DEERS) maintains information on the military service person, known as the “sponsor”, and dependents entitled to TRICARE medical benefits. DEERS is the database used to confirm eligibility or military health care benefits. Dental and vision care are not automatically included in military health care benefits, but may be available to the military member at an additional cost. The enforcing authority must follow up directly with the sponsor if the medical support order requires dental or vision care.

A child must be determined to be a military dependent in order to be enrolled in DEERS. The documents needed to establish dependency include a court-ordered paternity determination (if the child’s parents were not married), or a notarized or witnessed Voluntary Paternity Acknowledgement **and** a birth certificate. The court order only has to establish paternity; it does not have to order child support or medical support.

Each branch of service may have slightly different procedures for enrolling dependents in DEERS. The easiest and fastest way to enroll eligible child(ren) is ask the sponsor. If the sponsor does not enroll the child(ren), instruct the CST to go to the nearest military identification card issuing facility (RAPIDS center) with the proper documentation to initiate the enrollment of the dependent. The CST must call to make an appointment prior to going to the center. Many military installations have Health Benefits Advisors to assist custodial parents with medical questions. Locations for the nearest ID card issuing facility, or RAPIDS center, may be found at <http://www.dmdc.osd.mil/rsl/owa/home> or by telephone at (800) 538-9552.

A quarterly electronic match between the Federal Case Registry (FCR) and the Defense Manpower Data Center (DMDC) enables child support workers to verify if the child is eligible for TRICARE and already enrolled in DEERS. DMDC matches the FCR participants against its records to determine whether a child is eligible for military medical benefits, already enrolled in DEERS, or enrollment has been terminate.

Case managers will receive a Locate Alert when a *DMDC* match is received. If a child is identified as enrolled in DEERS, and health insurance is ordered, case managers must enter the information into the system using the responsible parent's Unique Person Indicator (UPI) as the policy number unless another policy number is provided, and enter TRICARE as the health insurance provider. If the match indicates a child's eligibility has been terminated, the enforcing authority must follow up with both the NCP and CST to determine the next appropriate action for enforcing medical support.

A custodial parent (not a child support worker) may verify eligibility by calling DMDC Support Office help line at (800) 538-9522.

It is not appropriate to send a NMSN to DoD for active duty or retired military personnel as TRICARE is an entitlement for military personnel and their dependents. Because TRICARE is an entitlement and not health insurance, DMDC will not respond to a NMSN.

611.2 EXCHANGE OF INFORMATION BETWEEN MEDICAID FISCAL AGENT AND THE IV-D AGENCY

Information concerning health insurance coverage is exchanged between the IV-D agency and the fiscal agent by an electronic transfer. No further action beyond entering the health insurance information into the system is required.

612 CIVIL CONTEMPT (45 CFR 303.6(c)(4); NRS Chapter 22)

A civil contempt action may be an effective enforcement remedy if the intended outcome is remedial rather than punitive. Civil contempt may be warranted when an obligor who has the ability to pay as ordered neglects or refuses to do so. However, the efficacy of contempt as a way to develop continuing child support payments is questionable when an obligor lacks the ability to pay. Civil contempt should be used as a last resort and only if failure to pay is willful.

Federal regulations require IV-D agencies to comply with three mandatory elements when pursuing civil contempt:

1. Screen the case for the obligor's ability to pay;
2. Provide the court with information regarding the obligor's ability to pay; and
3. Notify the obligor that the obligor's ability to pay will be the focus of the contempt hearing.

If an enforcing authority determines it is appropriate to proceed with civil contempt, enforcing authorities must, pursuant to federal regulations, complete the following:

A. **Investigate Ability to Pay:**

Investigate each case to evaluate whether the facts support a finding that the obligor has the actual and present ability to comply with the support order and the requested purge amount or condition. The steps taken during the investigation and the basis for

determining to proceed with a contempt action must be documented in the case record.

As part of the required investigation, offices may opt to send an obligor a financial statement to elicit information regarding the obligor's ability to pay. An example of a financial statement is shown in Exhibit 600-01. Providing opportunities for obligors to self-disclose information may eliminate the need for a contempt hearing. Enforcing authorities should be continually looking for, and taking advantage of, opportunities to contact delinquent obligors to encourage payments and cooperation with CSEP to avoid contempt proceedings.

Enforcing authorities should be aware of the possibility that nonpayment may be due to the fact that an obligation is too high, rather than a parent's willful failure to pay. In such a situation, the enforcing authority should reevaluate the use of civil contempt and consider taking steps to "right size" the order.

B. Inform the Court

Provide the court with information regarding the obligor's current ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the obligor's ability to pay the support obligation and any purge amount or purge conditions (e.g., participate in work search activities). The court should also be informed if the investigation regarding the obligor's ability to pay failed to reveal information suggesting barriers to payment.

C. Notice

Provide clear notice to the obligor that the focus, or primary purpose, of the contempt hearing will be to determine whether the obligor has the ability to pay the support obligation or otherwise comply with the order (e.g. provide health insurance if ordered). Notices for order to show cause/contempt hearings must plainly inform the obligor that the hearing will be held to determine the obligor's ability to pay the child support obligation or otherwise comply with the order.

1.Example of Required Notice Language:

"The focus of the hearing will be your ability to pay. If you are looking for work, bring verification of places where you have applied for work within the last 30 days. If you are unable to work due to physical or mental disability, bring a doctor's letter that describes your condition and its impact on your ability to work."

613 CRIMINAL ENFORCEMENT: ACTION BY THE ENFORCING AUTHORITY
(NRS 201.020)

Any parent who without lawful excuse deserts, willfully neglects, or refuses to provide for the support and maintenance of his/her legitimate or illegitimate minor child(ren) may be convicted of criminal nonsupport.

A. INDICATORS

The following represents the types of activities which may indicate criminal nonsupport in an IV-D case. Case files should be reviewed to determine if any of these indicators are present:

1. No voluntary payments;
2. Ability to work, (not injured/disabled);
3. Frequent moves;
4. Quits employment when wage assignment/income withholding is initiated;
5. Ignores contact letters or request for information;
6. False identity;
7. Multiple Social Security Numbers;
8. Self-employed showing no income.

B. PENALTIES

The penalties which can be imposed for criminal nonsupport are:

1. Misdemeanor: Non-support
2. Category C Felony: If arrears are \$10,000 or more and have accrued over any period since the date of the court order for child support, or a second or subsequent offense and arrears are \$5,000 or more. A court shall sentence a convicted person to imprisonment in the state prison for not less than one (1) year or more than five (5) years. In addition, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

C. INSTITUTION OF COMPLAINT (NRS 201.030)

Criminal nonsupport proceeding can be initiated by a complaint: Made under oath or affirmation by the spouse, children, or any other person (district attorney included), against any person guilty of the offenses listed in Section B above.

D. DISTRICT ATTORNEY'S RESPONSIBILITY

Criminal nonsupport proceeding must be initiated through the District Attorney's Office and charges may or may not be brought depending on evidence available and the NCP's support history.

Court activities regarding criminal nonsupport cases can be found in NRS 201.020 through 201.051.

E. INTERSTATE EXTRADITION

Any person criminally charged may be extradited between states upon demand and agreement of the governors of both states.

F. FEDERAL CRIMINAL NONSUPPORT BY UNITED STATES ATTORNEY'S OFFICE

1. The Deadbeat Parent's Punishment Act of 1998

The Deadbeat Parent's Punishment Act of June 1998 provides for federal prosecution of noncustodial parents who:

- a. flee across state lines to avoid payment of their child support obligations; or
- b. willfully fail to pay a support obligation for a child who resides in another state and if the obligation has remained unpaid for a period longer than one (1) year for the misdemeanor or in the case of a felony prosecution, 2 years or the amount of past-due child support owed is greater than \$5,000 for a misdemeanor, or in the case of a felony prosecution, is greater than \$10,000.

2. Project Save Our Children (PSOC)

The federal Office of Child Support Enforcement's Project Save Our Children (PSOC), was created to coordinate efforts in support of activities resulting from the federal criminal non-support laws. There are two distinct PSOC referrals that can be submitted: (1) PSOC Locate Services (See SEM 304E), and (2) Criminal Prosecution for Non-Support.

Federal criminal non-support referrals are submitted by enforcing authorities by completing the OCSE PSOC referral form (Exhibit 600-8) and PSOC Referral Cover Sheet (Exhibit 600-9). The completed forms are then sent to the State PSOC Coordinator in Central Office for review, and if appropriate, referral to OCSE's PSOC Coordinator for processing to OSCE's Office of the Inspector General (OIG). To be considered for federal prosecution states must certify that:

- a. the case is believed to meet statutory criteria for federal prosecution under 18 U.S.C. § 228, and
- b. The state has exhausted all available and reasonable alternative enforcement remedies.

In most instances, PSOC will follow up with Central Office although PSOC, the OIG or the U.S. Attorney may contact the enforcing authority as well.

614 REGISTRATION OF SUPPORT ORDERS (NRS 130.601-130.614 INCLUSIVE)

A support order or income withholding order issued in another state or a foreign country may be registered for enforcement. When registered, and order issued in another state or foreign country is enforceable in Nevada in the same manner, and subject to the same procedures, as the order issued by a Nevada court.

An enforcing authority, without initially seeking to register an order issued in another state or a foreign country, shall consider, and if appropriate, use any administrative enforcement remedy. If the obligor contests the validity of administrative enforcement of the order, the enforcing authority must register the order.

For the purposes of this section, “foreign country” means a country which has established reciprocity with either Nevada or the United States, or a country that is a signatory to The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

See SEM Chapter 200 for additional information regarding the Uniform Interstate Family Support Act and intergovernmental case processing, including foreign reciprocating countries and Hague Convention countries.

615 PENALTY AND INTEREST

The underlying penalty statute, NRS 125B.095, is repealed effective February 1, 2020. Penalties that accrued through January 31, 2020, are due and must be enforced pursuant to SEM 615(A). In accordance with NRS 125B.095 penalties must be assessed by operation of law. Therefore, penalties incurred through January 31, 2020, must be enforced whether reduced to judgement or not.

Effective through January 31, 2020

STATE REGULATION ADOPTED NOVEMBER 01, 2004

A. 10% PENALTY PROVISIONS

Per NRS 125B.095, if an installment of an obligation to pay support (including payment in lieu of medical insurance) for a child, subject of a Nevada controlling order, becomes delinquent in the amount owed for one month's support, a penalty of 10% will be added to the unpaid installment or portion thereof. The penalty is assessed monthly on the amount of current support due but not received by the agency during the month. The penalty will be assessed from the date the statewide computer system initially assesses the penalty forward. Any office may calculate penalty for a period prior to the date the statewide computer system assesses the penalty according to office procedures.

Pursuant to federal regulations, arrearage calculations will be determined and maintained separately as principal, interest and penalty. Penalties will not be reported to the federal office of child support enforcement as an arrearage or enforced by federal tax offset. Money collected as penalty will be paid to the custodian in compliance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) distribution rules and state regulation.

1. CALCULATION

NOMADS will calculate the penalty at month end. For instance, if the current child support obligation is \$100 and the total arrearages due exceeds \$100 per month, if the obligor did not make a payment during the month, the case will be assessed a \$10 penalty. If the same obligor then made payments totaling \$50 in the next month, the case will be assessed a \$5 penalty for the next month. This penalty will be assessed for all unpaid or partially paid installments. When there is no longer an arrearage balance equivalent to a full installment for one month, the penalty shall not be assessed. See chart below.

2. CONTROLLING ORDERS/JURISDICTION

The penalty will be assessed when the Nevada order is the controlling order. If the penalty is the only amount remaining unpaid, and a responding jurisdiction chooses not to enforce the penalty as calculated by the Nevada Child Support Enforcement Program, the case manager may elect to enforce without the assistance from the other state or review to determine if the case meets closure criteria.

3. DISTRIBUTION HIERARCHY

Penalty money will be distributed in accordance with federal and state distribution rules. See Child Support Manual Section 704.2. The entire penalty will be passed through to the custodian. No penalty money will be assigned to the state.

4. PENALTY EXCEPTION

A penalty must not be added to the amount of the installment pursuant to this

subsection if the court finds the employer of the responsible parent or the district attorney or other public agency in this State caused the payment to be delinquent.

B. INTEREST

1. NEVADA ORDERS

NRS 125B.140 requires the court to determine and include provisions for interest. Simple interest will be calculated pursuant to NRS 99.040 on all Nevada controlling orders. The enforcing authority will provide interest calculations to the court any time a case is taken into court.

STATE REGULATION ADOPTED JUNE 18, 2004

Effective July 1, 2004, simple interest will accrue on all adjudicated arrears balances (including payment in lieu of medical insurance) and spousal support balances, for cases with a Nevada controlling order pursuant to NRS 99.040. Interest assessed by a judgment of the court prior to July 1, 2004 will be enforced. Interest calculations for accruals on unadjudicated arrears will be maintained outside the statewide automated system and will not be enforced until adjudicated by the court. Interest will not be reported to the federal office of child support enforcement as an arrearage or enforced by federal tax offset. Money collected as interest will be distributed in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) distribution rules and state regulation.

2. OUT-OF-STATE ORDERS

Responding jurisdictions in interstate cases are required to collect accrued interest on behalf of initiating jurisdictions if interest is included in the child support order being enforced by a responding jurisdiction.

Neither the arrears nor the interest accruing on the arrears balance are required to be reduced to judgement. However, Section 602 of UIFSA (2008) does require that the initiating state provide the responding jurisdiction with a sworn or certified statement showing the amount of arrears including interest. Further, federal regulations require that the initiating state notify the responding agency at least annually, and upon request in an individual case, of interest charges owed on overdue support under an initiating state order being enforced by the responding state. See 45 CFR 303.7(c)(7). Also, UIFSA Section 604 provides that the law of the order issuing state governs the computation of arrearages and the accrual of interest on the arrearages.

Lastly, OCSE has held that responding agencies may not refuse to collect interest for an initiating state. However, if an initiating state fails to provide the required interest calculation, the responding agency is not required to collect interest but must continue to collect current support and arrearages.

3. CALCULATION

At month end, NOMADS will calculate and enforce interest on adjudicated arrears only. Interest on unadjudicated arrears will be calculated outside NOMADS and presented to the court at the time the case is presented for adjudication.

4. NEVADA CONTROLLING ORDERS ENFORCED IN OTHER JURISDICTIONS

If the interest is the only amount remaining unpaid, and responding jurisdiction chooses not to enforce the interest as calculated by the Nevada Child Support Enforcement Program, the case manager may elect to enforce without the assistance from the other state or review to determine if the cases meets closure criteria.

5. DISTRIBUTION HEIRARCHY

Interest will be distributed in accordance with federal and state distribution rules. See SEM 704.2. Interest assessed on balances assigned to the state are payable to the state, interest assessed on balances owed to the custodian are payable to the custodian. Interest on child support obligations is paid before interest on spousal support.

C. NOTICES

The following language must be included in all initial notices and/or Court Master's Findings and Recommendation when Nevada has or will be taking continuing exclusive jurisdiction (CEJ):

- φ Interest will accrue on all unpaid child support balances for cases with a Nevada controlling order pursuant to NRS 99.040.
- φ If you pay your child support through income withholding and your full obligation is not met by the amount withheld by your **income payer**, you are responsible to pay the difference between your court ordered obligation and the amount withheld by your **income payer** directly to the state disbursement unit. If you fail to do so, you will be subject to the assessment of penalties and interest.
- φ You may avoid these additional costs by making your current child support payments each month.

616 ADMINISTRATIVE LICENSE SUSPENSION (NRS 425.500 through 425.560)

Chapter 425 of the Nevada Revised Statute (NRS) mandates referring individuals owing overdue child support to the Nevada Department of Motor Vehicles (DMV) and the Nevada Department of Wildlife (NDOW) for suspension of their licenses. For the purposes of this section, "license" means any license or permit issued by the Department of Motor Vehicles to operate a motor vehicle, and any license or permit to hunt, fish or trap issued by the Department of Wildlife. In this section hunting, fishing and trapping licenses are collectively referred to as "sporting licenses".

The intent of license suspension is to gain a delinquent obligor's attention, establish communication and cultivate regular payments. As an administrative remedy, license suspension must be considered before enforcement actions requiring court proceedings. See Section 600. The office responsible for enforcing a case is also responsible for initiating and following through with license suspension.

616.1 ADMINISTRATIVE LICENSE SUSPENSION CRITERIA

A. CRITERIA

An obligor is subject to license suspension when the individual:

1. Fails to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
2. Owes past due support for one or more children greater than \$1,000, **and** is equivalent to two (2) months delinquent in payments for the support of a child, or any payments ordered by a court for arrearage; and/or
3. Fails to provide medical insurance for a child as ordered by the court.

B. DEFINITION OF DELINQUENT

Delinquent (equivalent to two months payments) for purposes of this section is:

1. No payment made for the previous two months on the current obligation or on the court ordered arrears; or
2. Periodic partial payments on either the current obligation or court ordered arrears, resulting in an equivalent of two months past due payment; or

Example: Payment on arrears is ordered at \$100 monthly, but the NCP only paid \$50 for the past six months. The unpaid \$50 for six months equals \$300 and is more than the equivalent of two months past due payment (\$200).

3. Payments made every other month on either the current obligation or court ordered arrears resulting in an equivalent of two months past due payment.

Example: Payment on current support is ordered at \$250 monthly, but NCP pays \$250 January, skips February, pays \$250 March, and skips April. The unpaid months of February and April are now the equivalent two months past due payment (\$500).

C. COMPANION CASES

NCP's with more than one open case are subject to license suspension for all cases meeting the criteria. Enforcement actions must be coordinated for all active cases. If any NCP meets the criteria for two or more cases simultaneously, proceed with license suspension in all cases meeting the criteria.

D. DEFERRAL CRITERIA

License suspension may not be an appropriate enforcement tool at a particular point in time. NCPs may be deferred with supervisor approval for the following reasons:

1. The NCP's payment pattern indicates a likelihood of continued adequate regular payments. Regular contact is kept with the case manager; normally payments are paid as ordered, arrears are the result of a new order (no prior order exists) or a recent job loss; or
2. The case has a pending court date scheduled to dispute the amount of arrears or the current monthly obligation; or
3. Income withholding is in effect and the NCP is not willfully underemployed, or refusing to declare appropriate dollar amount of tips or other outside income; or
4. Other facts indicating license suspension is not an effective tool to enforce the order.

NOTE: When license suspension is deferred, document the date of deferral and reason, and continue other enforcement actions. Monitor for changes and future action to reevaluate license suspension.

616.2 WARNING NOTICE

Enforcing authorities may send a warning notice to obligors meeting license suspension criteria prior to initiating the actual license suspension process. Document the date the warning notice is sent, and any responses received from the obligor. Initiate the suspension process if the obligor does not satisfy compliance requirements within 30 days from the date the warning notice is sent.

616.3 IDENTIFYING CASES FOR ADMINISTRATIVE LICENSE SUSPENSION

A. PROCESS FOR IDENTIFYING CASES

1. System Match

The Driver's license suspension process is automatically initiated by the child support computer system for cases meeting the suspension criteria after month end batch processing.

2. Manual Process

a). Drivers' Licenses - Case managers identifying NCPs meeting the criteria for license suspension may initiate the suspension process on a case-by-case basis as appropriate.

b). Sporting Licenses – NDOW has provided CSEP with access to the Nevada Wildlife Data System, a secure online database of NDOW licensees. See SEM 304(c) for information on how to access and search this resource. Case managers identifying NCPs meeting suspension

criteria should evaluate and initiate the suspension process on a case-by-case basis as appropriate. If suspension of a sporting license is deferred, document the date of the deferral and the reason pursuant to SEM 616.1(D).

616.4 COMPLIANCE

A. COMPLIANCE CRITERIA (NRS 425.560)

The individual must meet one of the following compliance criteria before terminating action on license suspension:

1. Comply with the subpoena or warrant; or
2. Satisfy the arrearage by payment of all past due amounts; or
3. If the NCP is unable to pay all past due payments, the NCP may:
 - a. Pay an amount equal to the total of overdue payments for the preceding 12 months which a court has determined are in arrears; or
 - b. As approved by the enforcing authority, enter into and comply with a repayment plan for the arrearage.

Provided notice was sent on all related cases, NCPs with multiple (companion) cases must meet requirements for all cases before being considered in compliance.

4. Providing proof that the child is covered under a policy, contract or plan of medical insurance.

NOTE: Thirty-three days after the “Notice of Intent” (Per SEM 616.5) is sent and the NCP has not complied per 1, 2, 3, or 4 above and/or there has been no request for a hearing from the NCP, proceed to SEM 616.6, Notice to Suspend.

B. TERMINATING ACTION PRIOR TO SUSPENSION

Terminate action to suspend a license prior to notifying the licensing entity if:

1. Proof is provided the action to suspend was initiated against the wrong individual; or
2. Proof is provided that the NCP does not meet criteria for suspension; or
3. The NCP provides proof of health insurance coverage for the child(ren); or
4. Payment is made sufficient to remove the NCP from driver’s license suspension; or

5. The NCP enters into and complies with a repayment plan. Re-initiate license suspension if the NCP fails to comply with the repayment plan; or
6. Compliance with the subpoena or warrant has occurred.

616.5 NOTICE OF INTENT TO SUSPEND/HEARING REQUEST

A. NOTICE REQUIREMENTS

To initiate a license suspension action, prepare a “Notice of Intent to Suspend” and “Request for License Suspension Hearing”. The notice and request for hearing are sent by first-class mail to the NCP at the last known address of record upon determining noncompliance, or when no response has been received from the NCP thirty-three (33) days after date of the “Warning Notice”. A copy of the subpoena or warrant that the NCP has failed to comply with or a statement of the amount of arrearage must be included with the “Notice of Intent”. The NCP is provided thirty (30) calendar days from date of receipt to comply or request a hearing. By statute a person is deemed to have received the “Notice of Intent to Suspend” three (3) days after it is mailed, by first-class mail, to the person’s last known address.

B. REQUEST FOR HEARING

When the NCP completes and submits the “Request for License Suspension Hearing” by the 33rd day, the case manager files the original with the court clerk’s office and maintains a copy for the file. The enforcing authority schedules the hearing and sends a notice of the hearing place, date, and time to the NCP a minimum of 21 days prior to the hearing date. Future action for the hearing date, if necessary, and follow up as required under the court order.

C. MANDATORY PRE-HEARING MEETING

1. MEETING REQUIREMENTS

Within 20 days of receiving a request for hearing, a representative of the enforcing authority and the NCP must meet and make a good faith effort to resolve the matter. If, however, the NCP fails to meet with the enforcing authority at the scheduled date and time of the pre-hearing meeting, fails to contact the enforcing authority to reschedule the pre-hearing meeting, or the matter is not resolved, the enforcing authority must schedule the case for hearing. The pre-hearing meeting may be held telephonically.

2. SCHEDULING REQUIREMENTS

Within 10 days of receiving a request for hearing, the enforcing authority must schedule a pre-hearing meeting and mail an appointment letter to the NCP advising of the date, time and location of the meeting. The letter must also include instructions for contacting the enforcing authority to discuss the matter or reschedule the meeting. The enforcing authority does not need to send an appointment letter if the enforcing authority and NCP have met and attempted to resolve the matter within ten days of receiving the hearing request.

The pre-hearing meeting may be rescheduled once and must still be held within the 20 days of receiving the hearing request. Rescheduling a pre-hearing meeting must not delay final disposition of the hearing request.

3. NOTICE REQUIREMENTS

A “Notice of Intent to Suspend License” and a “Request for License Suspension Hearing” must include language advising the NCP pursuant to NRS 425.510, a person requesting a hearing must meet with the enforcing authority prior to the hearing and make a good faith effort to resolve the matter.

616.6 NOTICE TO SUSPEND

A. NOTICE TO SUSPEND REQUIREMENTS

Upon receipt of a court order directing license suspension, or if the NCP does not request a hearing or comply with the Notice of Intent to Suspend pursuant to NRS 425.560 within 33 days from the date of the Notice, case managers must notify the licensing authority to suspend the NCP’s license.

Notify the licensing authorities as follows:

Department of Motor Vehicles
Attention: Driver’s License Review
555 Wright Way
Carson City, Nevada 89711-0400
Phone number: (775) 684-4881
Fax number: (775) 684-4829

Nevada Department of Wildlife
Attention: Maureen Hullinger
Mhullinger@ndow.org
6980 Sierra Center Parkway #120
Reno, Nevada 89511
Phone number: (775) 688-1881
Fax number: (775) 688-1509

The “Notification to Suspend” must include the following information:

1. NCP’s name,
2. NCP’s address,
3. NCP’s social security number,
4. NCP’s date of birth,
5. General violation statement,
6. Case number(s), and
7. Name of referring enforcing authority.

B. NOTICE OF COMPLIANCE

The licensing authority must be notified within 5 days after the NCP complies with the subpoena or warrant, or satisfies the arrearage pursuant to SEM 616.4. The case manager completes two (2) original “Notice of Compliance” forms. One is provided

to the NCP and the other mailed and/or faxed to the licensing authority at the address provided under SEM 616.6(A). The NCP may also hand carry the original Notice of Compliance directly to the licensing authority for a potentially faster reinstatement of the license. The NCP is responsible for any reinstatement fees charged by a licensing authority. NCP's with multiple (companion) cases must comply with requirements for all cases for which notification was sent before deemed eligible to receive a "Notice of Compliance."

The "Notice of Compliance" must include the following information:

1. Date of compliance,
2. NCP's name,
3. NCP's address,
4. NCP's social security number,
5. NCP's date of birth,
6. General statement regarding compliance with the child support obligation,
7. Case number(s), and
8. Name of referring enforcing authority.

616.7 DMV&PS REQUIREMENTS

A. NOTICE OF SUSPENSION

Once DMV receives the "Notification to Suspend, they send a "Notice of Suspension" to the NCP at the last DMV address of record or address provided by CSEP. The NCP has thirty (30) days to comply before the suspension takes effect.

B. RESTRICTED LICENSES

NCPs may apply with DMV for a restricted driver's license. DMV is the only entity involved in an NCP's request for a restricted license; a restricted license will not automatically be issued. The NCP must meet the criteria for a restricted license and pay any required fees. Driving with a restricted license is limited to the following:

1. If applicable, to and from work or in the course of work, or both; or
2. To receive regularly scheduled medical care for the NCP or a member of the immediate family; or
3. If applicable, as necessary to exercise a court-ordered right to visit a child.

NCPs WITH A COMMERCIAL LICENSE ARE NOT ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PER DMV REGULATIONS.

617 JUDICIAL SUSPENSION OF PROFESSIONAL, OCCUPATIONAL, RECREATIONAL AND BUSINESS LICENSES, PERMITS AND CERTIFICATES. (NRS 425.500 - 425.560)

State law provides for the suspension of professional, occupational, and recreational licenses, permits or certificates (collectively referred to as "licenses" for the purposes of this section) when an obligor is not in compliance with a child support order. Licenses issued by the State as well as local government may be suspended.

As used in this section, “professional, occupational and recreational licenses, certificates and permits” does not include licenses and permits to hunt, fish or trap (collectively “sporting licenses”) issued by the Nevada department of Wildlife. See SEM 616 for information regarding suspending sporting licenses.

A. BUSINESS LICENSES

General business licenses issued to sole proprietors by cities, counties, towns and the Secretary of State are also subject to child support enforcement actions. Most individuals who perform a service or engage in a trade for profit must have a state business license pursuant to NRS Chapter 76 in addition to any licenses required by local governments.

D. CHILD SUPPORT STATEMENT

Applicants for state and locally issued licenses must complete a statement (Exhibit 600-22) indicating whether or not the applicant is subject to a child support order and, if applicable, whether the applicant is in compliance with the order. If an applicant indicates noncompliance with a child support order, the issuing entity must deny the application (or renewal) and refer the applicant to the enforcing authority. The content of the statement is prescribed by regulation. Most licensing entities incorporate the child support statement in the body of the application, but the statement may also be attached as an addendum to the application. Applicants for general business licenses are not subject to this requirement.

C. DIVISION OF STATE LANDS

Licenses issued by the Division of State Lands that expire less than six months from the date of issuance are not subject to suspension for noncompliance with child support orders.

617.1 LICENSE SUSPENSION CRITERIA

A. Obligors are subject to licenses suspension when the following criteria exist:

1. Arrears are greater than \$1,000, **and** equivalent to two (2) months delinquent in payments for the support of a child(ren), or any payments ordered by a court for arrearages; or
2. The obligor has failed to provide medical insurance for a child as ordered by the court; or
3. The obligor has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or establish, modify or enforce an obligation for the support of a child.

B. DEFINITION OF DELINQUENT

Delinquent for the purpose of this section means:

1. No payment made for the previous two months on the current obligation or on the court ordered arrearages; or

2. Periodic partial payments on either the current obligation or court ordered arrears, resulting in an equivalent of two (2) months past-due payment; or

Example: Payment on arrears is ordered at \$250 monthly, but NCP has only been paying \$50 for the past six months. The unpaid \$200 for six months equals \$1,200, and is more than the equivalent of two months delinquency (\$500).

3. Payments made every other month on either the current obligation or court ordered arrears result in an equivalent of two (2) months past due payment.

Example: Payment on current support ordered at \$250 monthly; the NCP pays \$250 January, skips February, pays \$250 March, and skips April. The unpaid months of February and April are now the equivalent two (2) months past-due payment (\$500).

C. COMPANION CASES

NCPs having more than one open case are subject to license suspension for all cases meeting criteria. Enforcement actions, including notification, must be coordinated for all active cases. If the NCP meets the criteria for two or more cases simultaneously, proceed with license suspension for all cases meeting the criteria.

617.2 IDENTIFYING CASES FOR LICENSE SUSPENSION

License suspension should be an enforcement remedy of last resort. If an [REDACTED] is known, income withholding should be implemented prior to initiating a license suspension. Cases potentially meeting license suspension criteria may be identified as follows;

A. SELF DECLARATION

Licensing entities refer applicants to the CSEP when an applicant indicates on the child support statement that the applicant is not in compliance with a child support order.

1. Existing IV-D Case

If a NCP contacts the enforcing authority after being denied a license because the NCP declared non-compliance with a child support order, determine if the NCP meets license suspension criteria. If the NCP meets suspension criteria, compliance requirements (see SEM 617.4) must be met before the enforcing authority can issue a compliance notice.

2. No Existing IV-D Case

Issue a compliance notice to the licensing entity when an applicant has been denied a license for declaring non-compliance with a child support order and does not have a IV-D case.

B. CASE MANAGER IDENTIFY NCP WITH LICENSE

A notice of Intent to Suspend License must be sent to a NCP when a case manager learns the NCP has a license and the case meets suspension criteria as specified in SEM 617.1.

C. NON-COMPLIANCE WITH MEDICAL PROVISION

When NCP fails to provide court ordered medical insurance, the case manager must determine if insurance is available at reasonable cost (see SEM 206). If available, proceed as follows:

1. To obtain coverage, follow the procedures to withhold premium in SEM 206 and/or NRS 31A.350; or
2. Follow procedures to suspend the driver's license or sporting licenses in Nevada or request other jurisdiction to suspend, per state law or SEM 616;
3. Follow procedure to suspend the professional, occupational, or recreational licenses.

D. LICENSE SEARCHES

1. GAMING CONTROL BOARD

The Gaming Control Board provides a limited number of authorized CSEP staff access to the on-line Gaming Employee Registration Law System (GERLAW), a confidential database of registered gaming employees. See SEM 304 for information on accessing and searching this resource.

2. OTHER LICENSING ENTITIES

Most state licensing entities offer a license look-up feature on their websites. These can be found by searching the Internet.

617.3 NOTICE OF INTENT TO SUSPEND/HEARING REQUEST

Initiating a license suspension action requires a court ordered obligation and the case must meet the criteria SEM 617.1. Prepare a Notice of Intent to Suspend License and Request for License Suspension Hearing for first-class mailing to the NCP's last known address.

The notice advises the NCP of the compliance requirements and the opportunity to request a hearing.

Future action the case for thirty-three (33) days after date the notice is mailed. Per NRS 425.510(7), "A person shall be deemed to have received a notice three (3) days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address."

A. HEARING REQUEST

The NCP must submit a written request for hearing within thirty-three days from the date the Notice of Intent to Suspend was mailed. The enforcing authority schedules the hearing and provides notice of hearing place, date and time to the NCP, CST or other jurisdiction. The enforcing authority must allow a minimum of twenty-one (21) days after the notice of hearing before the hearing can take place.

B. MANDATORY PRE-HEARING MEETING (NRS 425.530)

1. MEETING REQUIREMENTS

Within 20 days of receiving a request for hearing, a representative of the enforcing authority and the NCP must meet and make a good faith effort to resolve the matter. If, however, the NCP fails to meet with the enforcing authority at the scheduled date and time of the pre-hearing meeting, fails to contact the enforcing authority to reschedule the pre-hearing meeting, or the matter is not resolved, the enforcing authority must schedule the case for hearing. The pre-hearing meeting may be held telephonically.

2. SCHEDULING REQUIREMENTS

Within 10 days of receiving a request for hearing, the enforcing authority must schedule a pre-hearing meeting and mail an appointment letter to the NCP advising of the date, time and location of the meeting. The letter must also include instructions for contacting the enforcing authority to discuss the matter or reschedule the meeting. The enforcing authority does not need to send an appointment letter if the enforcing authority and NCP have met and attempted to resolve the matter within ten days of receiving the hearing request.

3. NOTICE REQUIREMENTS

A “Notice of Intent to Suspend License” and a “Request for License Suspension Hearing” must include language advising the NCP pursuant to NRS 425.530, a person requesting a hearing must meet with the enforcing authority prior to the hearing and make a good faith effort to resolve the matter.

617.4 COMPLIANCE REQUIREMENTS

A. COMPLIANCE

On the 33rd day after Notice of Intent to Suspend License is mailed, the case manager must determine if:

1. Payment was received for all past-due amounts; or
2. Payment was received in an amount equal to total of the overdue payments for the preceding twelve (12) months; or
3. Proof is submitted showing the child(ren) is/are enrolled into a health insurance plan as ordered; or

4. Compliance with a subpoena or warrant occurred.

When a repayment plan is signed and approved by the enforcing authority, a court order is not obtained to suspend the license.

B. COURT ORDER TO SUSPEND

1. When the NCP fails to respond to the Intent Notice, obtain an Order to Suspend from the court.
2. If the NCP requested a hearing which resulted in the court issuing a default Order to Suspend, proceed with final notice.

C. NCP FINAL NOTICE

The License Suspension notice and copy of the order is mailed (first-class mail) to inform the NCP the licensing agency will be informed to suspend the license in thirty (30) days. The enforcing authority will future action thirty-three (33) days to notice the licensing agency.

617.5 NOTICE TO LICENSING AGENCY

A. NOTICE REQUIREMENTS

When an order to suspend is issued per NRS 425.540, after thirty-three (33) days the Notification to Suspend letter is sent to the licensing agency by the enforcing authority to immediately suspend the license.

Notification must include the following information:

1. NCP's name;
2. NCP's address;
3. NCP's Social Security Number;
4. NCP's date of birth;
5. General violation statement;
6. Case number(s); and
7. Name of referring enforcing authority.

B. NOTICE OF COMPLIANCE

The licensing agency must be notified, per NRS 425.550, within five (5) days after the person satisfies compliance requirements. If mail delivery may not occur within five (5) days, the Notice of Compliance must be faxed directly to the licensing agency. A copy of the notice is also sent to the NCP.

The NCP may hand carry the original Notice of Compliance directly to the licensing agency to potentially expedite reinstatement of the license.

NCPs with multiple (companion) cases must satisfy the arrears for all cases for which notification was sent before they are eligible to receive a "Notice of Compliance."

The Notice of Compliance must include the following information:

1. NCP's name;
2. NCP's address;
3. NCP's Social Security Number;
4. NCP's date of birth;
5. General statement regarding compliance with child support obligation;
6. Case number(s);
7. Name of referring enforcing authority.

618 DENIAL OF PASSPORTS

- A. Effective October 1, 2006 all IV-D cases with arrears over \$2,500 are submitted to the Department of State (DoS) for passport denial. Cases with arrears exceeding \$2,500 are extracted from the certified file submitted for Tax Refund Offset for consideration of passport denial, revocation or restriction and are automatically certified to DoS.

The pre-offset notice issued at initial certification or recertification by the federal Office of Child Support Enforcement (OCSE) notifies NCPs of the possibility a passport may be denied, revoked or restricted (Exhibit 600-6). This notice provides due process to the NCP for passport denial, revocation or restriction and federal tax refund offsets.

When a passport is obtained, it is valid for ten (10) years, even if the NCP's arrears once again go over \$2,500.

STATE REGULATION ADOPTED AUGUST 20, 2002

- B. The State of Nevada, Child Support Enforcement, has adopted a zero balance policy. The NCP must pay the past due support, in full, prior to the release of the passport.

- C. An NCP's passport may also be revoked by the Secretary of State when the NCP is the subject of an outstanding federal warrant of arrest for a felony, a criminal court order, or a condition of probation or parole forbids departure from the United States.

D. RESTRICTION

Under passport regulations, applicants identified abroad are entitled to a passport limited for direct return to the United States.

618.1 CONTESTING PASSPORT DENIAL

The DoS provides each denied application with a denial letter (Exhibit 600-6). This letter provides the applicant with a list of state child support contact telephone numbers.

NCPs are afforded the opportunity to contest the denial, revocation or restriction of their passport. NCPs should never be referred directly to OCSE or DoS.

A. INQUIRIES FROM NCPs

The following procedures are applied when NCP inquiries are received by the case manager:

1. Review the case to ensure the IRS certification is correct and arrears are greater than \$2,500.
2. If the NCP disputes the arrearage amount owed, the case manager must verify the arrears balance and request any pertinent documents from the NCP to justify the claim.
3. If the NCP claims he/she has been incorrectly identified as owing support, the case manager must research the case file to determine the origin and validity of identifying information. Such cases should be brought to the attention of the supervisor for review.

B. ADMINISTRATIVE REVIEW PROCEDURES

If difficulties are encountered in resolving passport complaints with a NCP, the case manager and a supervisor will make an informal review of the case. Should the NCP want further review concerning the legal authority to certify for passport denial, the NCP has the right to request an administrative review. The administrative review is conducted in Central Office by staff designated at the Chief's discretion.

Within five (5) days of receipt of a written/verbal request for review, the case supervisor must send all applicable data, as indicated below, in a package to Central Office, ATTN: Administrative Review Officer. The supervisor must initial the package, indicating supervisory review and approval.

The Administrative Review Officer reviews the package for completeness and contacts the enforcing authority for additional information, if needed.

The following documents must be included in the Denial of Passport review package:

1. Memo including:
 - a. a case summary of circumstances leading to the certification and review request;
 - b. reason the NCP requested the review; and
 - c. the amount certified to IRS.

2. Copy of NCP's request and case manager's documentation of the request for administrative review.
3. Divorce decree/child support orders and any modifications to these orders.

The Administrative Review Officer notifies the NCP, the CST and the enforcing authority of the date, time and place of the administrative review, and conducts the review to determine validity of the certification. The Administrative Review Officer must issue a written decision, based on the findings of the review, within forty-five (45) days from the date of the NCP's request.

618.2 WITHDRAWAL OF NCP FROM THE PASSPORT DENIAL PROGRAM WHEN THE ARREARS BALANCE IS PAID IN FULL

The NCP must indicate the **DATE OF DEPARTURE, DESTINATION AND NATURE OF TRAVEL** (vacation or number 1 below), and the case manager must document the information in a contact entry.

- A. If the NCP pays the arrears balance in full and must travel within the next thirty (30) days, CSEP can process an emergency release from passport denial. The NCP must meet the any of the following criteria:
 1. Life-or-death situations. In a life-or-death situation, verification of the life-or-death situation of an immediate family member is mandatory.
 2. Erroneous submittal of an individual. (incorrect SSN submitted for certification)
 3. Mistaken identity.

NOTE: The DoS makes the final determination whether to expedite an emergency release from passport denial. An emergency release from passport denial **MAY NOT** be used for an NCP who was once legitimately denied a passport based on past-due child support, and has since paid the arrears in full.

If the NCP qualifies, the case manager must complete the Emergency Notice of Withdrawal of Passport Denial form and fax it, along with the mandatory letters, to Central Office who will fax it to OCSE. The form is an internal OCSE document and **MUST** not be released to any party, except Central Office. OCSE will fax the form directly to the DoS regional Passport Agency who denied the NCP's passport. The passport hold should be released by DoS within five (5) business days.

- B. If the NCP pays the arrears balance in full but does not qualify for the above expedited release, the case manager must complete the Emergency Notice of Withdrawal of Passport Denial form and fax it to Central Office. The Central Office designee will submit an online delete to OCSE. The passport hold should be released by DoS within ten (10) business days.
- C. If the NCP pays the arrears balance in full and has no immediate travel plans, the withdrawal of the passport hold is transmitted to OCSE by the CyberFusion Integration Suite (CFI) through the month end system update process.

The Case Submission and Update File containing the update record is sent to OCSE on the first Monday of the following month. OCSE sends a copy of the update file to the DoS on Thursday. The passport hold is released by DoS by the end of the third week of the month.

618.3 WITHDRAWAL OF NCP FROM THE PASSPORT DENIAL PROGRAM WHEN
THE CASE CLOSES OR THE ARREARS BALANCE IS ADJUSTED TO \$0

The NCP must indicate the **DATE OF DEPARTURE, DESTINATION AND NATURE OF TRAVEL** (vacation or number 1 below), and the case manager must document the information in a contact entry.

- A. If the case closes or the arrears balance is adjusted to zero and the NCP must travel within the next thirty (30) days, CSEP can process an emergency release from passport denial. The NCP must meet any of the following criteria:
 - 1. Life-or-death situations. In a life-or-death situation, verification of the life-or-death situation of an immediate family member is mandatory.
 - a. Erroneous submittal of an individual. (incorrect SSN submitted for certification)
 - b. Mistaken identity.

NOTE: The DoS makes the final determination whether to expedite an emergency release from passport denial. An emergency release from passport denial **MAY NOT** be used for an NCP who was once legitimately denied a passport based on past-due child support, and has since paid the arrears in full.

If the NCP qualifies, the case manager must complete the Emergency Notice of Withdrawal of Passport Denial form and fax it, along with the mandatory letters, to Central Office who will fax it to OCSE. The form is an internal OCSE document and **MUST** not be released to any party, except Central Office. OCSE will fax the form directly to the DoS regional Passport Agency who denied the NCP's passport. The passport hold should be released by DoS within five (5) business days.

- B. If the case closes or the arrears balance is adjusted to zero but the NCP does not qualify for the above expedited release, the case manager must complete the Emergency Notice of Withdrawal of Passport Denial form and fax it to Central Office. The Central Office designee will submit an online delete to OCSE. The passport hold should be released by DoS within ten (10) business days.
- C. If the case closes or the arrears balance is adjusted to zero and the NCP has no immediate travel plans, the withdrawal of the passport hold is transmitted to OCSE by the CyberFusion Integration Suite (CFI) through the month end system update process.

The Case Submission and Update File containing the update record is sent to OCSE on the first Monday of the following month. OCSE sends a copy of the update file to the DoS on Thursday. The passport hold is released by DoS by the end of the third week of the month.

619 FINANCIAL INSTITUTION DATA MATCHES

- A. The Personal Responsibility Work Opportunity Reconciliation Act of 1996 (PRWORA) requires states to enter into agreements with financial institutions conducting business within their state for the purpose of performing a quarterly data match. Known as Financial Institution Data Matches (FIDM), this data exchange is intended to identify accounts belonging to noncustodial parents (NCPs) who are delinquent in their child support obligation. When a match is identified, child support programs may execute on a delinquent NCP's accounts and seize the NCP's funds to collect past-due child support. Multi-state financial institution data match (MSFIDM) refers to entities conducting business in more than one state, while in-state financial institution data match (FIDM) refers to those entities conducting business solely within Nevada.

The types of financial institutions required to participate in the FIDM program include banks, savings and loans, federal and state credit unions, benefit associations, and insurance companies. Accounts subject to FIDM requirements are demand deposit accounts, checking and savings accounts, time deposit accounts and money-market mutual fund accounts.

**DISCLOSURE OF FIDM INFORMATION
STATE REGULATION ADOPTED JANUARY 15, 2002**

Any information received from financial institution pursuant to Nevada Revised Statute 425.460 may only be disclosed to any agency of this state, the federal government, any other state or a state's authorized representative, engaged in the establishment, modification or enforcement of child support obligations.

619.1 IDENTIFYING FIDM MATCHES

Multi-state financial institution data matches (MSFIDM) are processed through the Federal Case Registry. A case manager receives a system alert when a match occurs through MSFIDM or through the in-state FIDM program. Specific information such as the name and address of the financial institution, account type(s), and names and addresses of joint account holders are displayed in tracking. Some financial institutions may also provide the account balances, although this information is not required by federal policy.

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**EXECUTION ON FINANCIAL ACCOUNTS
STATE REGULATION ADOPTED APRIL 6, 2001**

A. CRITERIA

Execution on a financial account requires a judgment; the judgment must be from a Nevada court or from another state's court which has been recorded in Nevada by use of an interstate lien form, NRS 125B.144. If there is no court ordered judgment, a judgment must be obtained, NRS 125B.142. Additionally, the following criteria must be met:

1. The NCP must owe adjudicated arrears for the support of one or more children greater than \$1,000 and be at least two months in arrears since IV-D services began; and
2. The NCP must have at least \$500 in a financial account. When no balance is provided by the financial institution, the \$500 minimum will not apply.
3. Case managers must obtain attorney approval before proceeding with an action against a joint, business or trust account.

B. DEFERRAL CRITERIA

Execution on financial accounts may be deferred based on criteria established in the Child Support Enforcement Program Manual as follows:

1. Execution of a checking account may be deferred if the obligor is in full compliance with the order and paying by income withholding.
2. Execution of a financial account may be deferred if the case has a pending court action to dispute the amount of arrears or the current monthly obligation.
3. Execution of a financial account may be deferred if seizure of the asset would create an undue hardship for the NCP. The case manager must document the specific nature of the hardship.
4. If execution of the financial account is deferred, document the date of the deferral and the reason. Continue other enforcement actions.

C. PENALTIES, FEES OR FINES CHARGED BY FINANCIAL INSTITUTIONS STATE REGULATION ADOPTED SEPTEMBER 18, 2001

Penalties, fees or fines charged by financial institutions as allowed by the accountholder agreement or other applicable law, such as for early withdrawal or for failure to maintain a minimum account balance, will be deducted from the account before the difference is forwarded to the Child Support Enforcement Program when the account is executed or seized for payment of child support.

In any case, the obligor will only receive credit for the amount of child support actually collected. No credit will be provided for any penalties, fees or fines.

D. FEES, COMMISSIONS, COMPENSATION OR MILEAGE CHARGED BY SHERIFFS STATE REGULATION ADOPTED JANUARY 15, 2002

If a sheriff elects to charge fees, commissions, compensation or mileage as allowed under NRS 248.275 for attaching property or levying an execution then the fees, commissions, compensation or mileage may be deducted from the collection by the sheriff before the difference is forwarded to the Child Support Program.

In any case, the obligor will only receive credit for the amount of child support actually collected by the Child Support Program. The obligor will not receive credit for any fees, commissions, compensation or mileage deducted by a sheriff.

620.1 POLICY FOR LIENING (FREEZING), ATTACHING (SEIZING) OR EXECUTING FINANCIAL ACCOUNTS.

For the purposes of enforcing child support obligations, Nevada law provides the child support enforcement program with the option of executing, under NRS 21, or liening (freezing) and attaching (seizing), under NRS 425.460 and 470, an obligor's assets located in Nevada.

A. NRS 21

If there is a court ordered judgment, NRS 21 may be used to execute and garnish the NCP's assets in a financial institution; the Notice of Execution, Writ of Execution and Writ of Garnishment must be used. See NRS 21 for the form of the Notice of Execution and Writ of Execution. These documents are served by the Sheriff. The NCP may file an affidavit with the county clerk to claim an exemption from execution and assets must be returned unless the CSE agency files a motion; a hearing must be held to resolve this matter. See NRS 21 for time frames.

B. NRS 425

NRS 425.460 and 470 describe specific procedures for liening (freezing) and attaching (seizing) financial accounts, including notice and hearing requirements.

C. NOTICE OF RIGHT TO GARNISH FEDERAL BENEFITS

Effective May 1, 2011 pursuant to 31 CFR 212, certain federal benefit payments deposited electronically into a personal bank account are exempt from execution or seizure unless the enforcing authority includes a Notice of Right to Garnish Federal Benefits with the garnishment order, writ or notice sent to the financial institution. If a Notice of Right to Garnish Federal Benefits is attached or included in the garnishment order or notice, the financial institution is required to encumber or surrender any federal benefit payments that would otherwise be exempt from enforcement.

To ensure all appropriate assets are subject to garnishment enforcing authorities must include the language found in Appendix B of 31 CFR 212 to satisfy the requirement of notifying the financial institution of the enforcing authority's right to seize federal benefits for child support purposes. The language from Appendix B of 31 CFR 212 is found in Exhibit 600-17.

Examples of electronically deposited federal benefit payments protected from garnishment under 31 CFR 212 unless a Notice of Right to Garnish Federal Benefits is attached or included in the garnishment order sent to the financial institution include Social Security benefits, VA benefits, Federal Railroad retirement benefits, Federal Railroad unemployment and sickness benefits, Civil Service Retirement System benefits and Federal Employee Retirement System benefits.

D. THRIFT SAVINGS PLAN ACCOUNTS

The Federal Office of Child Support Enforcement (OSCE) and the Federal Retirement Thrift Investment Board entered into an agreement to match data against the Thrift Savings Plan (TSP), a taxed-deferred retirement savings plan for federal civilian employees and members of the uniformed services. Although TSP is not considered a financial institution, the match results are returned by OCSE to states quarterly in the same record used for sending MSFIDM results. The TSP account matches are received quarterly in NOMADS on the Financial Institution Data Match screen (TR42).

Because TSP is not a financial institution, the FIDM procedures outlined in Section 620 do not apply to TSP accounts.

Due to the nature of these accounts (tax deferred retirement savings plan), the enforcing authority must review the case carefully to determine if seizing a TSP is an appropriate remedy. An automatic 10% withholding amount for Federal income tax is deducted from the account before the money is sent to child support. Once the funds have been issued to the child support program, the money cannot be returned to the TSP account.

The federal authority to garnish a TSP account is in accordance with 5 U.S.C. chapter 8437(e)(3); 42 U.S.C. Sec 659 and 5 C.F.R. part 1653 subpart B. The state authority to garnish a TSP account is found in NRS 31.A.

4. Seizing TSP Accounts

The OCSE and the TSP worked together to create a modified income withholding order. TSP accounts must be intercepted using the OCSE Thrift Saving Plan Income Withholding Order for State Agencies (Form TSP-CS-1). This form, instructions, and FAQs are available on the FORMS page on the OCSE website and may also be found in Exhibit 600-18.

When a TSP account match is received in NOMADS on the TR42 screen, the case manager will receive a system alert. The case(s) must be reviewed carefully to determine if a TSP garnishment is an appropriate action. An automatic 10% withholding amount for Federal income tax is deducted from the account before the money is sent to child support. The TSP payment is also reported to IRS as gross income for the NCP for the tax year in which the payment is made.

- a. The child support order must include an immediate income withholding provision to garnish a TSP account.

If the child support order does not include an immediate income withholding provision, all the requirements to implement income withholding must be met before a TSP account can be garnished using the TSP-CS-1 form. See procedures defined in SEM 602.5, 602.6, AND 602.7.

- b. Review the TSP data match information on the TR42 screen to ensure the account status is open. Do not send a garnishment on an account that is closed or has a zero balance. If a decision is made to garnish the TSP account(s), the enforcing authority must use the TSP-CS-1 form to garnish the account, see Exhibit 600-18.
- c. To meet federal regulations in garnishing a TSP account, all sections of the TSP-CS form-1 (General Information and Sections I through IV) must be completed according to the information and instructions attached to the TSP-CS form-1, see Exhibit 600-18. The garnishment will be returned to the enforcing authority if the required information is not complete.

The TR42 screen will display all the TSP account information necessary to complete a garnishment. The NCP may have more than one TSP account type match and each account type match will display a separate match screen on the TR42 screen. The TSP account type is very important information and must be identified on the garnishment, TSP-CS form-1. See the information below identifying the TSP account types.

NOMADS TR42 screen:

Account type is identified on the TR42 screen in the A/C Number Field:

A/C Number – U (Uniformed Services)

A/C Number – C (Civilian)

A/C Number – BPAC Beneficiary Participant Account (Civilian)

A/C Number – BPAU Beneficiary Participant Account
(Uniformed Services)

- d. The enforcing authority must review NOMADS to determine if the NCP has more than one case in the system. If the NCP has a case in more than one enforcing office, the case managers must coordinate to combine the total arrears amount in the one garnishment, per TSP account type when appropriate.

In Section III of the TSP-CS-1 form select each TSP account being garnished by checking the appropriate account type box and enter the exact dollar amount to be garnished from each account. Do not list the entire arrears amount for each account being garnished as this will create an overpayment on the case. If an overpayment occurs, the payment cannot be returned to the TSP account. The payment(s) will distribute according to federal distribution rules.

The enforcing authority must fax the complete garnishment, TSP-CS-1 form to TSP's Garnishment Unit, at (703)-288-9041. A copy of the TSP garnishment may be sent to the NCP at the discretion of the enforcing authority.

- e. When the TSP's Garnishment Unit receives a complete garnishment, the TSP account will be frozen and a decision letter will be mailed to the NCP with the copy to the enforcing authority (payee) stating the payment date and the payment amount. The freeze placed on the NCP's TSP account is removed after the payment is issued to the child support program.

If TSP's Garnishment Unit determines the garnishment is not complete, the NCP's account will be frozen, and the TSP will request the required information from the enforcing authority. If the TSP does not receive the required information for the garnishment within 30 days from the date of the notification, the account freeze will be removed with no further action taken on the account.

- f. The enforcing authority must calendar the case to review the arrears balance(s) 10 days before the expected TSP payment date, to ensure the NCP's case(s) has not received an arrears payment after the garnishment was sent to the TSP Garnishment Unit. If an arrears payment was received, the enforcing authority will be responsible to determine if the garnishment should be amended or vacated based on the amount of the arrears payment received. This is an important step, as overpayments cannot be returned to the TSP account after the payment is issued to child support.

The enforcing authority has up to **5 days** prior to the TSP payment date to **amend** or **vacate** a garnishment. When necessary to amend or vacate the TSP garnishment, send a new TSP garnishment TSP-CS-1 form, select the appropriate action on the form to amend or vacate the garnishment. Fax the new garnishment form to the TSP's Garnishment Unit, at (703)-288-9041.

If the NCP contests a garnishment and the enforcing authority cannot resolve the issue timely, the enforcing authority must fax a letter on enforcing office letterhead to TSP's Garnishment Unit, at (703)-288-9041. The letter must advise TSP's Garnishment Unit that the case is under legal review and request that the case be put on hold until the issue is resolved. TSP's Garnishment Unit will place a hold on the account up to 12 months.

Examples of when to amend or vacate a TSP garnishment: The NCP made a voluntary arrears payment after the notification of a TSP garnishment, or if a Federal offset payment was received reducing the arrears balance(s) on the case(s) after the garnishment was sent to TSP.

The enforcing authority may contact the Central Office, FIDM Program Specialist, for assistance on an amended, vacated, or a hold placed on a TSP garnishment, if needed.

- g. The enforcing authority must document the TSP payment date and payment amount in a contact entry. Also document any changes sent to TSP for an amended, vacated, or a hold placed on the garnishment.
- h. If the case is an intergovernmental case, the enforcing authority must notify the other intergovernmental agency within 20 working days of receipt of the TSP payment, to update the other child support agency's arrears balance.

620.2 PROCESSING ASSETS EXECUTED ON OR ATTACHED (SEIZED) FROM FINANCIAL INSTITUTIONS

When executing or seizing assets, financial institutions or sheriffs must be instructed to make checks payable to "SCaDU (FIDM)" and forward the payments with identifying case information to:

Attention: FIDM
State Collections and Disbursement Unit (SCaDU)
P O Box 98950
Las Vegas NV 89193-8950

Case managers must create a special collection message alerting ScaDU staff a FIDM payment is pending. The message must include the name of the entity issuing the payment and the anticipated amount of the payment. Instructions for creating a special collection message are found in section D.07.22 of the NOMADS Task Guide.

620.3 INTERGOVERNMENTAL PROCEDURES

The laws of the state where assets are located govern the execution or attachment (seizure) process in that state.

A. NEVADA INITIATING

When a data match identifies financial accounts located in another state, limited assistance to execute on or attach (seize) an NCP's assets may be requested of another jurisdiction via a Transmittal #3 - Request for Assistance. On this transmittal, the arrears must be certified as correct and due process considerations must be indicated as being met. The other jurisdiction may also require a Nevada judgment and that it be recorded in their state. Under this method of limited assistance, the initiating jurisdiction retains control of all other enforcement actions. The responding jurisdiction does not open an IV-D case or provide assistance beyond the action requested on the Transmittal #3.

Federal policy does *not* require a state to provide assistance requested via a Transmittal #3 - Request for Assistance. Some states require that a two-state process be initiated on a Transmittal #1 requesting the responding jurisdiction to open an IV-D case. If a two-state case already exists and the NCP's assets are located in a different state, this action must be carefully considered and the Transmittal #1 must clearly indicate that execution on the NCP's assets is the *only* action requested and no other enforcement actions are to be taken by the second responding jurisdiction.

B. NEVADA RESPONDING

As a responding jurisdiction, Nevada is currently unable to offer assistance requested by a Transmittal #3. Nevada requires a Transmittal #1 to open a two-state case when another jurisdiction needs assistance freezing and seizing assets located in Nevada. The initiating state has the option of requesting case closure when Nevada's assistance is no longer required.

620.4 MANDATORY PRE-HEARING MEETING (NRS 425.470)

A. MEETING REQUIREMENTS

Within 10 days of receiving a request for hearing, a representative of the enforcing authority and the NCP must meet and make a good faith effort to resolve the matter. If, however, the NCP fails to meet with the enforcing authority at the scheduled date and time of the pre-hearing meeting, fails to contact the enforcing authority to reschedule the pre-hearing meeting, or the matter is not resolved, the enforcing authority must schedule the case for hearing. The pre-hearing meeting may be held telephonically.

Caveat: Pursuant to NRS 425.470, FIDM hearings must be held within 20 days of receiving a request for hearing.

B. SCHEDULING REQUIREMENTS

Within five days of receiving a request for hearing, the enforcing authority must schedule a pre-hearing meeting and mail an appointment letter to the NCP advising of the date, time and location of the meeting. The letter must also include instructions for contacting the enforcing authority to discuss the matter or reschedule the meeting. The enforcing authority does not need to send an appointment letter if the enforcing authority and NCP have met and attempted to resolve the matter within ten days of receiving the hearing request.

The pre-hearing meeting may be rescheduled once and must still be held within the 10 days of receiving the hearing request. Rescheduling a pre-hearing meeting must not delay final disposition of the hearing request.

- C. Seizure notices and hearing request forms must include language advising pursuant to NRS 425.470, a person requesting a hearing must meet with the enforcing authority prior to the hearing and make a good faith effort to resolve the matter.

621 **LAST KNOWN ADDRESS DEFINED**

Certain child support enforcement remedies (e.g., driver’s license suspension, income withholding and Financial Institution Data Match) require that notices shall be mailed to an obligor’s last known address. However, “last known address” is not defined.

Although child support obligors are required by law (NRS 125B.055, 130.305, 425.382) to advise authorities of their current address, often times they do not.

Therefore, to ensure compliance with statutory requirements, whenever a notice must be mailed to an obligor’s last known address, determine the obligor’s last known address based on the following hierarchy.

STATE REGULATION ADOPTED DECEMBER 19, 2002

An obligor’s “last known address” shall be determined based on the following hierarchy:

1. Current Mailing Address – The address identified by the enforcing authority as an obligor’s mailing address.
2. Current Residence Address – The address identified by the enforcing authority as an obligor’s residential address.
3. Mailing Address – The most recent of either an address believed by the enforcing authority to be an obligor’s mailing address or an address verified by an outside source as an obligor’s mailing address.
4. Residence Address – The most recent of either an address believed by the enforcing authority to be an obligor’s residence address or an address verified by an outside source as an obligor’s residence address.
5. Pending Mailing Address – The most recent of either an unverified obligor mailing address or a mailing address that is no longer accurate.
6. Pending Residence Address – The most recent of either an unverified obligor residence address or a residence address that is no longer accurate.

7. Verified Current Employer Site Address – An address verified by an outside source as the address of an obligor’s place of employment.
8. Verified Current Employer Agent Address – The verified address of an entity designated by an obligor’s employer as the recipient of the employer’s correspondence.
9. Verified Current Employer Address – An address verified by an outside source as an obligor’s employer.
10. Current Employer Site Address – An address believed by the enforcing authority to be the address of an obligor’s place of employment.
11. Current Employer Agent Address – The address believed by the enforcing authority to be that of an entity designated by an obligor’s employer as the recipient of the employer’s correspondence.
12. Current Employer Address – An address believed by the enforcing authority to be the address of an obligor’s employer.

622 FEDERAL ADMINISTRATIVE OFFSET PROGRAM

The Debt Collection Improvement Act (DCIA) of 1996 (Public Law 104-134) allows past-due child support to be collected by intercepting part, or all, of certain Federal payments (other than income tax refunds) which are categorized as Administrative Offsets.

For a case to be eligible for administrative offset the past-due child support must be at least 30 days past-due and the arrearage amount must be at least \$25. All cases that are eligible for Federal Income Tax Refund Offset are eligible for Administrative Offset, even though the criteria for certification may vary. See SEM 604 for the Federal income Tax Refund Offset Program policy. The Case Submission and Update File containing the eligible cases is sent to OCSE on the first Monday of the month.

Both recurring and nonrecurring payments are eligible for administrative offset. The Federal payments included in administrative offsets are:

- Vendor and miscellaneous payments (such as, but not limited to, expense reimbursement payments and travel payments); and
- Federal retirement payments.

OCSE shall send a written advance notice, entitled Pre-Offset Notice (PON), Exhibit 600-5, to inform the NCP the amount of the past-due support will be referred for collection by administrative offset until the past-due amount is paid in full. The PON is sent the first time a NCP is submitted for federal income tax offset and again when a closed case is reopened and resubmitted after being deleted.

The Department of Treasury, Financial Management Services (FMS) will notify the NCP at the time of the administrative offset by sending the FMS Offset Notice, Exhibit 600.2.

623 UNCOLLECTIBLE STATE DEBT

Anytime after one year from the date a support debt is incurred, the Administrator of the Division of Welfare and Supportive Services may write-off, as uncollectible, all or part of any support debt owed to the state if the Administrator finds there is no available, practical or lawful means by which the debt may be collected.

A. UNCOLLECTIBLE STATE DEBT DEFINED

STATE REGULATION ADOPTED APRIL 28, 2010

1. The Administrator of the Division of Welfare and Supportive Services may determine an arrears debt assigned to the state is uncollectible if at any time after one year from the date the debt was incurred:
 - a. The assets and income of the obligor are less than the full amount of the debt and the obligor will not have, in the foreseeable future, the money, assets or means to pay the debt after the obligor has paid for basic necessary living expenses considering the guidelines adopted by the Internal Revenue Services regarding Collection Financial Standards; or
 - b. The obligor was the victim of a crime, natural disaster or other unforeseeable and catastrophic occurrence that significantly impacted the obligor's ability to pay the obligor's financial obligations and collection of the debt would create an unfair and inequitable economic hardship.
2. The Administrator may accept an offer to compromise child support arrears assigned to the state upon determining the amount of the arrears that the obligor does not have to repay, the compromised amount, is uncollectible.
 - a. No Stay of Collection. The submission of an offer in compromise shall not operate to stay the collection of any current or past-due child support.
 - b. Acceptance of Offer. An offer in compromise shall be considered accepted only when the Administrator notifies the obligor in writing of the acceptance.
3. The Administrator has determined a child support debt assigned to the state is uncollectible when the following circumstances exist:
 - a. The obligor is institutionalized in a psychiatric facility, incarcerated with no chance for parole, or has a medically verified total and permanent disability, and a determination has been made that no income or assets are available to the obligor which could be levied or attached.
 - b. The obligor is deceased and no further collection actions, including a levy against the estate, can be taken.
 - c. The location of the obligor, the obligor's assets or the obligor's employer are unknown over a three-year period when there is sufficient information for the IV-D program to initiate an automated locate effort, or over a one-year period when there is not sufficient information to initiate an automated locate effort.

STATE REGULATION ADOPTED APRIL 28, 2010 (Continued)

- d. The obligor is a citizen of, and lives in, a foreign country, has no reachable domestic assets or income, and reciprocity does not exist with the country.
- e. There has been a good cause determination that support enforcement may not proceed without risk of harm to the child or custodian.
- f. The obligor resides in another state, the assistance of that state is necessary to collect the debt and the other state has closed its case because the debt is unenforceable in that state.
- g. Assigned arrears are under \$500 or unenforceable under state law and there has been no collections for at least one year.

623.1 OFFERS IN COMPROMISE (OIC) OF STATE DEBT

A. DEFINITIONS

With respect to offers in compromise of state debt, the following terms are defined as follows:

Collection Potential: Future income plus net assets. This amount is increased by 10% if the obligor had the historical ability to pay and substantially failed to do so.

Net Asset: The fair market value of an asset less the balance owed to a secured creditor.

Future Income: A 36 month projection of an obligor's estimated income less necessary living expenses.

Necessary Living Expenses: Expenses that are necessary to provide for an obligor's (and the obligor's dependents) health, welfare or production of income. Necessary Living Expenses include housing, utilities, food, clothing, health insurance premiums, out-of-pocket health care expenses and transportation. Acceptable Necessary Living Expenses will be the lesser of verified expenses submitted by the obligor or the allowable expenses determined by the Internal Revenue Service's Collection Financial Standards.

See <http://www.irs.gov/individuals/article/0..id=96543.00.html>

B. OBLIGOR SETTLEMENT OFFER

At anytime after one year from the date a support debt is incurred, an obligor may submit a written offer to the DWSS Administrator, through the enforcing authority, proposing to compromise, or settle, the debt owed the state for less than the full amount. This is known as an Offer in Compromise (OIC) and may be appropriate when it is unlikely that the debt to the state can be collected in full within 36 months from the date the OIC is submitted and the amount offered reflects at least the collection potential. The OIC review process may take up to 45 days to complete. See Exhibit 600-12 for an OIC Flow Chart. At this time OIC is only available for recovery-only cases without current support or custodian arrears owed.

1. NCP OFFER

An obligor may propose a settlement offer by submitting an OIC Application (Exhibit 600-13), to the Administrator through the enforcing authority. A settlement offer must be presented using the OIC Application and include all of the supporting documents listed on the application. The offer must be for a specific lump sum amount. Within five days of receiving a settlement offer, the enforcing authority must review the application for completeness. Within five days of receiving a settlement offer that does not include either a completed OIC Application, required supporting documents, or a specific settlement amount, the enforcing authority must advise the obligor by sending the obligor an OIC Response Letter (Exhibit 600-14). If an offer is not in the proper format, provide the obligor with the OIC Application.

For the benefit of Nevada's taxpayers, the highest amount of state debt possible must be recovered from obligors. When working with an obligor, CSEP staff must not make suggestions or coach an obligor beyond explaining that the offer should reflect the amount of arrears the obligor can afford to repay.

2. ENFORCING AUTHORITY REVIEW

Within five days of receiving a complete OIC application, the enforcing authority must send the obligor the OIC Response Letter acknowledging receipt of the offer and indicating the status of the application. Within 10 days of receiving a complete OIC application, the enforcing authority must prepare the OIC Summary and Request for Authority (Exhibit 600-15) summarizing the case circumstances and noting any appropriate additional information. Send the completed OIC Summary and Request for Authority, to Central Office – Attn: OIC, within 10 days of receiving the completed OIC Application from the obligor.

3. CENTRAL OFFICE REVIEW

Within five days of receiving a complete OIC package from the enforcing authority, Central Office staff will review the OIC package, calculate the collection potential and submit the OIC Summary and Request for Authority to the Administrator recommending acceptance of the obligor's offer, rejection of the offer or proposing a counter offer. Within five days the Administrator will accept the original offer, reject the offer or authorize a specific counter offer.

4. STATE ACCEPTS OFFER

If the Administrator accepts the obligor's offer, Central Office staff must notify the enforcing authority within two days of receiving settlement authority from the Administrator. Within five days of receiving notice from Central office, the enforcing authority must notify the obligor and complete a stipulation memorializing the terms of the OIC agreement. The stipulation must include language that acceptance of the OIC will be rescinded if payment in full is not received by SCaDU within 10 days of signing the stipulation.

Prior to the last day of the month in which payment in full is received, the enforcing authority must complete a manual arrears adjustment in NAWC to reflect the amended amount of state debt and initiate case closure.

5. STATE COUNTER OFFER

If the Administrator rejects the obligor's offer and authorizes a counter offer, Central office staff must notify the enforcing authority with instructions to extend the State's counter offer to the obligor. Within five days of receiving authority to counter offer, the enforcing authority must send an OIC Determination Notice (Exhibit 600-16) to the obligor advising of the counter offer amount. The counter offer is void if the obligor does not accept the counter offer by notifying the enforcing authority in writing within 10 business days of the date the obligor was notified of the counter offer. The State's counter offer is final and will not be negotiated or discussed further.

- a. Counter Offer Accepted. If an obligor accepts the State's counter offer, the enforcing authority must complete the OIC process pursuant to Section 623.1(B)(4).
- b. Counter Offer Not Accepted. If an obligor does not respond timely or rejects the State's counter offer, the OIC process is terminated. An obligor may submit a new offer when circumstances have changed.

6. STATE REJECTS OFFER

If the Administrator does not accept the obligor's offer and does not authorize a counter offer, the enforcing authority must send the obligor an OIC Determination Notice (Exhibit 600-16) within five days of receiving the Administrator's decision. The Administrator's decision is final. The obligor may submit a new offer when circumstances have changed.

C. REQUIRED DOCUMENTS

The following supporting documents must be included with the completed OIC application. Offers that do not include the required documents will be rejected.

- Pay stubs for the last 12 months.
- Most recent federal and state tax returns.
- If self-employed, a profit and loss statement for the past three years.
- The last 12 months of statements for all bank and investment accounts held in the applicant's name including joint accounts.
- Mortgage and escrow statements for property owned, sold or given away by the applicant in the last five years.
- Medical records including diagnosis and prognosis and/or other documents to prove any medical condition that should be considered.

EXHIBIT 600-1

Case Name: _____
Case Number: _____

FINANCIAL STATEMENT

You must include verification of income (current or most recent wage stubs, last year's income tax return or other proof).

ALL ITEMS MUST BE ANSWERED (If a question does not apply, write "N/A")

My current home address is: _____

My current employer is: _____

My employer's address is: _____

My social security number is: _____

My gross monthly wages are: \$ _____

Other monthly income is: \$ _____

My total monthly income is: \$ _____

My occupation is: _____

My telephone numbers are: HOME: _____ WORK: _____ MOBILE: _____

There are _____ child(ren) in my home; _____ are mine; _____ are step-children.

I am paying child support for child(ren) not living with me in the amount of \$ _____ per child, per _____ month.

I am presently unemployed and receiving Unemployment Insurance benefits of \$ _____ per week.

I have \$ _____ in my Savings / Checking, located at: _____ and my account number is: _____

I am self-employed and my business grosses \$ _____ per year and nets \$ _____ per year.

I do the following odd jobs _____ and make \$ _____ per month.

If claiming no monthly income, how do you pay for food? _____

If claiming no monthly income, how do you pay for housing? _____

If claiming no monthly income, how do you pay for your basic necessities? _____

I declare under penalty of perjury that the foregoing is true to the best of my belief.

(Signature)

(Date)

(PRINT full name)

EXHIBIT 600-2

Office of Child Support Enforcement
Federal Offset Program

User Guide

I.3 FMS Offset Notice

Department of the Treasury
Financial Management Service
P.O. Box 1696
Birmingham, AL 35201-1686

THIS IS NOT A BILL

PLEASE RETAIN FOR YOUR RECORDS

{Date}

{Name/Address}

Dear {Debtor Name}

As authorized by Federal Law, we applied all or part of your Federal payment to a debt you owe. The government Agency (or agencies) collecting your debt is listed below.

AGENCY
{Creditor Agency Name/phone/address}

TIN Num:
Debt Trace Num:
Acct Num:

Amount this Creditor:

Creditor: Site:

PURPOSE: *{Child Support}*
Amount: *{Amount sent to the Creditor Agency}*

The Agency has previously sent notice to you at the last address known to the Agency. That notice explained the amount and type of debt you owe, the rights available to you, and that the Agency intended to collect the debt by intercepting any Federal payments made to you, including tax refunds. **If you believe your payment was reduced in error or have questions about this debt, you must contact the Agency at the address and telephone number shown above.** The U.S. Department of the Treasury's Financial Management Service cannot resolve issues regarding debts with other agencies.

We will forward the money taken from your Federal payment to the Agency to be applied to your debt balance; however, the Agency may not receive the funds for several weeks after the payment date. If you intent to contact the Creditor Agency immediately, please have this notice available.

{Signature}

{Title}

Debt Management Services
(800) 304-3107

PAYMENT SUMMARY

PAYEE NAME:

PAYMENT TYPE:

PAYMENT BEFORE REDUCTION:

PAYMENT DATE:

TOTAL AMOUNT OF THIS REDUCTION:

PAYING FEDERAL AGENCY {Paying Federal Agency} *If the paying agency is IRS tax refund include:*

(See Insert on Tax Refund Offsets for Additional Information).

EXHIBIT 600-3

**FMS OFFSET NOTICE
(SPECIAL VERSION)**

Department of the Treasury
Internal Revenue Service
(Regional Office Address)

Date of this notice:
Taxpayer Identifying Number
Form: 1040 Tax Period:

For assistance you may
call us at:
(Regional IRS telephone number)

Called ID:

JOHN A & JANE E DOE
3331 ANYSTREET BLVD
ANYTOWN USA 99999-0123

WE CHANGED YOUR ACCOUNT 0000-111-22222-3

ALL OR A PORTION OF YOUR FEDERAL INCOME TAX REFUND OFFSET WHICH WAS PREVIOUSLY APPLIED TO AN OUTSTANDING CHILD SUPPORT OR FEDERAL AGENCY DEBT IS NOW BEING REVERSED BECAUSE AN INJURED SPOUSE CLAIM WAS FILED REQUESTING A REFUND OF THE NON-NON-TAX DEBT.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL US AT THE NUMBER LISTED ABOVE.

STATEMENT OF ACCOUNT

ACCOUNT BALANCE BEFORE THIS CHANGE	NONE
CREDIT ADDED – OTHER	\$ 999.99 CR
AMOUNT TO BE REFUNDED TO YOU IF YOU OWE NO OTHER TAXES OR OTHER DEBTS WE ARE REQUIRED TO COLLECT	\$ 999.99

YOU MAY HAVE ALREADY RECEIVED THIS CHECK. IF NOT, PLEASE ALLOW 2 WEEKS FOR IT TO BE MAILED TO YOU, UNLESS THERE ARE OTHER MATTERS PENDING WHICH COULD POSTPONE YOUR REFUND.

OUR ACTION IS THE RESULT OF YOUR INQUIRY OF (date).

HELPFUL HINT: FOR FASTER SERVICE, TRY CALLING US ANY DAY EXCEPT MONDAY WHEN OUR CALL VOLUMES ARE HIGHEST.

EXHIBIT 600-4

JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF WELFARE AND SUPPORTIVE SERVICES
SUPPORT ENFORCEMENT PROGRAM

NANCY KATHRYN FORD
Administrator

┌

┐

Date: _____

Case No: _____

Case Manager: _____

└

┘

MILITARY INVOLUNTARY ALLOTMENT REQUEST LETTER

RE: _____
Name, SSN, US (same organization)

Dear Sir:

This letter constitutes notice of delinquent support payments and a request for initiation of a mandatory allotment pursuant to 42 USC.

_____ is subject to a court order, (certified copy enclosed) requiring him/her to pay periodic child support in the amount of \$ _____ per month. This individual has failed to meet this obligation, and arrears exceed the total support payable for a 2-month period under the order. (Moreover, a portion of the arrearage pertains to payments which are more than 12 weeks overdue).

I request initiation of a mandatory allotment from the member's active duty pay in the amount of \$ _____, the monthly support obligation created by the order. It should be paid to this agency at the following address:

Please continue the allotment until _____, or such earlier date as notified by this agency.

I certify I am an "authorized person" as the term is defined in 42 USC, and 665 and 32 CFR Part 54. I am an agent of a state with an approved IV-D program, and my duties include seeking recovery of amounts owed as child support or child and spousal support. Thank you for your attention to this matter.

Sincerely,

Child Support Enforcement Agent

Enclosures:

INSTRUCTIONS FOR FORM 4690-EC (4/91), "MILITARY INVOLUNTARY ALLOTMENT
REQUEST LETTER"

PURPOSE:

To initiate military involuntary allotments (income withholding) for collection of child support.

INSTRUCTIONS:

Address the form to the appropriate military contact.

Complete the identifying information for the case, obligor, obligation, and collection agency address.

Sign and mail the form, retain a copy for the case file.

DISTRIBUTION:

White - Military Agency
Canary - Case File

EXHIBIT 600-5

OCSE Pre-Offset Notice

CHILD SUPPORT ENFORCEMENT DIVISION
DEPARTMENT OF REVENUE MS 01550
550 Any St
Anytown AK 99999

CHILD SUPPORT ENFORCEMENT DIVISION
600 Any Blvd
Anytown AK 99999

PHONE(S): 907-999-9999

CURRENT DATE

**** CONTACT ADDRESS ABOVE ****

MR AND/OR MS JOHN DOE
3331 ANYSTREET BLVD
ANYTOWN USA 99999-0123

SSN	CASE/MEMBER NUMBER	LOCAL ID	PAST DUE AMOUNT CLAIMED
***-**-3456	33331Z97RN1	001	\$520 (NON-TANF)

The agency identified above has determined that you owe past-due child and/or spousal support. Our records show that you owe at least the amount shown above. If your case was submitted to the United States Department of the Treasury for collection in the past, this amount is subject to collection at any time by Administrative Offset and/or Federal Tax Refund Offset. If your case has not already been submitted to the United States Department of the Treasury and you do not pay in full within 30 days from the date of this notice, this amount will be referred for collection by Administrative Offset and/or Federal Tax Refund Offset. Under Administrative Offset (31 U.S.C.3716), certain Federal payments that might otherwise be paid to you will be intercepted, either in whole or in part, to pay past-due child and/or spousal support. Under Federal Tax Refund Offset (42 U.S.C.664;26 U.S.C.6402), any Federal Income Tax Refund to which you may be entitled will be intercepted to satisfy your debt. The amount of your past-due support will also be reported to consumer reporting agencies.

If you owe or owed arrearages of child support in an amount exceeding \$2,500, the agency identified above will certify your debt to the State Department pursuant to 42 USC 654(31). Once you are certified, the Secretary of State will refuse to issue a passport to you, and may revoke, restrict or limit a passport that was previously issued.

Your debt will remain subject to Federal Tax Refund Offset, Administrative Offset, and/or passport certification until it is paid in full. Important: If you owe current support, any further arrears accruing due to payments missed may be added to your debt and will be subject to collection by Federal Tax Refund Offset and/or Administrative Offset now or in the future without further notice. To determine additional amounts owed or the total amount past-due which the agency has submitted for collection, you may contact us at the address or phone number listed above.

You have a right to contest our determination that this amount of past-due support is owed, and you may request an administrative review. To request an administrative review, you must contact us at the address or phone number listed above within 30 days of the date of this notice. If your support order was not issued in our state, we can conduct the review or, if you prefer, the review can be conducted in the state that issued the support order. If you request, we will contact that state within 10 days after we receive your request and you will be notified of the time and place of your administrative review by the state that issued the order. All requests for administrative review, or any questions regarding this notice or your debt, must be made by contacting the agency identified above.

If you are married, filing a joint income tax return, and you incurred this debt separately from your spouse, who has no legal responsibility for the debt and who has income and withholding and/or estimated tax payments, your spouse may be entitled to receive his or her portion of any joint Federal tax refund. If your spouse meets these criteria, he or she may receive his or her portion of the joint refund by filing a Form 8379 - Injured Spouse Claim and Allocation. Form 8379 should be attached to the top of the Form 1040 or 1040A when you file, or filed according to other instructions as indicated on the Form 8379.

Passport Denial Letter

United States Department of State
**U.S. Embassy/Consulate or Passport
Agency/Center**
Ex: National Passport Center
*31 Rochester Avenue
Portsmouth, New Hampshire 03801-2900
1-(877) 487-2778*

Date

Name
Address

Dear Mr. Name,

Thank you for your recent passport book and/or card application. We need your help in order to continue processing your request. The Department of State has determined that you are ineligible to receive passport services. This determination is based on Section 51.60(a)(2) of Title 22 of the Code of Federal Regulations and the certification of the Secretary of Health and Human Services that you are in arrears of child support.

◆Section 51.60(a)(2) reads as follows:

51.60 – Denial and Restriction of Passports

(a) The Department may not issue a passport, except a passport for direct return to the United States, in any case in which the Department determines or is informed by competent authority that:

(2)The applicant has been certified by the Secretary of Health and Human Services as notified by a state agency under 42 U.S.C.652 (k) to be in arrears of child support in an amount determined by statute.

Please note that in accordance with Section 7303 of Public Law 109-171, the Deficit Reduction Act of 2005, the threshold for denial of passport services was reduced from \$5,000 to \$2,500 on October 1, 2006.

Neither this passport agency nor the Department of State has information concerning your child support obligation. A list of state child support enforcement agencies and their phone numbers is attached to this letter for your use. Please contact the appropriate office on this list to make payment arrangements.

This decision is not appealable with the Department of State. If you make appropriate arrangements with your state child support agency within 90 days, please notify this Passport Agency in writing or by calling the National Passport Information Center at the number listed below. After you make payment arrangements with your state agency, please allow 5-10 business days before calling the National Passport Information Center (NPIC), so HHS has sufficient time to notify Passport Services. Once the Secretary of Health and Human Services has certified to the Secretary of State that you have satisfied the child support arrearage, your name will be removed from the certified list. Please note that several states have a \$0 balance policy before allowing passport issuance to an individual who was previously in arrearage.

All questions regarding such a policy must be addressed to the appropriate state child support agency. The Department of State cannot override this policy.
If we do not receive a response within ninety (90) days, your application will be filed without further action. Any special return postage will be returned or refunded.

PLEASE RETURN THIS LETTER WITH YOUR REPLY.

To Customer: If you have any questions regarding this letter or your passport application, contact the National Passport Information Center at 1-(877) 487-2778 (TDD/TTY: 1-(888) 874-7793). Customer Service Representatives are available Monday–Friday, 8:00 a.m. to 10:00 p.m., EST, excluding Federal holidays. These hours may be expanded to accommodate increased calls. You may also check the status of an already-submitted application by visiting http://travel.state.gov/passport/status/status_2567.html. For a wealth of passport and travel information, visit us at <http://travel.state.gov>.
Enclosure(s): Agency List

FOR NON-SUPPORT (18 U.S.C. §228)

Project Save Our Children



State of* __ County of ____

IV-D Case Number* ____

For OCSE PSOC Use Date Case Received Month ____ Day ____ Year ____
--

PSOC Case Number _____

SECTION I - PAYER INFORMATION

Name of Payer* Last _____ First _____ Middle _____		Social Security Number* - - -	Date of Birth* Month __ Day __ Year ____ Place of Birth _____
Last Known Address (Street Name and Number)		Telephone Number(s) - -	
City	State & Zip Code		Was the address verified? If so, when _____
Employer Name	Employer Address		Telephone Number - -
Wage and Income History*	Date Verified*		Source of Verification*
Occupation	Professional License		Auto & Driver's License / State Issued /
Alias	Does the Payer have any current warrants? If yes, please indicate type and where issued.		
Brief Physical Description (Race, sex, height, weight, eyes, hair color, tattoo etc.)			

SECTION II - ORDER INFORMATION

Date Order was Entered*	Amount Ordered ____
When Was the Last Payment?	Arrearage* ____ Arrears from Date ____ Arrears to Date ____

ATTACH PAYMENT HISTORY & ORDER

Attach any locate or additional information that would assist in processing the case.

FOR NON-SUPPORT (18 U.S.C. §228)

SECTION III – REFERRAL INFORMATION*

State __ County _____	Name of Referring Agency	Referral Date Mon __ Day __ Yr _____
State Contact Person	Direct Phone Number - -	FAX - -
Address of Referring Agency (Street Name and Number)		Email Address
City	State	Zip Code

SECTION IV – CUSTODIAL PARTY INFORMATION

Name of Custodial Party* Last First Middle	Social Security Number* - -	Date of Birth* Month __ Day __ Year ____ Place of Birth _____
Street Name and Number*		
City*	State*	Zip Code*
Home Phone Number - -	Business Phone Number - -	Spouse's Phone Number - -
Does custodial party have any restraining/protective orders against payer? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Has this party signed a non-disclosure form? <input type="checkbox"/> No <input type="checkbox"/> Yes		

SECTION V – CHILD INFORMATION

Name of Child* Last First	Date of Birth* Month __ Day __ Year ____	Place of Birth	State of Residency
Name of Child* Last First	Date of Birth* Month __ Day __ Year ____	Place of Birth	State of Residency
Name of Child* Last First	Date of Birth* Month __ Day __ Year ____	Place of Birth	State of Residency

SECTION VI – PROSECUTOR REVIEW*

Has this case been reviewed by a prosecutor for possible state criminal charges? No <input type="checkbox"/> Yes <input type="checkbox"/>	If yes, by whom? (List prosecutor's or assistant's name and phone number.) - -
If yes, what was the outcome of the review? (criminal warrant, case did not meet an element of state law, etc.)	

**STATE REFERRAL: FEDERAL CRIMINAL PROSECUTION
FOR NON-SUPPORT (18 U.S.C. §228)**

SECTION VII – OTHER ELEMENTS

1. List enforcement efforts to date showing which other remedies have been attempted. What systems were used and dates?*

2. Describe information relevant to establishing that the obligor has traveled interstate or internationally for the purpose of evading child support. Append supporting documentation, including any tribunal order making such a finding.

Please attach a separate sheet outlining this information, if available. (Indicators or history of willful non-payment, ability to make full or partial payment, obligor's knowledge of obligation or other circumstances.)

SECTION VIII - REFERRAL *

SIGNATURE OF AUTHORIZED OFFICIAL

The referring IV-D agency certifies:

- The case is believed to meet statutory criteria for federal prosecution under 18 U.S.C. §228.
- The state has exhausted all available and reasonable alternative enforcement remedies.

By _____ Date _____

NAME _____

TITLE _____

*** MANDATORY – SECTION MUST BE COMPLETED**



Office of Child Support Enforcement Project Save Our Children (PSOC)

State Referral for Federal Criminal Prosecution for Non-Support Instructions

Before referring a case for federal criminal prosecution for non-support, the IV-D agency must:

- Determine that the case meets the statutory criteria for federal prosecution under 18 U.S.C. §228, including that the referral is part of an investigation for an interstate child support case.
- Exhaust all available and reasonable alternative enforcement remedies.

Upon receipt of the referral, the OCSE PSOC Coordinator will log the referral, issue a notice of receipt to the referring agency and immediately forward it to the appropriate Office of Inspector General (OIG) regional office for investigation and pursuit of prosecution. The referring state will receive updates from the OCSE PSOC Coordinator as they are received from the OIG and/or the US Attorney. In some instances, the OIG and/or the US Attorney will contact the referring state agency directly for additional information or to provide status and case disposition.

This template and instructions will assist you in filling out the PSOC referral quickly and easily. You may still choose to print this form and handwrite the referral if you wish. If you handwrite, please print legibly.

This referral is in a template form. Please refrain from altering the form. The areas marked with an asterisk (*) are **required** fields.

TOP SECTION – STATE REFERRAL FOR FEDERAL CRIMINAL PROSECUTION FOR NON-SUPPORT

State: * Enter the abbreviation for the state that is submitting the referral.
County: If the referral originated from a county, enter the name of the county.
IV-D Case Number: * Enter the state IV-D case number.

SECTION I – PAYER INFORMATION

Name of Payer: * Enter the last name, enter the first name, then enter the middle initial.
Social Security Number: * Enter the SSN in the format of 000-00-0000

Date of Birth: * Enter the month, day and year in MM DD YY format. (Example: March 14, 1957 should be 03 14 57)

Place of Birth: Enter the name of the city and state where the payer was born if known.

Last Known Address: Enter the last known address for the payer. Enter the street address and apartment number.

Telephone Number: Enter the last known telephone number of the payer. (Format 000-000-0000)

City: Enter the last known city of residence.

State and Zip Code: Enter the state's abbreviation and zip code of the last known address of the payer.

Was the address verified?: If address was verified through mail coverings, post office verifications, etc., enter the verification date. (Format MM/DD/YYYY)

Employer Name: Enter the payer's last known employer or company name.

Employer Address: Enter the employer's address to include city, state and zip code, if known.

Telephone Number: Enter the employer's telephone number, if known.

Wage/Income History: * Enter income/wage history (verified).

Date Verified: * Enter the date annual wage information was verified.

Source of Verification: * Enter the source(s) of verification.

Occupation: Enter the payer occupation. (e.g., construction, sales)

Professional License: Enter the type of license that the payer may have such as Doctor, Nurse, Contractor, etc.

Auto & Driver's License/State: Enter the driver's license information of the payer if known. (If only the state is known, please enter it.)

Alias: Enter the aliases that the payer may have used or is currently using.

Does the Payer have any current warrants?: Enter the type of warrant and the state or jurisdiction that issued the warrant, if known.

Physical Description: Describe the payer (race, sex, height, weight, eyes, hair color, tattoo etc)

SECTION II – ORDER INFORMATION

Date Order was Entered: * Enter the date the order was issued (Format MM/DD/YYYY)

Amount Ordered: Enter the amount that was ordered. You just need to enter the numbers and cents (Format 0000.00). This field will automatically show it in common currency amounts.

Arrearage: * Enter the amount that the payer is in arrears.

Arrears from Date: Enter the date that the arrears started from. (Format MM/DD/19YY)

Arrears to Date: Enter the date that the arrears were last certified. (Format MM/DD/YYYY)

When was the Last Payment?: Enter the date of the last payment received from the payer. (Format MM/DD/YYYY)

Payment History & Order: These documents must be attached to the referral.

SECTION III – REFERRAL INFORMATION * (This section must be filled out completely.)

State / County: Enter the abbreviation for the state that is submitting the referral. If the referral originated from a county, enter the name of the county.

Name of Referring Agency: Enter the name of the referring agency. (e.g., state CSE, AUSA, OIG)

Referral Date: Date that the referral is sent to PSOC Coordinator.
State Contact Person: Enter the name of a person that can be contacted if the coordinator has questions concerning the referral.
Direct Phone Number: Enter the telephone number for the contact person.
FAX: Enter the fax number for the contact person.
Address of Referring Agency: Enter the mailing street address of the contact person that will receive the case after the case has been processed.
Email address: Enter the contact person's email address.
City: Enter the city of the contact person.
State: Enter the state of the contact person.
Zip Code: Enter the mailing zip code of the contact person.

SECTION IV – CUSTODIAL INFORMATION

Name of Custodial Party: * Enter last name, first name and middle initial of the custodial party.
Social Security Number: * Enter the SSN of the custodial party. (Format 000-00-0000)
Date of Birth: * Enter the date of birth for the custodial party (Format MM/DD/YYYY).
Place of Birth: (Not required) Enter the place of birth (city/state) for the custodial party if known.
Street Name and Number: * Enter the street number and name of the mailing address of the custodial party.
City: * Enter the city where the custodial party resides.
State: * Enter the state abbreviation of where the custodial party resides.
Zip Code: * Enter the mailing zip code of the custodial party.
Home Phone Number: Enter the home phone number of the custodial party.
Business Phone Number: Enter the business phone number of the custodial party if it applies.
Spouse's Phone Number: Enter a phone number that can be used to reach the spouse of the custodial party if it applies.
Does custodial party have any restraining orders against the payer?: * Check the appropriate box with an "X" if there are any orders of protection against the payer for the custodial party.
Has this party signed a non-disclosure form?: Check the appropriate box with an "X."

SECTION V – CHILD INFORMATION

Name of Child: * Enter the name of the child starting with the last name first then the first name.
Date of Birth: * Enter the birth date of the child. (Format MM/DD/YYYY)
Place of Birth: Enter the city and state the child was born in.
State of Residency: Enter the state where the child has residency.

If there is more than one child involved, continue to enter the remaining children's' information in the blocks provided. If there are more than three children, enter the remaining children in the space provided in Section VII.

SECTION VI – PROSECUTOR REVIEW * (This section must be filled out completely.)

Has the case been reviewed Check the appropriate box with a "X" if a state or

by a prosecutor?: federal prosecutor has reviewed the case.
If yes, by whom?: Enter the name of the prosecutor that reviewed the case with the jurisdiction where that prosecutor has jurisdiction. (Example: John Doe, Fulton County DA's Office).
If yes, what was the outcome?: If a prosecutor has looked at the case and indicated that the case could not be prosecuted at the state level or the federal level, please describe the reason here.

SECTION VII – OTHER ELEMENTS

This section is used to summarize the efforts of the local/state CSE agency. The referring agency must describe the enforcement efforts against payer. It also requires a description of information relevant to establishing that the obligor has traveled interstate or internationally for the purpose of evading child support. Append supporting documentation, including any tribunal order making such a finding.

This section can also be used to add additional information that was not requested previously but the referral source wants to bring to the attention of the analyst.

SECTION VIII – REFERRAL*

(This section must be filled out completely.)

SIGNATURE OF AUTHORIZED OFFICIAL

This section certifies that the case is referred for the limited purpose of investigation and prosecution under the federal criminal nonsupport statute. In this section, the agency certifies that the prerequisites set forth above have been met before the case is referred.

The state official making the referral must sign; the referral will be made by the State PSOC Coordinators office.

Mail the referral via **secured mail service** (such as FedEx) to the following:

**Nicholas Soppa, PSOC Coordinator
Office of Child Support Enforcement
370 L'Enfant Promenade, S.W.
4th Floor East
Washington, DC 20447**

*** MANDATORY – SECTION MUST BE COMPLETED**

PROJECT SAVE OUR CHILDREN (PSOC) REFERRAL COVER SHEET

LOCATE ASSISTANCE REQUEST OR FEDERAL CRIMINAL PROSECUTION

NCP Name: _____ Case UPI: _____

NCP Last Known Address: _____

Date Order Entered: ___ / ___ / ___ Court Order # _____

Amount Ordered: \$ _____

Arrearage Amount \$ _____

Arrears from Date: ___ / ___ / ___

Arrears to Date: ___ / ___ / ___

Date of Last Payment: ___ / ___ / ___

Amount: \$ _____

Date FPLS Requested: ___ / ___ / ___

Date SPLS Requested: ___ / ___ / ___

Which States: _____, _____, _____, _____, _____

Name of Child: _____

Child's State of Residency: _____

Name of Child: _____

Child's State of Residency: _____

Name of Child: _____

Child's State of Residency: _____

Referring Case Manager: _____ Office: _____ Date: ___ / ___ / ___
Please Print

Phone: _____ Fax: _____ Email: _____

CENTRAL OFFICE REVIEW

Referral Accepted: Yes No

Date Sent to PSOC: ___ / ___ / ___

Reason Referral Rejected: _____

PSOC Coordinator

**GARNISHMENT OF FEDERAL PAYMENTS
FOR CHILD SUPPORT OBLIGATIONS**

Payments Subject to Garnishment

Different Payment Types	Authority
<p>Federal Employee Pay Moneys which are subject to garnishment include compensation payable for personal services of the individual, whether the compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay).</p>	<p>Section 459(h)(1)(A)(i) of the Social Security Act (the Act), 5 CFR 581.103(a)</p>
<p>Worker's Compensation and Other Benefits Worker's compensation benefits paid or payable under Federal or State law, benefits paid or payable under the Railroad Retirement System, and special benefits for certain World War II veterans payable under title VIII are subject to garnishment.</p>	<p>Section 459(h)(1) of the Social Security Act, 5 CFR 581.103(c)</p>
<p>Federal Pension, Retirement, Annuities and Similar Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments under any system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by any individual are subject to garnishment.</p>	<p>Section 459(h)(1)(A)(ii)(II) of the Act, 5 CFR 581.103(c)(1)</p>
<p>Armed Services Pay Moneys for the personal service of an obligor in the uniformed services of the United States is subject to garnishment for child support.</p> <p>In any case in which child support payments or child and spousal support payments are owed by a member of one of the uniformed services (as defined in section 101(3) of title 37, United States Code) on active duty, such member shall be required to make allotments from his pay and allowances (under chapter 13 of title 37, United States Code) as payment of such support, when he has failed to make periodic payments under a support order that meets the criteria specified in section 303(b)(1)(A) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)(1)(A)) and the resulting delinquency in such payments is in a total amount equal to the support payable for two months or longer.</p> <p>Do not include any payment as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty as these payments are <u>not</u> subject to garnishment.</p>	<p>5 CFR 581.103(b)</p> <p>Section 465(a)(1) of the Act</p> <p>Section 459(h)(1)(B)(ii) of the Act</p>
<p>Social Security Benefits Under Title II Periodic benefits, including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of title II of the Social Security Act may be garnished.</p>	<p>Section 459(h)(1)(A)(ii)(I) of the Act, 5 CFR 581.103(c)(1)</p>

<p>Federal "Black Lung" Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments under any Federal program established to provide "black lung" benefits is subject to garnishment.</p>	<p>Section 459(h)(1)(A)(ii)(IV) of the Act, 5 CFR 581.103(c)(6)</p>
<p>Federal Death Benefits: Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments periodic benefit as defined in section 228(h)(3) of the Act) or other payments as compensation for death under any Federal program are subject to garnishment.</p>	<p>Section 459(h)(1)(A)(ii)(III) of the Act, 5 CFR 581.103(c)(5)</p>
<p>Veteran Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived a portion of the retired or retainer pay in order to receive such compensation may be garnished. In such cases, only that part of the Department of Veterans Affairs payment that is in lieu of the waived retired pay or waived retainer pay is subject to garnishment.</p> <p>Special benefits for certain World War II veterans payable under title VIII of the Act may be garnished.</p>	<p>Section 459(h)(1)(A)(ii)(V) of the Act, 5 CFR 581.103(c)(7)</p> <p>Section 459(h)(1)(A)(v) of the Act</p>

Payments Excluded from Garnishment

Different Payment Types	Authority
<p>Supplemental Security Income (SSI) Benefits Supplemental Security Income (SSI) payments made pursuant to sections 1381 et seq., of title 42 of the United States Code (title XVI of the Social Security Act) are not subject to garnishment.</p>	<p>5 CFR 581.104(j)</p>
<p>Section 459 of the Social Security Act Moneys payable to an individual which are considered to be based upon remuneration for employment and subject to garnishment, do not include any payment:</p> <ul style="list-style-type: none"> • by way or reimbursement or otherwise, to defray expenses incurred by the individual in carrying out duties associated with the employment of the individual, • as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty; or • of periodic benefits under title 38, United States Code, except as provided in subparagraph (A)(ii)(V). <p>In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which—</p> <ul style="list-style-type: none"> • are owed by the individual to the United States; • are required by law to be, and are, deducted from the remuneration or other payment involved, including Federal employment taxes, and fines and forfeitures ordered by court-martial; • are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld 	<p>Section 459(h)(1)(B) of the Act</p> <p>Section 459(h)(2) of the Act</p>

<p>are not greater than would be the case if the individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1986 may be permitted only when the individual presents evidence of a tax obligation which supports the additional withholding);</p> <ul style="list-style-type: none"> • are deducted as health insurance premiums; • are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage); or • are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage). 	
<p>5 CFR 581.104 Moneys which are not subject to garnishment.</p> <p>Moneys not subject to garnishment:</p> <ul style="list-style-type: none"> • Payments made pursuant to the provisions of the Federal Tort Claims Act, as amended, sections 1346(b) and 2671 et seq., of title 28 of the United States Code; • Payments or portions of payments made by the Department of Veterans Affairs pursuant to sections 501–562 of title 38 of the United States Code, in which the entitlement of the payee is based on non-service-connected disability or death, age, and need; • Refunds and other payments made in connection with overpayments or erroneous payments of income tax and other taxes levied under title 26 of the United States Code; • Grants; • Fellowships; • Education and vocational rehabilitation benefits for veterans and eligible persons under chapters 30, 31, 32, 35, and 36 of title 38, United States Code, and chapters 106 and 107 of title 10, United States Code; • Contracts, except where the contractor recipient performed personal services and received payments in his/her capacity as an employee of a governmental entity; and • Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to: <ul style="list-style-type: none"> ▪ In the case of civilian employees: <ul style="list-style-type: none"> • Uniform allowances; • Travel and transportation expenses (including mileage allowances); • Relocation expenses; • Storage expenses; • Post differentials; • Foreign areas allowances; • Education allowances for dependents; • Separate maintenance allowances; • Post allowances and supplementary post allowances; • Home service transfer allowances; • Quarters allowances; • Cost-of-living allowances (COLA), when applicable to an employee in a foreign area or an employee stationed outside of the continental United States or in Alaska; • Remote worksite allowance; and • Per diem allowances. ▪ In the case of members of the uniformed services: <ul style="list-style-type: none"> • Position pay (Navy only); • Basic allowance for quarters; • Basic allowance for subsistence; • Station allowances; • Armed Forces health professions scholarship stipends; • Public Health Service scholarship stipends; • Travel and transportation allowances; • Dislocation allowances; • Family separation allowances; 	<p>5 CFR 581.104</p>

<ul style="list-style-type: none">• ROTC subsistence allowance;• Allowance for recruiting expenses;• Education allowances for dependents;• Clothing allowances for enlisted personnel;• Uniform allowances; and• Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.▪ In the case of volunteers serving under either the Domestic Volunteer Service Act or the Peace Corps Act, all allowances, including, but not limited to, readjustment allowances, stipends, and reimbursements for out-of-pocket expenses.• Moneys due a deceased employee obligor where the amounts are reimbursement for expenses incurred by the deceased employee in connection with his/her employment, or allowances in lieu thereof, including:<ul style="list-style-type: none">▪ Per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith;▪ Allowances on change of official station;▪ Quarters allowances; and▪ Cost-of-living allowances (COLA), when applicable as a result of the deceased employee obligor's having been in a foreign area or stationed outside of the continental United States or in Alaska.• Supplemental Security Income (SSI) payments made pursuant to sections 1381 et seq., of title 42 of the United States Code (title XVI of the Social Security Act).	
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EXHIBIT 600-12

OFFER IN COMPROMISE

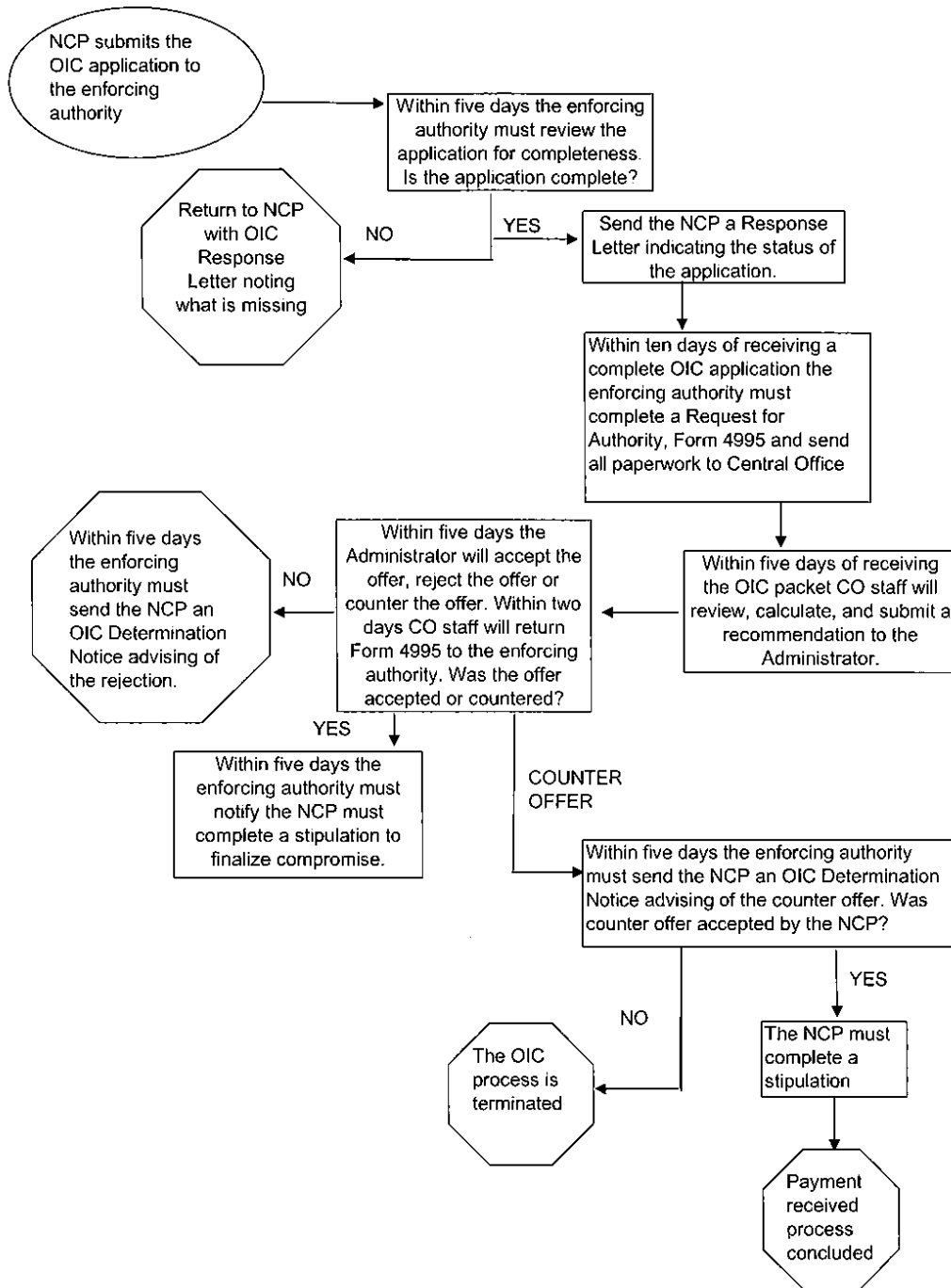


EXHIBIT 600-14

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF WELFARE AND SUPPORTIVE SERVICES
CHILD SUPPORT ENFORCEMENT PROGRAM

Name: _____ UPI: _____

Address: _____

City, State, Zip: _____

DATE: _____

OFFER IN COMPROMISE (OIC) RESPONSE LETTER

This will acknowledge receipt of your offer to compromise, or settle, the child support arrears you owe to the State of Nevada.

Your OIC application has been forwarded to the State for consideration. You will be notified of the State's determination within 45 days.

Your settlement offer will not be considered at this time because:

_____ Form 4127-EC, Offer in Compromise Application, was incomplete or missing.
You may resubmit your offer using the enclosed form.

_____ Your offer cannot be evaluated because the required information listed below was not provided. You may resubmit your settlement offer for reconsideration using the proper OIC Application and including all required documentation.

_____ Arrears are still owed to the custodian(s). Compromise (reduction) of state debt will not be considered unless all arrears owed to custodian(s) are paid in full. You may submit a settlement offer once all custodian arrears have been paid in full.

Please contact your child support case manager if you have questions.

Case Manager

Enforcing Authority

Telephone Number

Email Address

DIVISION OF WELFARE AND SUPPORTIVE SERVICES
CHILD SUPPORT ENFORCEMENT PROGRAM

OFFER IN COMPROMISE SUMMARY AND AUTHORITY REQUEST
State Arrears Only

IV-D Office _____ Date _____

Case Manager's Name _____ Telephone Number (____) _____

Email Address _____ Fax Number (____) _____

PART A: CASE SUMMARY
To be completed by enforcing authority

NCP Name _____	UPI _____
Date Complete OIC Application Received by IV-D Office _____	
Amount of NCP Offer \$ _____	Debt to the State \$ _____
Total Amount of Arrears Due All Custodians \$ _____	
Amount due CST #1 _____	\$ _____
Amount due CST #2 _____	\$ _____
Amount due CST #3 _____	\$ _____
Court Order Information <i>(Please attach copy of order)</i>	
Date of Judgment _____	Amount of Judgment \$ _____
Enforcing Authority Comments: 	
Supervisor/Manager Review <i>(optional)</i> _____	
Supervisor/Manager Signature	
Date: _____	Phone Number: _____ E-mail _____
Address: _____	

Attach OIC Application and all supporting documents.
Forward to Central Office within 10 days of receiving complete OIC application.

PART B: CENTRAL OFFICE REVIEW
To be completed by Central Office

CSEP RECOMMENDATION	
<input type="checkbox"/> ACCEPT OFFER	<input type="checkbox"/> REJECT OFFER <input type="checkbox"/> COUNTER OFFER \$ _____
JUSTIFICATION:	
CSEP REPRESENTATIVE _____	DATE _____

ADMINISTRATOR'S AUTHORITY	
<input type="checkbox"/> ACCEPT OFFER	<input type="checkbox"/> REJECT OFFER <input type="checkbox"/> COUNTER OFFER \$ _____
COMMENTS:	
ADMINISTRATOR _____ Signature	DATE _____

CASE MANAGER NOTIFICATION OF FINAL DISPOSITION	
CENTRAL OFFICE COMMENTS:	
PROGRAM SPECIALIST _____	DATE _____

PART C: COUNTER-OFFER STATUS
Please provide Central Office with copy of counter-offer status

<input type="checkbox"/> COUNTER-OFFER ACCEPTED Date: _____	<input type="checkbox"/> COUNTER-OFFER REJECTED OR NO RESPONSE BY DUE DATE Date: _____
CASE MANAGER _____	DATE: _____

EXHIBIT 600-16

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF WELFARE AND SUPPORTIVE SERVICES
CHILD SUPPORT ENFORCEMENT PROGRAM

Name: _____ UPI: _____

Address: _____

City, State, Zip: _____

DATE: _____

OFFER IN COMPROMISE (OIC) DETERMINATION NOTICE

Your Offer in Compromise Application dated _____ has been evaluated. The State of Nevada has determined:

1. Your offer of \$_____ has been accepted. A Stipulation is enclosed which you must sign and return before your compromise is final. You have 10 business days from the date of this notice to return the signed Stipulation to your case manager. A copy of the court approved stipulation will be sent to you.

You must also send a money order or cashier's check for \$_____ to SCaDU, PO Box 98950, Las Vegas, NV 89193-8950, within 10 business days of signing the Stipulation.

If either the signed Stipulation or full payment is not received by the due date your compromise will be denied.

2. Your offer has not been accepted. However, the State will accept \$_____ in settlement of your debt. If you accept the State's counter offer you must follow the stipulation and payment instructions in paragraph #1 above.
3. Your offer is denied because the information you provided indicates you have the potential to pay your debt. You may submit a new settlement offer when there has been a substantial change in your circumstances.

Please contact your child support case manager if you have questions about this notice.

Case Manager

Enforcing Authority

Telephone Number

Email Address

EXHIBIT 600-17

Appendix B to Part 212 – Form Notice of Right to Garnish Federal Benefits

The United States, or state child support enforcement agency, certifying its right to garnish Federal benefits shall attach or included with garnishment order the following Notice, on official organizational letterhead.

Information in brackets should be completed by the United States or a State child support enforcement agency, as applicable. Where the bracketed information indicates a choice of words, as indicated by a slash, the appropriate words should be selected from the options.

Notice of Right to Garnish Federal Benefits

Date: **mm/dd/yyyy**

[Garnishment Order Number] / [State Case ID]

The attached garnishment order was [obtained by the United States, pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3205, or the Mandatory Victims Restitution Act, 18 U.S.C. § 3613, or other Federal statute] / [issued by (name of the State child support enforcement agency), pursuant to authority to attach or seize assets of noncustodial parents in financial institutions in the State of (name of State), 42 U.S.C. § 666].

Accordingly, the garnishee is hereby notified that the procedures established under 31 CFR Part 212 for identifying and protecting Federal benefits deposited to accounts at financial institutions do not apply to this garnishment order.

The garnishee should comply with the terms of this order, including instructions for withholding and retaining any funds deposited to any account(s) covered by this order, pending further order of [name of court]/ [the name of the State child support enforcement agency].

EXHIBIT 600-18



**THRIFT SAVINGS PLAN
 INCOME WITHHOLDING ORDER FOR STATE AGENCIES**

TSP-CS-1

State agencies should use this form for garnishments related to participants' child support obligations. To be honored by the TSP, a legal process must meet the requirements of 5 U.S.C. § 8437(e)(3) and 5 C.F.R. part 1653, subpart B. **Use of this form is strongly encouraged but not mandatory. No other state agency documents are required.**

I. INFORMATION ABOUT THE TSP PARTICIPANT WHOSE ACCOUNT IS TO BE GARNISHED

Type of Order: Freeze Only Pay Modify Vacate Dispute Pending

1. Participant's Name _____

2. Participant's TSP Account Number or Social Security Number _____

3. Participant's Street Address _____ City _____ State _____ Zip Code _____

II. INFORMATION ABOUT THE STATE CHILD SUPPORT ENFORCEMENT AGENCY (CSEA)

4. State Child Support Enforcement Agency _____

5. CSEA Address for Decision Letter _____ City _____ State _____ Zip Code _____

6. Make check payable to (if different from Item 4 above) _____

7. CSEA Address for Payment (if different from Item 5 above) _____ City _____ State _____ Zip Code _____

8. (_____) _____ - _____ CSEA Phone Number

9. CSEA Case Reference Number or Order Identifier _____

10. Check if requesting current vested account balance

III. ARREARAGE OWED FOR CHILD SUPPORT AND AMOUNT(S) TO BE PAID

Enter the total arrearage owed for child support in Item 11. In Item 12, check the box next to each TSP account being garnished and enter the amount to be paid from each account. See form instructions for additional information.

11. Total Arrearage Owed for Child Support \$ _____

12. Check all applicable TSP accounts and enter the appropriate amount for each. (The total cannot exceed the amount in Item 11.)

<input type="checkbox"/> Civilian Account	\$ _____	Total amount from all accounts in Item 12.	0.00
<input type="checkbox"/> Uniformed Services Account	\$ _____		
<input type="checkbox"/> Beneficiary Participant Account—Civilian	\$ _____		
<input type="checkbox"/> Beneficiary Participant Account—Uniformed Services	\$ _____		

IV. SIGNATURE

WHEREAS the participant identified in Section I of this document was required to pay child support;
 AND WHEREAS the participant has failed to meet this obligation and is currently in arrears;
 IT IS THEREFORE ORDERED by the Child Support Enforcement Agency (identified in Section II) that the Thrift Savings Plan (TSP) comply with the listed amount(s) from the TSP account(s) identified in Section III, Item 12 and described in Section I above.

13. Printed Name of Authorized Representative _____

14. Signature of Authorized Representative _____

15. Date Signed (mm/dd/yyyy) _____

Or Certification by CSEA (including date certified):

TSP-CS-1, INFORMATION AND INSTRUCTIONS

GENERAL INFORMATION

The following instructions describe how to complete the Thrift Savings Plan (TSP) Income Withholding Order (IWO). A TSP IWO is considered a legal process that must meet the requirements of 5 U.S.C. § 8437(e)(3) and 5 C.F.R. part 1653, subpart B. The TSP will honor any legal process that meets these requirements. **Use of the TSP IWO form is not required, but it may help to expedite the process.**

A TSP IWO can only be used to

- place a freeze on an account,
- order payment or delivery of funds,
- modify a previously submitted IWO or order,
- vacate a previously submitted IWO or order, or
- notify the TSP of a pending dispute and request that the TSP hold a pending payment.

Do not submit duplicate orders.

SECTION I.

All items in Section I must be complete.

SECTION II.

Provide all of the requested information. The check will be made payable to the state Child Support Enforcement Agency named in Item 4 unless an alternate payee is provided in Item 6. The decision letter will be mailed to the address provided in Item 5. If you have a separate address for receipt of the check, provide it in Item 7. Provide a state case reference number or order identifier in Item 9. If account information is required, select Item 10.

SECTION III.

Note: If garnishing from multiple accounts, enter the participant's Social Security number (instead of TSP account number) in Section I, Item 2. Also, ensure that the amount entered on each account line in Item 12 reflects only the amount owed for that particular account. **Overpaid amounts cannot be returned to the TSP.**

Enter total arrearage owed for child support in Item 11. In Item 12, check the box next to each TSP account being garnished and enter the amount to be paid from each account.

EXAMPLE

Participant Has: \$3,000 in assets in two TSP accounts:
• Civilian account: \$1,500
• Uniformed Services account: \$1,500

State Wants To: Garnish \$2,000 to satisfy participant's arrears

State Should: Submit one IWO: Enter \$2,000 arrearage owed for child support in Item 11.
• Check the box in Item 12 for the Civilian account. Enter \$1,500 on the related line.
• Check the box in Item 12 for the Uniformed Services account. Enter \$500 on the related line.

Note: A beneficiary participant account is an account established in the name of a spouse beneficiary of a deceased TSP participant. If garnishing from more than one beneficiary participant account of the same type, you must submit a separate form.

SECTION IV.

The authorized state official should

- provide his or her name and signature in Items 13 and 14 and date the form in Item 15
- provide the state's alternate means of certification and date the form in Item 15.

MAILING INSTRUCTIONS

Make a copy of this completed form for your records. Mail or fax this form to:

Mailing Address: TSP Legal Processing Unit
P.O. Box 4390
Fairfax, VA 22038-4390

Overnight Mail Delivery: TSP Legal Processing Unit
12210 Fairfax Town Center, Unit 906
Fairfax, VA 22033

Fax Number: 703-288-9041

Section 600

MTL 08/13 1 Aug 13
Exhibit 600-19

Insurance Intercept Cover Letter Example

(Enforcing Authority's Letter Head)

Date

*Adjuster
Insurance Carrier
Address Line 1
Address Line 2*

RE: Your Claimant/Our Obligor:
Your Claim Number:
Our Case Number:

Dear _____:

The above referenced individual (Claimant) is an obligor in a child support case being enforced by this office. Pursuant to Nevada Revised Statute (NRS) 31A.025 to 31A.190, child support enforcement authorities may order the withholding of money for the support of a child from a judgment, settlement, annuity, pension or disability payment, whether the money is payable periodically or in a lump sum.

If the Claimant receives a payment issued by your company please withhold from the payment and remit to the enforcing authority the amount specified in the enclosed Income Withholding Order/Notice for Support.

Regarding workers' compensation temporary disability payments and rehabilitation maintenance payments, the maximum amount to be withheld for child support may not exceed fifty percent of the Claimant's disposable income pursuant to NRS 31.295.

Your willingness to comply with this legal order is greatly appreciated. Payment of support truly can make a difference in a child's life.

Prior to issuing a payment, please confirm the amount to be withheld by telephoning the below named child support case manager. If you have any questions regarding this order please contact:

*Caseworker
Enforcing Authority
Phone Number*

enclosure

EXHIBIT 600-20



**Child Support Lien Network
State User Registration Information**

Name: _____

Title: _____

Office: _____

Address: _____

City / State / Zip: _____

Telephone: _____

Fax: _____

Email: _____

EXHIBIT 600-21



Confidentiality of Child Support Information

The undersigned hereby agrees to review, and otherwise protect from unauthorized use or disclosure, all personal and financial information obtained from the CSLN web site and to use this data only for the purpose and to the extent necessary to match insurance claimants to delinquent child support obligors in order to facilitate the child support program's collection efforts.

The undersigned explicitly acknowledges a duty not to disclose information gathered from any source that reveals to the claimant the whereabouts of the claimant's child or spouse, ex-spouse or parent of claimant's child.

The undersigned agrees to comply with the appropriate laws of all states in which the undersigned does business and whose laws may apply in a specific child support insurance intercept case. These laws may include specific lien, levy or offset, requirements of the insurer and specific rights or immunities of liability for the taking of such actions that may benefit or be claimed by the undersigned. By signing below, the undersigned acknowledges that any postings of such specific state laws, rights and immunities found on this CSLN web site is intended to be for informational assistance to the insurer only and may not necessarily be representative of the entire statute, provision or amendment that may be found under the appropriate publication source of a state's general laws and provisions on these subjects.

The undersigned acknowledges that this CSLN method of matching insurance claimants to delinquent child support obligors for asset collection purposes is an alternative method to a case-by-case or blanket subpoenaing of asset information that is possible under the administrative enforcement provisions of child support laws enacted in every state. The undersigned understands that all CSLN members will attempt to use CSLN procedures and any relevant seizure, levy or execution laws in lieu of a case-by-case method of insurance settlement interception.

Name: _____ Date: _____

Title: _____

County/Office: _____

Signature: _____

The Confidentiality Statement must be submitted before access to the secure Insurance Intercept Site is approved. **A signed original confidentiality form must be mailed and faxed to:**

CSLN Intercept Program
140 North Franklin Street, Suite 2-1
Holbrook, Massachusetts 02343
Fax Number: 781-623-8030

LICENSE APPLICANT DECLARATORY STATEMENT

Pursuant to NRS 425.520 and state regulation adopted December 16,1997, the following statement must be completed by applicants of professional, occupational, or recreational licenses, certificates or permits.

LICENSE SUSPENSION DECLARATORY STATEMENT

Please mark the appropriate response:

I am not subject to a court order for the support of a child.

I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or,

I am subject to a court order for the support of one or more children and am **not** in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for repayment of the amount owed pursuant to the order.

Failure to mark one of the three will result in denial of the application.

Applicants' Social Security Number: _____

Signature of Applicant

Date

LUMP SUM PAYMENTS
U.S. Department of Labor Guidelines

Lump-Sum Payments Considered Earnings under the CCPA

Commissions: Generally, the employer pays commissions to an employee based on the employee's sales. For example, a salesperson receives a 20 percent commission that is based on 20 percent of the total amount of the salesperson's sales.

Discretionary bonuses: In providing discretionary bonuses, the employer retains sole discretion regarding both the fact of payment and bonus payment amount. There is no prior contract, agreement, or promise causing the employee to expect such payments regularly. For example, an employer provides a year-end bonus based on business performance.

Nondiscretionary bonuses: The employer uses a specific set of criteria to determine bonus payments. Employees expect to receive the bonus if they meet the criteria. An example of a nondiscretionary bonus is shift differential pay.

Productivity or performance bonuses: These are payments to employees for productive or exemplary performance, e.g., for completing work quickly or exceeding production quotas.

Profit sharing: These are payments to employees based on the employer's profits. For example, a chief executive officer receives, in addition to a salary, a profit sharing payment of five percent of company profits.

Referral bonuses: The employer pays a referral bonus to an employee who helps recruit new talent by recommending a candidate who is ultimately hired.

Sign-on bonuses: The employer pays a sign-on bonus to a new employee as an incentive for accepting the job offer.

Moving or relocation incentive payments: The employer provides a one-time payment to an employee for relocating to a new area, for example, as a result of the employee accepting a new management role.

Attendance awards: The employer provides a monetary award to an employee who meets certain attendance criteria, such as for being punctual over a particular time period.

Safety awards: The employer provides a monetary award recognizing an employee's safety performance. For example, a truck driver receives a cash award for several years of accident-free driving.

Cash service awards: the employer provides a cash award recognizing an employee's length of service.

Retroactive merit increases: This is payment to an employee for a delayed pay increase. For example, the employee receives notice of a pay increase in January, but due to a delay, the employer provides the pay increase later.

Payment for working during a holiday: The employer pays an employee who works during a holiday his or her regular wages or a higher wage rate for foregoing the holiday lump-sum payment for the period.

Workers' compensation: Loss time payments intended as wage replacement benefits for an employee due to a job-related injury. Medical benefits are not considered earnings.

Termination pay: Termination pay includes payment of last wages, as well as any outstanding benefits, such as accrued vacation leave.

Severance pay: An employee may receive severance pay when the employer terminates the employment other than for a cause. This may be in addition to termination pay. For example, the employee may receive a payment worth 12 week of wages for being employed a total of 12 years.

Insurance settlements: These are payments to employees resulting from work-related insurance settlements, such as for resolving an allegation of wrongful termination or a claim involving unpaid wages; the insurance settlement payment may include back pay and any other court-determined amounts, such as compensatory or punitive damages.

Lump-Sum Payments Not Considered Earning under the CCPA

Buybacks of company shares: A buyback occurs when a company repurchases its shares to reduce the number of company shares in the open market or as a flexible way of returning money to shareholders relative to dividends. For employees with stock options, the employees receive the proceeds via paycheck, direct deposit, payroll card, etc.

Workers' compensation medical payments: Benefits paid for medical reimbursement.

Wrongful termination settlements: Payments intended as punitive damages.

NOTICE OF LUMP SUM PAYMENT

Pursuant to Nevada Revised Statute 31A, an income payer who has received a notice to withhold income which includes a provision for the payment of arrears shall inform the Child Support Enforcement Program before making a lump sum payment to an employee/obligor.

INSTRUCTIONS: Complete and return this form using one of the options below at least **10 days** prior to releasing a lump sum payment of \$150.00 or greater to the Employee/Obligor:

- Fax or email using the contact information provided under Section VIII of the Income Withholding for Support form (IWO) on file for the Employee/Obligor
- If sufficient contact information is not available on the IWO, email the form to CSEP_PolicyUnit@dwss.nv.gov or Fax to (775) 684-0702 ATTN: LUMP SUM REPORTING

Child Support Case Information

Case Identifier(s): _____

Order Identifier(s): _____

Payor Information

9 Digit Federal Identification Number (FEIN): _____

Employer/Income Withholder's Name: _____

Address Line 1: _____

Address Line 2: _____

City: _____ State: _____ ZIP/Postal Code: _____

Contact Name: _____ Email: _____

Phone: _____ Ext: _____ Fax: _____

Preferred Method for Return Notice: Email Fax Other: _____

Payee Information

Employee/Obligor's Name: _____

Last 4 Digits of SSN: _____

Payment Reference Identifier: _____

Lump Sum Type: _____

Lump Sum Amount: \$ _____

Expected Payout Date: _____