

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



February 15, 2006

CSS LETTER: 06-02

ALL IV-D DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

SUBJECT: CASE INITIATION OF PREVIOUSLY-CLOSED TITLE IV-D CASES

The purpose of this letter is to notify the local child support agencies (LCSAs) that the federal Office of Child Support Enforcement (OCSE) has issued Policy Interpretation Questions (PIQ) 05-02, "Case Initiation of Previously-Closed Cases" and to clarify the Department of Child Support Services' (DCSS) related policies and procedures.

PIQ 05-02 responds to the question of whether a Title IV-D agency is required to reopen a previously-closed IV-D case when a Title IV-A, Medicaid, or Title IV-E Foster Care case referral is received, if the circumstances that caused the case closure have not changed. OCSE has determined that a IV-D agency is not required to reopen these cases if the facts underlying case closure criteria [45 Code of Federal Regulations (CFR) § 303.11] have not changed and no new information is available on the case. The OCSE policy determination directs Title IV-D agencies to conduct a thorough investigation of the case that includes a face-to-face interview, telephone contact with the recipient of services, or other form of investigation within the twenty calendar day timeframe referenced in 45 CFR § 303.2(b). If the state documents that the investigation yields no new information and the circumstances of the case closure remain the same, the IV-D agency will not be required to reopen the case. If the IV-D agency is unable to conduct the investigation within the twenty calendar day timeframe, then the case must be reopened.

Subsequent to the release of PIQ 05-02, DCSS reviewed the relevant California case closure and case opening statutes and regulations and found that with one exception, they are consistent with the OCSE policy determination.

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

The one exception occurs in Title 22, California Code of Regulations (CCR) § 112130(b) that states, *“Reopen a closed case upon receipt of an application for services or a referral from the county welfare department within the timeframe specified in subsection (a), regardless of previous unsuccessful locate attempts.”*

The regulation implies that both non-assistance and public assistance cases be automatically reopened within the federally required 20 calendar day timeframe, without exception. This is inconsistent with CCR § 118203(c) that provides criteria for reopening non-public assistance cases similar to the case reopening criteria referenced in PIQ 05-02:

The local child support agency shall reopen a case that has been closed when a non-Title IV-A former recipient of services requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order [CCR § 118203(c)].

In order to establish a consistent State policy regarding this issue, DCSS has determined that the LCSAs shall comply with the OCSE policy interpretation when in receipt of previously-closed Title IV-A, Medi-Cal (California Medicaid Program), or Title IV-E case referrals. This DCSS policy determination supersedes and modifies CCR § 112130(b). The regulation will be permanently modified at a later date.

The case referral processing procedures the LCSAs are to follow are those that are described in PIQ 05-02 and require that within 20 calendar days of receipt of a referral, the LCSAs must conduct a thorough investigation of the case circumstances. The case investigation should include one or more of the following:

- a face-to-face interview with the recipient of services;
- telephone contact with the recipient of services;
- another form of investigation that will adequately validate that there is no new information about the case.

All case review steps taken and all contacts made during the course of the investigation must be documented in the case record.

If the LCSAs determine that a previously-closed case will not be reopened, they must notify the referring local county welfare department on the standard referral form, CA371. If the case investigation process exceeds the 20 calendar day timeframe, the case must be reopened.

CSS Letter: 06-02
February 15, 2006
Page 3

If you have any questions or concerns regarding this matter, please contact Jon Cordova, with the DCSS Policy Branch, at (916) 464-5055.

Sincerely,

s/KAREN ECHEVERRIA

KAREN ECHEVERRIA
Acting Deputy Director
Child Support Services Division