

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**DIVISION OF WELFARE AND
SUPPORTIVE SERVICES**

CHILD SUPPORT ENFORCEMENT MANUAL

CHAPTER I

GENERAL PROVISIONS (100)

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100 GENERAL PROVISIONS

Each state child support enforcement program operates under a state plan approved by the Federal Office of Child Support Enforcement (OCSE). This manual is designed to provide the IV-D case manager policy guidance for processing Child Support cases. The instructions are general and may be supplemented with specific procedures established by the enforcing authority office.

No enforcing authority office procedure shall conflict or contradict with any policy established within this manual unless written approval for the deviation is obtained from the Chief of the Program.

Enforcing authorities providing Title IV-D child support services must do so in accordance with Title IV, Part D of the Social Security Act, federal regulations and policy, as maintained by the Office of Child Support Enforcement (OCSE), state statutes and regulations, the Child Support State Plan, state policy and the interlocal contract.

101 ESTABLISHMENT AND PURPOSE OF PROGRAM

The Child Support Enforcement Program (CSEP) is federally mandated (Title IV-D of the Social Security Act) and was established in 1975 by Public Law 93-647.

The major functions of the program are:

- A. Locating noncustodial parents' obligors and their assets
- B. Establishing parentage
- C. Establishing financial and medical support obligations
- D. Enforcement of financial and medical support obligations
- E. Collection and distribution of child support payments
- F. Review and modification of support orders

102 ORGANIZATION AND OPERATION

In Nevada, the Child Support Enforcement Program, or Title IV-D program, is supervised by the Nevada Division of Welfare and Supportive Services (DWSS) and jointly operated by county district attorneys' offices and DWSS through interlocal contracts.

103 COLLECTION OF FEES FOR SPECIFIC ACTIONS

A. NON-PUBLIC ASSISTANCE APPLICATION FEE

An application fee will be charged to non-public assistance applicants for child support services. The fee will be collected from either 1) the custodian (CST) when application is made, 2) the noncustodial parent (NCP) when child support payments begin; or 3) state funds.

STATE REGULATION EFFECTIVE JANUARY 1, 2000

TANF applicants are eligible for child support services at no cost. The cost for applicants not receiving TANF benefits is \$0.01. The one cent charge will not be collected from the applicant; it is paid by the State of Nevada.

B. COSTS OF PARENTAGE ACTIONS

The responding state must pay the cost of genetic testing. The state may reimburse the counties for genetic testing costs as defined in their contractual agreement. If required, the responding agency must accept financial responsibility for other costs, such as witness transportation costs. The enforcing authority must request that the court orders the putative father to reimburse the responding jurisdiction if he is found to be the father. See also SEM 413.

C. INTERCEPT ACTIVITIES

There are no fees charged unless there is a successful intercept.

1. IRS: The fee is adjusted yearly. Central office will notify the district attorney offices and the program area offices of the amount of the fee by January of each year.

If the tax offset is applied to arrears assigned to the State of Nevada, the state will pay the fee. The fee will be deducted from the amount collected through the tax offset if the payment is forwarded to the obligee. The noncustodial parent will receive full credit for the amount of the tax offset.

2. UIB: This fee is charged weekly due to the frequency of payment. This fee will be paid by the obligor if the intercept is made pursuant to a court order or an income withholding process.

D. INCOME WITHHOLDING

1. Employer Reimbursement: Nevada statutes limit amounts which can be withheld as a fee by an employer to \$3.00 per withholding. These fees must be withheld from the obligor's pay if an employer elects to collect the fee.

2. Obligor Fee: Pursuant to NRS 31A.075 obligors are charged a \$2.00 fee by the State for each income withholding. The fee may not be charged more than two times per month. Employers are responsible for withholding the fees from obligors' pay and submitting the collections to the Nevada State Treasurer at least quarterly.

Although Nevada employers must comply with the requirements of NRS 31A.080, out-of-state employers are subject to the laws of their state rather than Nevada's. However, the Uniform Interstate Family Support Act (UIFSA) specifically requires employers to comply with income withholding orders issued in other states as if the order has been issued by the employer's state. This includes withholding fees stated as sum certain amounts in the income withholding order (IWO). Therefore, if the fee is specifically addressed in the IWO, out-of-state employers receiving a direct income withholding order from a Nevada enforcing authority are obligated to withhold the \$2.00 fee from obligors and submit the fee to the Nevada State Treasurer.

To collect the \$2.00 fee from out-of-state employers, enforcing authorities may reference the fee in the "other" field of the "Order Information" section of the federally required IWO. By doing so, out-of-state employers must collect the \$2.00 income withholding fee. Because the IWO does not accommodate a statement that the income withholding fee shall not be withheld more than twice a month, enforcing authorities should state that the amount to be withheld for the fee is \$4.00 per month. If the enforcing authority is aware that the NCP is paid monthly rather than weekly or bi-weekly the fee should be listed as \$2.00 on the IWO.

STATE REGULATION EFFECTIVE OCTOBER 1, 2007

E. ANNUAL \$25 FEE FOR NEVER ASSISTANCE CASES

The Deficit Reduction Act of 2005, Public Law 109-171, and Chapter 425 of the Nevada Revised Statutes mandate an annual \$25 fee for IV-D cases in which at least \$500 in child support is collected and disbursed but only if the child for whom the collection is made and the custodian of the child in the case are not and have never received assistance under Title IV-A of the Social Security Act.

The Chief shall impose a \$25 fee each federal fiscal year (FFY) in all “never assistance” Title IV-D cases in which Nevada is the initiating jurisdiction and more than \$500 in child support has been collected and disbursed to the family during the FFY. The FFY is defined as the period beginning October 1st and ending September 30th. For the purposes of the annual fee, a case is defined as an obligor, an obligee and the child(ren) in common.

The Chief shall retain \$25 from child support payments collected on behalf of the individual receiving Title IV-D services for each FFY in which the case is subject to the annual federal fee.

With respect to international cases, pursuant to federal law, the annual fee shall not be retained from child support collections. For purposes for the annual fee, an international case is one in which a foreign reciprocating country requests the assistance of the Nevada Child Support Enforcement Program or a case in which a foreign obligee residing in a foreign country applies for services directly with the enforcing authority.

Obligor will receive credit for the full amount of any child support payment from which the annual fee, or a portion thereof, has been retained.

This regulation expires on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee are repealed by the Congress of the United States.

1. The annual \$25 fee applies to cases that meet the following criteria:

- N (never assistance) Case Types.
- Nevada is the initiating jurisdiction.
- At least \$500 has been disbursed during the FFY.
- Payments received for Child Support and Medical Cash. Payments for Spousal Support also apply, but only when current support is being enforced.
- Payments received for current obligations or arrearages. Payments for penalties and interest are excluded.

2. The Chief may waive the annual \$25 fee if the CST has previously disclosed receiving TANF cash assistance in any state.
 - a. The case manager must review the CST's Application for Child Support Services (4000-ED) to determine if the CST has disclosed receiving TANF cash assistance in the past.
 - b. The case manager must complete PART B of the Annual \$25 Fee Exemption Statement (Form 4225-EC) Exhibit 100-1 and fax to:

CENTRAL OFFICE
FEDERAL FEE WAIVER DESIGNEE
(775) 684-0702
 - c. The designee will review the cases to determine if the annual \$25 fee will be exempt. If approved, the designee will change the FEDERAL FEE WAIVE field on CASD to a "Y". The annual fee will not be imposed or collected on cases when the field contains the "Y".

3. The Chief may also exempt the annual \$25 fee if the CST has recently reported receiving TANF cash assistance in any state.
 - a. The case manager must send the CST the Annual \$25 Fee Exemption Statement (Form 4225-EC) Exhibit 100-1. The CST will complete PART A of the form and return the form to the case manager. The case manager will complete Part B and fax to:

CENTRAL OFFICE
FEDERAL FEE WAIVER DESIGNEE
(775) 684-0702
 - b. The designee will review the cases to determine if the annual \$25 fee will be exempt. If approved, the designee will change the FEDERAL FEE WAIVE field on CASD to a "Y". The annual fee will not be imposed or collected on cases when the field contains the "Y".
 - c. If the fee had been imposed and collected prior to the completion of form 4225-EC, ScaDU staff will reimburse the collected portion to the CST.

104 STATE FORMULA (45CFR 302.56)

As a condition of approval of the State Plan, the state shall establish one set of guidelines by law, judicial or administrative action for establishing and modifying child support obligations within the state.

105 EXCHANGE OF INFORMATION

The support enforcement process is a partnership between the IV-A and IV-D programs. Communications and informational exchanges are essential for timely case processing. Refer to Chapter 200 for information to be exchanged and confidentiality requirements.

105.1 IV-D RESPONSIBILITY TO IV-A QUALITY CONTROL

State IV-A Quality Control is federally mandated to audit selected public assistance cases for program compliance. Information from the Child Support Enforcement Program may be requested for quality control reviews. Upon request, the case manager must provide quality control staff with the provided IV-D case information. All requests for information must be returned within ten (10) working days of receipt.

IV-D staff may also receive requests for information from Federal Quality Assurance staff. These requests must receive prior approval from the Support Enforcement Chief before any information can be released.

106 BONDING OF EMPLOYEES

Federal Regulation 45 CFR 302.19 establishes the requirement of employee bonding by the Title IV-D program.

A. RESPONSIBILITY

The management of the Nevada Child Support Enforcement Program must ensure every person who has access to or control over funds collected under the Title IV-D Program, is covered by a bond against losses resulting from employee dishonesty.

Federal regulations impose ultimate liability for such losses on the State Title IV-D Program, but this does not limit the state's right to recover from the responsible agency/county.

The above requirement applies to every person who, as a regular part of their employment, receives, handles, disburses, or has access to support collections.

This includes:

1. All State Title IV-A and IV-D staff, including Title IV-D accounting staff.
2. All county staff processing Title IV-D collections.
3. Employees of any private or governmental entity under agreement with the Nevada Title IV-D Program who process collections for the Nevada Program.

State employees are covered under a public employees blanket bond. The bond is obtained and paid for by the State of Nevada. County employees are covered under a public employee faithful performance or honesty bond. The bond is obtained and paid for by the respective county.

B. AMOUNT OF BOND

The bond amounts must equal:

1. The largest amount of monies processed by any single employee between reconciliation periods (monthly reconciliations must be made) or \$10,000, whichever is greater.

The bonding requirement does not relieve IV-D, its designated representative or the district attorney from full recovery or repayment of loss(es) to appropriate parties resulting from dishonesty, negligence, mistakes, or simple losses.

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CONFIDENTIALITY OF CASE RECORD INFORMATION

A. RESTRICTIONS

Confidentiality of cases and related information will be maintained in accordance with state and federal laws and regulations including, but not limited to NRS 422.290, NRS 425.400, NRS 425.405, 45 CFR 303.21 and 42 U.S.C. 654(26). Each enforcing authority must protect the privacy of persons involved in child support cases and place appropriate restrictions on the custody, use and disclosure of any confidential information regarding persons involved in child support cases.

STATE REGULATION EFFECTIVE 12/16/97

CONFIDENTIALITY OF CASE RECORD INFORMATION

The enforcing authority shall protect the privacy of persons involved in any action or proceeding in the establishment of paternity and child support obligations, and the enforcement of such obligations by placing safeguards and restrictions on the custody, preservation, use and disclosure of any confidential information obtained in the course of child support actions or proceedings. These safeguards include, without limitation, prohibitions against the release of information regarding the location of a party to another party in the case of a protective order or where the enforcing authority has reason to believe the release of the information may result in physical or emotional harm to a party.

Any record established pursuant to NRS 425.400 is available, except as prohibited above, only to those described in NRS 425.400 and an agency of the federal government or of this or any other state engaged in the establishment of paternity and child support obligations or in the enforcement of support for a child.

Information concerning individuals contained in support enforcement cases will NOT be disclosed to anyone not directly involved in the administration of the program. Information is available only to the following:

1. Division of Welfare and Supportive Services staff;
2. Nevada Attorney General;

3. Nevada District Attorney;
4. A court having jurisdiction in a parentage, support or abandonment proceeding or action;
5. An agency of the federal government or any other state engaged in the establishment of paternity and child support obligations or in the enforcement of support for a child; or
6. A non-IV-D custodial parent, legal guardian, caretaker relative having custody of or responsibility for the child, or attorney of a child who is not receiving IV-A benefits may request locate information pursuant to 45 CFR 302.35.
 - a. *Attorney of a Child* means a licensed lawyer formally representing either the child or the custodian in a child support case.
 - b. Only information in the FPLS or the SPLS may be provided to the requestor and is limited to name, Social Security Number, most recent address, employer information, wage and asset information, and health insurance information.

B. CIVIL DAMAGES FOR UNAUTHORIZED DISCLOSURE OF FINANCIAL RECORD DATA

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

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) allows for civil damages against any person who knowingly, or by reason of negligence, discloses a financial record of an individual obtained from a financial institution. Such individual may bring a civil suit action for damages against such person in a district court of the United States. However, there is no liability for good faith but erroneous interpretation of the above disclosure authority.

In any action brought under this section, the defendant shall be liable to the plaintiff in an amount equal to the sum of:

1. The greater of \$1,000 for each act of unauthorized disclosure of a financial record with respect to which such defendant is found liable; or
2. The sum of actual damages sustained by the plaintiff as a result of such unauthorized disclosure; plus
3. In the case of willful disclosure or a disclosure as the result of gross negligence, punitive damages; plus
4. The cost (including attorney's fees) of the action.

108 SAFEGUARDING CASE RECORD INFORMATION

- A. Case files, whether electronic or hard copy, must be maintained in areas that limit access to authorized personnel only.
- B. A log must be maintained documenting all cases removed from and returned to an enforcing authority's office in the performance of official duties.
- C. Documents containing personal identifying and other confidential information must be destroyed by shredding, or permanently deleted if in electronic form, when the retention period has expired. See SEM 109.
- D. Pursuant to federal rules, confidential and personally identifiable information may not be disclosed to private child support collection agencies.

109 RECORDS MANAGEMENT

STATE REGULATION ADOPTED DECEMBER 16, 2010

A. OFFICIAL RECORD

1. Electronic Files

If an IV-D program case record has been imaged and stored electronically, the official record of the Child Support Enforcement Program shall be the electronic file.

2. Paper Files

If an IV-D program case record has not been imaged and stored electronically, the official record of the Child Support Enforcement Program shall be the hardcopy paper file.

3. Document Imaging

When a paper file is converted to an electronic file, all pertinent documents that support the case must be imaged. A case record must be maintained as either an electronic file or a paper file, but not a combination of the two formats.

B. RETENTION AND DISPOSITION

IV-D program case records and reports, whether in paper or electronic format, must be retained and disposed of in accordance with the State Records Retention Schedule as approved by the State Records Committee. Once successfully converted to an electronic format, original paper documents may be destroyed. The most current retention schedules are available on the Nevada State Library, Archives and Public Records website.

C. REQUIRED DOCUMENTS

All pertinent documents that support the case record must be retained as part of the permanent case record. If a case record is maintained in electronic format, all pertinent documents that support the case must be stored electronically.

1. Documents that must be retained include, but are not limited to, the following:
 - a. Child Support Application (Form 4000);
 - b. Noncustodial Parent Information Sheet (Form 2906);
 - c. Vital Statistics documents (e.g., birth records, death records, marriage licenses);
 - d. Voluntary Paternity Acknowledgement (affidavit or declaration)
 - e. Court orders and all other legal documents;
 - f. Correspondence including requests for hearings and requests for review and adjustment;
 - g. Identification (e.g., drivers license, photos, Social Security cards);
 - h. Genetic test results;
 - i. Income, financial, tax and employment information;
 - j. Medical and health insurance information;
 - k. UIFSA documents including transmittals, paternity affidavits, general testimonies and registration statements;
 - l. Payment records;
 - m. Documents related to Offers in Compromise;
 - n. Good Cause related information and documents;
 - o. Case notes;
 - p. Certified mail return receipts;
 - q. All records pertaining to complaint resolution.
2. The following documents shall not be imaged:
 - a. Reference material such as statutes and manual sections;
 - b. Documents that can be retrieved and viewed in the statewide child support computer system;
 - c. Screen prints of information that can be retrieved and viewed in the statewide child support computer system;
 - d. Post-It notes, envelopes, routing slips and other items that do not support the case.
3. Documents that support the case shall be imaged within 30 days of receipt.

FEDERAL AND STATE COMPLIANCE AND AUDIT

The purpose of this section is to familiarize Child Support staff with the audit criteria used by Federal and State auditors in determining the effectiveness of the Title IV-D Program.

The federal self assessment audit criteria for IV-D agencies are outlined in 45 CFR 308 and casework standards are set forth in 45 CFR 303. To meet Federal regulations, IV-D offices must obtain an efficiency rate of 90% for case closures and expedited processes within 12 months. All other categories must meet an efficiency rate of 75%.

110.1 FEDERAL AUDIT CRITERIA

Cases reviewed for the federal self assessment by state are evaluated for the following criteria:

1. Establishment of paternity and support orders
2. Expedited process
3. Enforcement of support obligations
4. Disbursement of collections
5. Medical support

6. Review and adjustment of child support orders
7. Case closure
8. Intergovernmental services

110.2 STATE PROGRAM MONITORING CRITERIA

As required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and 45 CFR 302.10, the state must review each enforcing authority annually.

Review findings are provided to the program chief. The chief then will submit the findings to the office reviewed and, if necessary, request a corrective action plan (CAP) addressing those areas that are not in compliance with federal performance measures or fail to meet 95% state policy adherence.

CAPs must include all of the following elements:

1. A clear statement of the problem.
2. Goal statements identifying the steps to be taken to achieve compliance.
3. Measurable outcomes that state incremental improvement until compliance is achieved.

Compliance reviews are conducted in accordance with 45 CFR 302 - State Plan Requirements, 45 CFR 303 - Standards for Program Operations, 45 CFR 308 – Annual State Self-Assessment Review and Report, Intralocal Contracts, and the Nevada State Child Support Enforcement Manual (SEM). The reviews address the following areas and any other areas at the discretion of the program chief:

A. OFFICE REVIEW

1. Organization and staffing
2. Written procedures and reference materials
3. Reports and maintenance of records
4. Bonding of employees
5. Interagency cooperation/complaints
6. Publicizing the availability of child support services
7. IRS Safeguard Procedures

B. CASEWORK REVIEW

1. Case Closure
2. Establishment
3. Expedited Service
4. Enforcement
5. Disbursement/Collections
6. Medical
7. Review and Adjustment
8. Intergovernmental
9. State Policy Adherence

C. SPECIAL REVIEW

A review of any special area may be conducted at the discretion of the chief of the program.

111 PROVISION OF SERVICES IN INTERSTATE IV-D CASES

Federal Regulations 45 CFR 301, 302, and 303 require each state to establish a central registry responsible for receiving, disseminating, and responding to inquiries on all incoming intergovernmental IV-D cases. This includes UIFSA transmittals and requests for income withholding.

111.1 RESPONSIBILITIES OF THE CENTRAL REGISTRY

A. CENTRAL REGISTRY – INTERGOVERNMENTAL

Within ten (10) days of receiving an intergovernmental case from an initiating agency, the Central Registry must:

1. Ensure the documentation is reviewed for completeness;
2. Forward the case for necessary action either to the state parent locator service or to the appropriate enforcing authority office for processing;
3. Acknowledge receipt of the case and ensure that any missing documentation is requested from the initiating agency; and
4. Inform the IV-D agency in the initiating state where the case was sent for action.
5. If the documentation is inadequate and cannot be remedied by the central registry without assistance of the initiating agency, the central registry must forward the case to the appropriate enforcing authority for any action which can be taken pending necessary action by the initiating state.
6. The central registry must respond to inquiries from initiating agencies within five working days of receipt of the request for a case status review.

111.2 PAYMENT AND RECOVERY OF COSTS IN INTERGOVERNMENTAL CASES

A. PAYMENT OF COSTS

The responding IV-D agency must pay for the cost it incurs in processing intergovernmental IV-D cases, including the costs of genetic testing.

B. RECOVERY OF COSTS

Administrative costs incurred, in excess of fees collected for providing services under the State Plan in non-assistance cases, are recovered from the individual who filed an application for IV-D services under 45 CFR 302.33.

The only costs recovered under the Nevada State Plan are the actual costs of:

1. IRS Intercept transaction fees.
2. IRS Full Collection Service fees.
3. Genetic testing costs as ordered by a court.

The responding state must identify any fees or costs deducted from the support payments when forwarding payments to the designated IV-D agency.

C. FOREIGN RECIPROCATING COUNTRIES

IV-D agencies may not recover costs from a foreign reciprocating country (FRC) or an obligee in that FRC. A FRC is a foreign country that either Nevada or the United States has entered into a reciprocal arrangement regarding child support enforcement.

112 STATUTE OF LIMITATIONS

- | | |
|----------------|--|
| NRS 125B.030 | Provides in the absence of a court order, reimbursement from the noncustodial parent is limited to not more than four (4) years. |
| NRS 125B.050 | Provides if a court issued a support order, there is no statute of limitation for collection of past due child support, or welfare arrears owed. |
| NRS 126.081 | Limits parentage actions to three (3) years after the child reaches the age of majority. |
| NRS 130.604(2) | In a proceeding for arrearages, the statute of limitation under the law of this state or of the issuing state, whichever is longer, applies. |

113 EMANCIPATION OF MINORS

A. DEFINITION OF EMANCIPATED CHILD
[NRS 129.010 & 129.080]

1. All persons 18 years of age who are not legally disabled and all persons declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

2. A child who has reached the age of majority as defined in the state issuing the support order.
3. A child who has met some other special condition specifically stated in a court order.
4. A specific finding by a court a child is declared to be emancipated.

If a petition is filed by any person or public agency to void a decree of emancipation, and a court voids its decree, the parent/guardian is responsible for future child support.

Questions in this area should be referred to the enforcing authority's attorney for guidance.

Support may not be collected or accrued after the obligor's parental rights are terminated, unless the court vacates the order terminating parental rights.

**B. DEFINITION OF DEPENDENT CHILD FOR CHILD SUPPORT
ENFORCEMENT (NRS 125.510(9)(b) & NRS 425.300)**

A child has reached the age of 18, however, if still enrolled in high school, until age 19.

EXHIBIT 100-1

DIVISION OF WELFARE AND SUPPORTIVE SERVICES
ANNUAL \$25 FEE EXEMPTION STATEMENT

PART A – to be completed by the Custodian

The Child Support Enforcement Program shall impose a \$25 annual fee in each case where an individual has never received TANF cash assistance and for whom the State has collected at least \$500 of child support. You have recently indicated receiving past TANF cash assistance and may be exempt from the imposition of the fee. Please complete the following:

YOUR NAME:	YOUR SSN:
YOUR DATE OF BIRTH:	YOUR RELATIONSHIP TO THE CHILD(REN):
Have you or the children received TANF cash assistance in the past? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, where? (City, State) If YES, when? (Month/Year)
Non-Custodial Parent's Name:	SSN (if known):

Declaration

I declare under penalty of perjury that the information I have provided on this statement is true and correct to the best of my knowledge and belief and that the statements contained herein are made for the purposes stated herein. By signing this statement, I acknowledge receiving TANF cash assistance in the past and wish to be exempt from the imposition of the \$25 annual fee.

_____ Your Signature _____ Date Signed

PART B- to be completed by the case manager

CST Name: _____ Case UPI: _____

Check one:

- Exempt CST from Federal Fee as TANF cash assistance was received in the past. To date, no fee has been collected.
- Exempt CST from Federal Fee as TANF cash assistance was received in the past. Reimburse the collected fee to the CST.

Date Collected: _____ Amount: \$ _____

_____ Case Manager Name _____ Direct Telephone Number

PART C – to be completed by Central Office Designee

Received Date: _____ Approval / Denial Date: _____ Designee: _____