APPENDIX E

STATE SYSTEM CERTIFICATION

QUESTIONS AND ANSWERS

UPDATED AUGUST 15, 2000

This list of Frequently Asked Questions (FAQ) about Federal certification of State Child Support Enforcement Systems is maintained by the Office of Child Support Enforcement Division of State Systems. These answers are based on the August 2000 update of the PRWORA Certification Guide. We welcome any additional questions and comments. Please send them to: *csefdbk@acf.dhhs.gov* .

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2 General Questions

Question: Should we send you the documentation requested in the Addendum or will you be expecting to view the requested information on-site when the review commences?

Answer: The State must send all documentation, including the information described in Appendix B of the Certification guide, to both the Division of State Systems, Office of Child Support Enforcement, and the appropriate ACF Regional Office along with the Certification Questionnaire at least one month prior to the on-site review. The State must also have a copy of the documentation available during the on-site review.

Question: Which Guidance Document will you be basing your review on? The Draft Guidance Document released as a result of the new PRWORA changes, the Document released in April 1999 and the one released in December 1999 differ greatly in scope and magnitude in several areas. I would appreciate some clarification as to which document you will be using as a baseline document.

Answer: OCSE will utilize the PRWORA Certification Guide as updated in December 1999 for PRWORA certification reviews. States who are not yet certified as meeting the system requirements of the Family Support Act of 1988 have the option of utilizing the June 1993 version of the certification guide if they are only seeking FSA'88 certification. However, if the State is seeking FSA '88 and PRWORA certification, or FSA'88 certification, and also wants to us to review some of the PRWORA system certification requirements, we will utilize the December 1999 version of the PRWORA certification guide because some FSA'88 system requirements were affected by PRWORA changes, and the April 1999 version of the certification guide as updated in December 1999 reflects these changes.

Question: Are there discrepancies between the April 1999 Guidance Document and the Certification Check List?

Answer: There are two versions of the Certification Checklist, both on our Web site. The version in OCSE-AT-99-16 dated December 23, 1999 is the

version for States who are already certified as meeting Family Support Act
of 1988 system requirements. States who are not yet FSA '88 certified
should download and use the FSA and PRWORA combined version of the
checklist. The checklist reflects the Certification Guide as updated in
December 1999. There should be no discrepancies between the checklist and
the December 1999 version of the Guide. If you note a discrepancy please
bring it to our attention.

Question: Are the changes in the "Summary of Changes" reflected in the
version of the Certification Guide on the internet?

Answer: The summary of changes from the April 1999 to December 1999 version
of the Certification Guide were included on our OCSE Web site because
several States requested a version that shows what language was deleted,
what included and an explanation why. The Certification Guide itself has
the changes but does not have any red-line or strikeout.

3 A. Case Initiation

Question: We have the ability to exchange non-IV-D case data with our courts, but the courts are not yet collecting the data we need. Will this impact certification?

We have a pending agreement with the courts to give us the information we need to interface with them to obtain the non-IV-D case information for the FCR interface. We have the ability to exchange the required data with them, but it has not yet been implemented due to the inactivity on the part of the Supreme Court to require the data we need to process these cases. We are certain that this information is forthcoming, but it is not one of their priorities. We have an agreed upon layout for transmission of cases from the courts once the Supreme Court mandates the use of our form that will assist the courts in collecting the data needed to process the non-IV-D cases.

Answer: Objective A-9 of the Certification guide requires the system to accept specified information, including updates, and deletions, on non-IV-D orders established or modified in the State on or after October 1, 1998 for inclusion with IV-D cases in the State Case Registry, and transmission to the FCR. Under the circumstances described above, the State system must, for purposes of certification, be capable of meeting the requirements of this objective, including the maintenance of information on non-IV-D orders.

Question: Is there any other requirement for using the FEIN other than for communication with the FCR? We have a field in METS to identify the FEIN for employers that is only populated if the number is received from the State New Hire Directory. It is used to send this information to the FCR. METS currently assigns EIN's randomly to employers for our case processing purposes. The FEIN is not maintained at the NCP level. Only the EIN is identified for a specific NCP's employer.

Answer: Objective A-8(a) requires the system to maintain identifying information regarding the non-custodial parent, including the Federal Employer Identification Number (FEIN). States must send the FEIN and other information received from the State Directory of New Hire (SDNH) to the

Federal Directory of New Hire (FDNH), and receive the FEIN and other related information from the NDNH. The State is not required to maintain the FEIN data field at the NCP case level. However, the system must automatically extract the FEIN and other NCP identifying information, and transmit it to the FDNH. In addition, the system must populate the FEIN field when this information is received from the NDNH.

Question: Is sending FCR data monthly acceptable? In the PRWORA Certification guide, Objective A-10(b) indicates that changes, additions, and deletions to information on the FCR must be provided within 5 days. State technical staff are asking whether the State can send this information to the FCR monthly because of the time restraints on the batch window. Someone (a programmer) thought they heard that there was some leeway being allowed.

Answer: Objective A-10(b) of the Certification guide requires the system to notify the FCR of additional changes and deletions to the information provided to the FCR within 5 business days of receipt by the IV-D agency of new or changed information. This objective is based on Federal regulations at 45 CFR 307.11 (f)(1) which contain the same requirement. Therefore, the State must meet the 5 business day timeframe set forth in the objective cited above.

Question: Does the OCSE systems certification guide require a particular type of indicator FV data element, or character, to be transmitted from the SCR to the FCR.

Answer: Yes, the Family Violence Indicator is a required, rather than recommended data element. The document entitled "Automated Systems for Child Support Enforcement: A Guide to States." Revised April, 1999, at Objective A-10, e, 2 under "Participant:", requires the State system to transmit a Family Violence Indicator to the Federal Case Registry. The Guide further at Objectives A-8, d, A-9,a,2, and A-10, b require the system to receive, maintain, and transmit to the FCR update information on participants in IV-D cases, and non-IV-D support orders, including information on Family Violence.

For additional certification guidance, please refer to revisions to the

PRWORA Certification Guide issued December 23, 1999 as OCSE Action
Transmittal 99-16. Specifically, we suggest that the States review the
guidance in Appendix B, page 5 & 6 on State and Federal Case Registry, and
page 29 on Security and Privacy.

In addition, the FCR Interface Guidance Document, Appendix E Data Element
Dictionary, provides the data specifications for the required data element
transmissions to the Federal Case Registry. The short description is that
it is two characters, alpha-numeric, where FV-indicates the person is
associated with child abuse or domestic violence, XX-designates that the FV
indicator be removed, and spaces indicate no indication of Family Violence.

Question: What are the systems requirements for limited services cases?

Answer: There are no new PRWORA automation requirements for limited service
cases. In the Family Support Act of 1988 Certification Guide there are some
very narrowly defined functionality objectives in A-6(d) for medical
support-only cases and in A-6c for FPLS-only for purposes such as parental
kidnapping.

In addition, Federal regulations at 45 CFR 303.70 make FPLS information
available for child custody, and non-IV-D child support purposes when
requested by a party specified in the regulation.

Question: Can we forward court data on non-IV-D cases directly to the FCR
without putting it on our Child Support Enforcement System?

We need clarification on objective A-9. Our current design for this
requirement is to receive the data from our local courts, store the data
outside our statewide system and then forward the information to the FCR.
Our statewide system has many non IV-D cases and we are forwarding these to
the FCR. However, there is a percent of the population that NEVER becomes
part of our system OR, they become part of our statewide system at a later
date. This is the percent we are talking about in this solution.

Is it the vision that ALL IV-D and non IV-D cases be part of our system or

can we get the non-IVD information from the courts, store it separately
from our system and send it up to the FCR?

Answer: Federal law and OCSE regulations at 45 CFR 307.11(e)(2) require the
State to include in the State Case Registry information on all non-IV-D
orders established or modified in the State on and after October 1, 1998,
including orders where the non-custodial parent pays support directly to
the custodial parent. However, States may get the non IV-D information from
the courts if they link local registries of support orders through an
automated network which links the local Courts and an interface is in place
between the automated network and the State CSE system. In addition, the
State must meet all of the requirements in 45 CFR 307.11 (e) that apply to
non-IV-D orders.

Under these options, the non-IV-D information can be stored separately from your State CSE
system, but cannot be transmitted directly to the FCR without first being processed by the State
CSE system. The non-IV-D information maintained in the State CSE system or transmitted from
the automated network which links the local case registries or Courts to the CSE system,
must be combined with IV-D case information and then transmitted by the State CSE system to the
FCR.

Question: Do we need to get every single case that exists in our state with
a support order on our system just to send minimal data to the FCR? All
child support is paid through our SDU now, IVD and non IVD. But, there is a
very small percentage of the population that doesn't have IW or make
payments through us. The parties have made arrangements to pay each other.
Do we need to track these down and create a case on our system?

In our state, the Child Support Enforcement Division (our SDU) is the ONLY
entity that collects and distributes child support and maintenance
payments. Payments from employers for IW, payments from other states,
payments directly from NCP's all come to our SDU and are entered on our
system. Consequently, we have all the information, including orders related
to these people. We don't have any clerk of courts or other entities
keeping track of this data. This includes non IVD cases. There is a
population that does not become involved with child support. They may have
an order for support but the court has allowed the NCP to pay the CP
directly. If there becomes a problem in that relationship, the CP would
apply for our services and they would become a case on our system. We have
been trying to get the names and other required information on this

population from our clerk of courts.

They can give it to us electronically. We would take that data, check to see if we have the people on our system, section out those not on the system, format it in the FCR format and send it to the FCR. IF they are on our system, we are sending those to you already. If you send the names of those not in our system off to another state and the other state contacts us, we don't have any other information about these people.

We are struggling with the vision of this objective:

  * Is the objective to identify the location of anyone that may have a
    child support order? If it is, we can do that and send it to the FCR
    but we would rather not put them on our system as they are not part of
    our child support community.
  * Is the objective to make sure that we are getting all cases that may
    be child support related into our child support system? Do we want ALL
    people, even if they are complying with the order, to pay through our
    agency? If that is the objective, we would need to contact each person
    that we receive from the clerk of court that does not match a person
    on our system to get enough detail to set up a case and work it. Our
    real question is... how far do we need to go to get everyone into the
    system and meet the requirements outlined for the FCR?

Answer: Under Objective A-9, the State is required, for non-IV-D orders established or modified after October 1, 1998, to maintain in the State Case Registry certain data elements and to transmit such information to the FCR. These include the non-IV-D orders in which the payment is directed to the custodial parent. However, the State is not required to include these non-IV-D orders and related information on your CSE system. Section 454A of the Social Security Acct permits the option of having non-IV-D order information in an automated network of local linkages. However, the OCSE will not accept two separate transmission points to the FCR (i.e., one for information on IV-D cases maintained in the Statewide child support enforcement system, and a second for information on non-IV-D orders maintained in an automated network of local linkages.) States that opt for the automated network of local linkages must develop a means to combine that transmission with the data being transmitted by the State Case Registry. OCSE's technical representatives are available to assist you in determining the most appropriate transmission methods for your State.

The State must be able to provide the mandatory data elements for non-IV-D

orders as well as IV-D cases to any State submitting a CSENet CSI transaction. OCSE also recommends that the States maintain an index so they can refer interstate inquiries to the appropriate entity who has additional information on the IV-D case, or non-IV-D order. For example, if Iowa received a FCR-FCR match on a participant that indicates that your state also has registered that participant, they might send a CSENet CSI transaction to your state requesting additional information. Your state would be required to provide at least the mandatory data elements required for the non-IV-D order, but it is strongly recommended that your state also maintain an index so that they could refer Iowa to the appropriate county or court which may have additional information on that case, even if it is in manual files.

4   B. Locate

Question: Objective B-4,c,1 requires the system, for purposes of the 1099
Project, to generate a locate transaction with required data. 1099 request
to FCR on per case basis is not being done yet. State is still using the
old process, which is allowable until 10/1/2000. Must implement new process
for certification. What is "optional participation" ? What must be
implemented for certification?

Answer: Federal law and regulations do not require the State to participate
in the 1099 Project. Therefore, Objective B-4,c only requires the system to
meet the functional requirements in paragraph c when the State elects to
participate in the 1099 Project.

If the State elects to participate in the 1099 Project, the system must be
able to generate a locate person transaction for 1099 data via Direct
Connect to the FCR which includes data as specified by OCSE Action
Transmittals. In addition, the State must be able to store all 1099 data
received on the system in accordance with IRS procedures. The system must
also conform to any other instructions established by OCSE.

Question: Can you point us in the right direction for the format frequency,
etc. of the requests to the FCR regarding 1099 data?

Answer: We suggest that you contact the Office of Child Support
Enforcement, Division of Federal Systems, Tax Offset Unit for information
regarding the 1099 process.

Question: Can our AEI pilot system be used as a locate interface, or must
it be part of our main CSE system? We are already building a "system"
through the AEI pilot project to check real estate property records for
assets. Next year, we also plan to automate personal property records.
There is a certification requirement that these records be accessed for
locate purposes. If it turns out that it is cheaper and easier to do it
through the AEI system is that okay? Or does this locate interface have to
be directly on our main CSE system? We would not use grant money for this

task which is included in enhancement funding for our system. We have to be thrifty with money and programmer time, and if it is easier and cheaper to add to our AEI system than to build onto our main CSE system, we would prefer this approach in order to have one process checking for both assets and locate information. This would be on our existing hardware and not purchased through the grant.

Answer: Objective B-1 of the Certification guide requires the Statewide child support system to electronically interface with all appropriate sources to obtain and verify locate, asset, and other information on the non-custodial parent/putative father, and custodial parent. Under Objective B-1,a,20, the system must automatically interface with Federal, State, intrastate, and interstate sources when appropriate, feasible, and cost-effective to facilitate obtaining and verifying case information. Interfaces should include interfaces with State agencies with jurisdiction over real and personal property. In addition, Objective E-5,c of the Certification guide requires the system to automatically interface with agencies responsible for real and personal property titles in order to record liens.

Under these requirements, the Statewide child support system must electronically interface directly with sources of real and personal property records when such records are automated, and the interface is cost-effective in order to obtain and verify locate and asset information, and record liens. The State cannot meet these requirements by using an alternative system because locate and asset information must be used by the Statewide system in providing IV-D services on IV-D cases both intrastate and interstate. In addition, information necessary to impose a lien on real or personal property with respect to a IV-D case must be extracted from the Statewide system. Therefore, the State cannot use an alternative system to meet Statewide system requirements regarding real and personal property information and records.

Question: Will it be necessary to demonstrate LO2 transactions for PRWORA certification purposes? There was some recent discussion about eliminating the full locate or LO2 CSENet transaction.

Answer: OCSE has eliminated LO2 from the CSENet Transactional Functional matrix. OCSE has issued a clarification to States that full locate (LO2) is not a regulatory requirement (DCL-00-80 dated 7/24/00: Removal of Full Locate Functionality from the State CSE

System and CSENet 2000). Appendix B of the certification guide has been revised to reflect this change. Again, LO2 functionality will not be required for either FSA'88 or PRWORA certification.

Question: We are currently using Numident in our system. Is ESKARI mandated in Federal law? I am sure that the FCR is but we apparently aren't ready to do updates and are only fixing certification requirements on our new system. It may be a little while before we can get the ESKARI process into our system.

Answer: The quick answer is utilization of ESKARI is not required for either Family Support Act of 1988 or PRWORA certification.

ESKARI is a process used by SSA to verify SSN's. There is no specific requirement that States must submit cases to the ESKARI process in order to obtain SSN information on their cases. However, we can not stress enough the importance of obtaining and validating SSN's for cases. It is vital for locate, Federal and State tax offset, other enforcement remedies, and FCR registration. We have cited States in FSA88 certification reports for not doing a sufficient job of researching SSN's on cases.

ESKARI as such is not required. The general requirement for effective locates is that States needs to identify an SSN for individuals for available locate tools to work. Registration of cases via the FCR provides a full array of tools to verify and identify SSN's. And it is an automatic process. ESKARI is one of the SSN tools available via the FPLS. However, ESKARI requires more information on an individual than is normally required for FCR registration. State systems should be programmed to capture, and store the information needed for ESKARI searches. That information should be obtained and transmitted to the FPLS routinely or whenever the verification or identification of an individual's SSN is cannot be obtained normally. We recommend that you discontinue use of Numident and rely on the FPLS/FCR for all SSN verification and identification.

However, under PRWORA certification requirements, the State is required to register cases in the Federal Case Registry. Only cases with SSN's will be registered. The separate ESKARI submission process has been eliminated. However, if the State submits few additional data elements with the FCR transaction, the file is automatically sent to ESKARI. If we determine that the State does not have a process for verifying SSN's, we would cite it as a management weakness in the certification report.

Under PRWORA, when a State registers a case with a SSN in the Federal Case Registry, the FCR automatically submits for SSN verification. The PRWORA certification requirement is that the State demonstrates that they have a process in place for handling the SSN verification information that it gets back from FCR. For example, do you replace the SSN in your NOMADS case with the SSN that the FCR transaction sent back? Do you keep both? Do you have a verification code to identify the source of the correction of the SSN? Do you have a way of indicating which SSN the FCR has on file? These are the types of questions that the OCSE Certification review team will ask during a PRWORA certification review. See OCSE AT-99-16 for more detail. See especially page 5 in Appendix B. If not handling the ESKARI process means not processing FCR SSN updates, yes, that is a certification requirement for PRWORA and failure to do so will affect PRWORA certification.

Question: Is there a requirement that States access the 1099 data?

Answer: No, the State has the option of whether to participate in the 1099 project. If the State does not participate, they should note that in the response to the questionnaire, and it will not be reviewed during the certification review process.

5 C. Establishment

Question: How must the 'issuing state of order' in Objective C-3(c)(9) be recorded? Our State has a question about the certification requirement at Objective C-3-c-9 that states that the system must record the 'issuing state of order.'

In our system, all court orders issued by a county Clerk of Court contain the prefix of the county (01 through 53) in which the order was originally entered, followed by the actual court order number. We know these were originally issued in our State. For orders issued by one of the four Tribal Courts, there is a two digit prefix identifying the Tribal Court, followed by a machine generated number to distinguish one court order from the other, as Tribal Courts do not seem to have any numbering system we could use for their orders. Again, we know these were originally issued in our State. When our workers record an out-of-state order on our system they indicate that this order originated in a different state and the system gives that order an 'OS' prefix, followed by a machine generated number to distinguish one court order from the other. Our workers use the same screen to record all three types of orders, but by the choice of fields they record data into, the system knows whether this is a in-state county order, an in-state Tribal order, or an out of state order. Screen edits mandate that all appropriate data elements be completed for each type of order.

When recording information on an out of state order, the worker must record the 'county/state' of the originating order and the 'reference number' which is the tribunal number in the originating state. We believe that our 'state/county' field meets the C-3-c-9 requirement for recording the 'issuing state of order.'

We are aware, however, that our 'state/county' field is a narrative field, and the worker could record, for an out-of-state case from Ohio, 'Hamilton County, Ohio,' 'Hamilton, Ohio,' 'Hamilton, OH,' or even 'Cincinnati, Ohio.' Narrative fields such as this can be printed to a report if we ever want to look at a list of the issuing states. Narrative fields, however, are not machine readable. We would never be able to do a report of all out of state orders that originated in the state 'OH.' To be able to do so we would need to add another field where the two digit state abbreviation would be added. For our State that would actually mean two additional fields, one in which to enter state codes, and another one in which to

enter foreign country codes as we enforce a substantial number of Canadian orders in our state.

Has the "issuing state of order" requirement been added to insure that the issuing state of order is recorded somewhere on all state systems (as we have already done), or has this requirement been added because at some future time there will be another requirement to match the two digit state code recorded on our system to something coming to us through the FCR or CSENet?

Answer: Objective C-3,c requires certain support order related information to be included in the case record, including at item 9, the " issuing State of order." Appendix B, under the Topic: Paternity Establishment, last paragraph, indicates the system must have data elements for recording the "issuing State of order." The State must record this information in machine readable data fields so that the State has maximum reporting capability, and the ability to extract and transmit this information to other States in a machine readable format. The State should use the 2 digit State FIPS code in the "issuing State of order" data field.

Question: Under Objective C-4(a) there is a note regarding medical support on Non-IV-A cases. Does Non-IV-A refer to Non-IV-E Foster Care and Non-IV-A Title XIX cases or does it refer to all non aid cases?

Answer: This question refers to the April 1999 Revision of the Guide. Non-IV-A cases referred to cases not receiving services under Titles IV-A or IV-E of the Social Security Act. This included cases where an application has been filed for IV-D services, former Title IV-A or IV-E cases, and Medicaid only cases. However, OCSE-AT-99-01 transmitted Interim Final rules that revised 45 CFR 303.31(c) to require applicants for IV-D services to receive medical support services. Therefore, the note following Objective C-4 has been revised. Individuals who apply for IV-D services are now required to receive medical support services.

Question: We are primarily a judicial state when it comes to establishing orders. Does Objective C-3(g) mean that we must be able to generate an administrative type order from our system? We can support administrative orders entered by other states.

Answer: PRWORA requires that States pass laws and procedures to establish

orders administratively. Therefore, to support that PRWORA requirement and meet Objective C-3(g), your system must be able to support the administrative establishment of support orders, including the generation of appropriate documents. The system may, but is not required to generate the administrative type order.

Question: I'm not sure I understand Objective C-2(f): The system must automatically record all system-initiated actions and accept entry of data regarding all actions taken outside the system. The system must not accept edits to system initiated actions and the State must establish time limits for editing records on manually initiated actions not to exceed one business day from the entry of data. Can you explain it a little further?

Answer: Objective C-2(f) is not a new PRWORA requirement. It is essentially the same as the corresponding requirement in the FSA-'88 Certification Guide, which required that:

  * that all case actions be recorded in the chronological case history;
  * that the system automatically and permanently records system-initiated
    actions in the chronological case history;
  * that the system not accept or allow any edits or changes to case
    history records of system-initiated actions;
  * that the system provide a means for the worker to record actions taken
    outside the system (i.e., manually-initiated actions) in the
    chronological case history; and
  * that the system establish time limits for editing or deleting manual
    case history records.

The only difference between the FSA-'88 and the PRWORA requirement is that the PRWORA requirement specifies that the time limit for editing or deleting manual case history records must not exceed one business day from the entry of data.

Question: In Objective C-3c(10), for the interest or late payment penalties and fees, do you mean we have to be able to enter a dollar amount that was awarded as part of the order or just a Y or N that indicates whether these provisions were contained in the order?

Answer: A Y or N indicating whether any of these provisions were contained in the order would be sufficient.

Question: What is the AT number for the requirement for a data element for issuing State of order? On Page 10 of Appendix B, the second paragraph refers to a new data element for child support order information that should have been added to the system. The data element is to be "populated so that it provides the issuing State of order." Could you give me the AT # which details this requirement?

Answer: The data element, issuing state of order, was added as a mandatory data element in the final automation regulations for child support printed in the Federal Register on August 21, 1998. See 45 CFR 307.11. These regulations were issued as OCSE Action Transmittal 98-26.

Question: Our State does not charge interest, penalties or fees. Paragraph C-3(c)10 of the certification guide states: "When an order is established, the following information must be recorded in the case record: interest or late payment penalties and fees". Do we need to record interest and fees information for interstate cases and if so, is it necessary that our system do the calculations? This would be difficult since there is no uniformity between states.

Answer: The automated system must have data necessary to record interest, penalties and fees in interstate cases. However, the automated system is not required to calculate interest due on arrearages for interstate cases. Our State may leave it to the initiating State to advise them what the interest is on a case that is referred to them and they may ask the initiating State to report updates to them on a periodic basis.

6   D. Case Management

OCSE has deferred the certification requirement regarding FIPS and the Interstate Referral Guide (IRG) - Questions regarding this subject have been deleted - see D-7(e) in the Certification Guide (August 2000)

Question: Does D-9(a)(2) specify whether this requirement gives 30 working days or calendar days? Does this need to be clarified for certification purposes?

Answer: The regulation reference in this objective, 45 CFR 303.7 (b)(4) specifies 30 calendar days.

7 E. Enforcement

Question: For Objective E-2 (d), the requirement is that the system must automatically generate an income withholding notice to the employer within the statutory timeframes (e.g. two business days). Is using the system to send the caseworker an alert an acceptable level of automation for this objective? Can you provide additional guidance, especially for information derived from quarterly wage and Unemployment Insurance matches?

Answer: The underlying premise of efficient and effective use of automation is to encourage States to program their automated systems to free the caseworker from performing the same repetitive tasks for each individual case that the system could be performing . To the extent possible, the system should be programmed to build in the same logic and steps that a caseworker would use in determining whether match information will generate an income withholding notice.

The system should only be programmed to send the caseworker an alert regarding match information when a caseworker decision regarding the implementation of income withholding is necessary. The caseworker then must make the decision and, if income is to be withheld, still generate the income withholding notice within the 2 business day timeframe.

The State may program the system to evaluate and determine that various criteria are met in order for the system to automatically generate an income withholding notice. The system logic may stop the income withholding process when, for example, the NCP has one or more cases with a support order, and income withholding is already in place with an employer, and the match information involves the same employer, or a secondary employer. The system may also be programmed to send the caseworker an alert when the match involves a secondary employer so that a determination can be made whether an income withholding notice should be sent to such employer. In a second example, the information matches to a case with no support obligation, and the system stops the income withholding process, and records the information for use in providing IV-D services such as location or establishment of a support obligation.

Other examples of acceptable programming logic to filter this match information (e. g., State Directory of New Hire, National, Federal Directory of New Hire, Quarterly Wage, and Unemployment Insurance) include, but are not limited to:

* Is the information provided by the match duplicate information already
  in the case record?
* Is the name provided by the match different from the name already in
  the case record?
* Does the support order have a future effective date?
* Has the case been closed? Is the information 6 months or older?
* Is there an alternative arrangement between the parties that precludes
  income withholding? Is there a demonstration of good cause not to
  implement income withholding that was accepted by the court or
  administrative authority?
* Good cause indicator is on?
* Case in enforcement, or collection function, and CP contact
  information is not current?
* Pending administrative review or legal hearings?
* Does NDNH match information involve an NCP who resides or is employed
  in another State? interstate case – if so, Initiating or Responding? If
  initiating, is the NCP located in another State? Is this the State's
  first notice regarding the NCP's out-of-state residence or employment?
* Is there an active debt on the case?

Please note that, if the match information from the NDNH, including
quarterly wage, or unemployment insurance, and it is the first time the
State has notice that the NCP resides or is employed in another State, then
the State is not required to issue a direct income withholding order to the
employer or SESA within the 2 business day timeframe. The State would need
to review the case to determine the next appropriate action to be taken. If
the State determines that an interstate transmittal is the next appropriate
action, then the interstate timeframes in 45 CFR 303.7 would apply.

Question: Currently, MSFIDM, passport denial, etc are identified from our
IRS offset information. Will this meet the requirements for certification?

Answer: OCSE uses the State's Federal Income Tax Refund Offset file for the
Federal Tax and, at State option, Administrative Offset processes. OCSE
extracts data from the Federal Income Tax Refund Offset file for use in the
MSFIDM and passport denial processes. For PRWORA certification, the State
must meet Objectives E-3c Federal Income Tax Refund Offset, E-16
Administrative Offset, E-15 Financial Institution Data Match, and E-14
Passport Denial, except paragraph (a) because OCSE identifies individuals

with arrears of $5,000 or more.

Question: For certification, do we need to interact or have procedures dealing with other States for MSFIDM or is that all part of the AEI requirements which have been deferred?

Answer: The Certification guide does not address MSFIDM information and implementation of FIDM in other States. OCSE will issue guidance to the States regarding the implementation of FIDM in other States using Alternative Enforcement Interstate (AEI) once the pilot project has been completed, and the results evaluated. As indicated in the note following Objective E-12 of the Certification guide, (AEI) is not a PRWORA certification requirement.

Question: Our FIDM matching process is performed by a vendor. What will you need to see for the certification review? We will provide the necessary documentation from the vendor on how they support the match process. We can show you our response screens and follow-up processes with the matched information. What else will you all need from our vendor in order to complete the review?

Answer: Since your state's intrastate FIDM will be performed on an alternative system we will need to see an overview of the vendor's FIDM processing methodology, a signed copy of the state's contract with the vendor, and some sort of statistical verification that your state has actually submitted delinquent obligors to and received match records back from the vendor.

Question: Must Income Withholding be generated within 2 days of receiving matches from UCI and quarterly wage? This is implied by the Certification Guide, Appendix B, Page 7 relating to I/W. I know we are required to generate an I/W to an employer that was identified through a match with the SDNH within 2 days. In the last paragraph on page 7, it also makes reference to I/W's to be generated within 2 days on matches from UCI and quarterly wage. I am not aware of this requirement. Can you clarify this for me and let me know where I can find the requirement?

Answer: Under Objective E-2 (d), the system must generate a notice of withholding to the employer when the system has information regarding an income source, in accordance with section 454A(g)(1)(A) of the Act (e. g., quarterly wage information or unemployment compensation information.) The statute further requires the notice to be generated within 2 business days of receipt of income source information. information. Therefore, the related discussion in Appendix B is correct.

Question: Must we capture FIDM statistics on average value of accounts matched and the average amount actually seized? We are concerned that the guidance on Financial Institution Data Match (FIDM) on page 22 of Appendix B implies that this is a certification requirement.

Answer: No. Appendix B was intended to provide guidance to States regarding the type of detail that OCSE would like to see as part of the documentation (i.e. Questionnaire) submitted prior to the on-site certification review. There is no systems certification requirement that States track collections related to FIDM matches nor retain statistics on the average value of the accounts matched, or the average amount actually seized. While some States are capturing this data, it is entirely voluntary. If the States do track collections from FIDM matches, we would appreciate that information being provided in the questionnaire. However, if a State opts not to track collections attributable to FIDM, it will not adversely impact PRWORA certification. We clarify this issue in the August 2000 update to the PRWORA certification guide.

Question: What are the minimal requirements for lien/levy processes to meet certification requirements. This would include requirements for "automation".

Answer: Based on input from States regarding their lack of automation within their State to respond to an automated lien/levy process, the PRWORA Certification Guide does not require extensive automated methods to impose liens/levies for child support purposes. Objective E-15 (d) specifies that the statewide CSE system or alternative system must automatically produce all documents necessary to attach an asset held by a financial institution or at a minimum, prompt the caseworker to take the action. In addition, Objective E-12 related to Administrative Enforcement Interstate (AEI) is no

longer a PRWORA certification requirement because the pilot project is not expected to be completed and evaluated until the spring\summer 2000. States will be required to meet this requirement during a post PRWORA certification review process.

We remind the State however, that if documents are generated or manual methods are utilized in the lien\levy process, Objective D-3(a) and (b) requires that the Statewide system must note these actions in the automated case record as a key event.

Question: What are the minimal requirements for Drivers License Suspension to meet certification requirements? This would include requirements for "automation".

Answer: The requirements for Drivers License suspension are set forth in Objective E-13 and further guidance regarding the automation of these requirements are specified on page 20 and 21 of Appendix B of OCSE AT-99-16 dated December 23, 1999. If after reviewing this new guidance, you have specific questions, please submit them to the Division of Child Support Information Systems/OCSE.

Question: Who, for certification purposes, should have records in the SCR?

Answer: Section 454A of the Social Security Act and the implementing regulations at 45 CFR 307.11(e) require States to maintain records for every case receiving services under the IV-D State plan, and every non IV-D order entered or modified on or after 10/1/98. The law and regulations also provide the States an option regarding non-IV-d case records. The States may either have non-IV-D case records in their statewide CSE system, or opt for an automated information linkage to the non-IV-D orders in the State Disbursement Unit, local courts or other entities. Please refer to Certification Objectives A-7, A-9, and Appendix B pages 5 & 6 for additional guidance.

Question: How is certification affected if a State has requested OCSE send notices of IRS referrals? Certification Requirements E-14(b) pertaining to

passport denial, states: The system must generate notices to such individuals of determination and provide opportunity to contest. " Certification requirement E-16(a)(3) states, "The system must automatically generate required notices and documents including an advance notice to the non-custodial parent that his/her past-due support will be referred to the IRS for collection that includes the information contained in 45 CFR 303.72(e) (1). If the state chooses, it can request that the notice be sent by OCSE.

A State has elected to have OCSE issue pre-offset notices that contain both the information listed at 45 CFR 303.72.(e)(1) as well as notice pertaining to passport denial. Given this, such notices are not currently generated by the automated system. Therefore, to address these two certification requirements, The State proposes to submit a description of the system's batch forms generation functionality. The State would be able to submit other notices currently being generated through batch processes as examples of such functionality (e.g. notices of referral for State tax refund offset.) Would this satisfy the certification requirements?

Answer: Yes. If a State opts to have OCSE issue the pre-offset notices, it will meet the certification requirements for generation of notices at certification requirements E-14(b) and E-16(a)(3). The State should submit the explanation/description in their questionnaire for this functional objective.

Question: On the 5th page of the "Summary of Changes", are there two separate statements for E-2(e)?

Answer: The summary of changes did include two versions of E-2(e). This was a mistake. The first version is accurate, the second version of E-2(e) which was on the bottom of page 5 has been deleted. We have revised the version of summary of changes on the OCSE Web site to correct this mistake. Thanks for bringing it to our attention.

Question: Is it a certification requirement to have an automated interface with collection agencies?

Answer: No, there is no requirement that Statewide automated child support

agencies have interfaces with collection agencies. Objective E-7 requires
the automated system to be capable of forwarding arrearage information to
credit reporting agencies. If the State elects to privatize some of their
hard to collect cases through a collection agency, then the State must
insure that the other certification requirements are met, including
maintaining a log of key events and activities performed by the collection
agency in the case chronology file of the statewide CSE system.

8   F. Financial Management

Question: For EFT/EDI what prompts or alerts need to be sent to the caseworker? On Page 16 of Appendix B, the second bullet in the first paragraph refers to "prompts or alerts sent to the worker." Is this in reference to notifying the worker that income withholding should be pursued, or that their case received a payment on an income withholding order?

Answer: The reference is to what States should be prepared to demonstrate during an on-site review to demonstrate Electronic Funds Transfer/Electronic Data Interchange (EFT/EDI). The three bullets are examples of the types of screens that could be accessed to demonstrate EFT/EDI capability. The second bullet refers to prompts or alerts informing the caseworker that the case received a payment on an income withholding order via EFT/EDI. Some State systems are programmed to provide an informational alert to the caseworker upon receipt of the EFT payment, other statewide systems merely record the information in the case chronology file.

Question: What does "recompute the distribution of all collections" mean in F-5(d)? Section F-5.d of the Certification Guidance Document states:

"The system must recompute the distribution of all collections, when payments are made in the month when due but are received in a later month by the IV-D Agency responsible for final distribution, interstate collections are received in a later month, or information is received on unidentified payments in a later month. If, however, the State has a State Disbursement Unit which meets all Federal requirements for both IV-D and no IV-D cases, the State may use the date of receipt as the date of collection for collections made through wage withholding."

When the section refers to recomputing the distribution of all collections, does that mean "backing out" and "reapplying" all of the collections received subsequent to the date on the payment received in a later month? If you will recall, during the our system's 1997 review, the "back out" and "reapply" process was programmed in our system. We were advised, by Federal representatives, this functionality would not pass certification, therefore we removed it. Please clarify the intent of the 'recomputation' terminology

used in this section of the Guide.

Answer: The IV-D agency must recompute distribution for all collections for a month in which the collections were made on-time, but not identified to a case by the State until in a latter month. In addition, if the State is using the date of collection, the State must recompute distribution when a collection is withheld by an employer, or received by another State in one month, but not received by the State until a latter month. Although the distribution of collections and related balances for subsequent months needs to be adjusted, accounting records for previous months need not necessarily be adjusted. While amounts received in a month subsequent to the month in which the payment was made must be distributed accurately based on the date of collection, or date of receipt, the State need not adjust accounting records of collections distributed in a previous month. Distribution in previous months is completed. The State would merely have to indicate in the current month's accounting records how collections received in the current month were distributed, including applying collections as current support for a previous month if appropriate based on the date of collection, or date of receipt, and making any other necessary adjustments to prior month distribution.

9 G. Reporting

Question: Must AEI reporting be automated even though the AEI requirement has been deferred? The AEI requirement is pushed off to a later date, however, the reporting requirements (i. e., the OCSE-34A and the OCSE-157) are not. Our system tracks AEI data, but it will have to be added to the reports. (i. e., Our system does not feed the data directly to the reports). Is this OK or must the process be automated by October 1, 2000? To make an analogy, we get the out of wedlock births from Vital Records and manually add to the OCSE-157 and this was found to be okay because Vital Records can back up their data. We would be taking the AEI data from our system and adding it to the reports and of course we can back up the data. Is this acceptable?

Answer: Under Objectives G-1, a and b, the State is not required to pull data from the system and feed it directly onto the OCSE-157 and OCSE-34A reports. At a minimum, the State is required to generate data from the system that is included on these reports. Therefore, the State's proposal regarding the reporting of AEI data on the Federal reports is acceptable.

Question: Some data used to calculate PEP is in our Department of Vital Records, not the CSE system. Is this acceptable for Objective G-1(a)? On the OCSE-157 we elected the Statewide Paternity Establishment Percentage (PEP). Our Department of Vital Records maintains some of the data needed to calculate the PEP. This information is not maintained on our statewide automated child support enforcement system for any cases other than those IV-D cases for which we established paternity.

Answer: Yes, it is acceptable. For cases in which paternity is not established by the IV-D agency, the State may obtain the data necessary to calculate the Statewide PEP from the State Vital Statistics agency.

Question: What will you be looking for when you consider Objective G-3(b)? Our state Department of Vital Records, rather than our statewide child support enforcement system, maintains much of the data used in calculating the PEP.

Objective G-3(b) states that the system must:

  * 1. Maintain the requisite data on State performance with respect to
    paternity establishment and child support enforcement in the State to
    calculate the paternity establishment percentage for the State for
    each fiscal year; and

  * 2. Have in place system controls to ensure the completeness and
    reliability of, and ready access to, the paternity establishment data
    and calculations of paternity establishment percentage.

Answer: We will review the Statewide system to determine whether it
maintains the data necessary to complete lines 8 and 9 of the OCSE-157 with
respect to IV-D cases. We will also review the interface or other method
that the State has in place to obtain data from the Vital Statistics agency
on paternity established outside of the IV-D program to determine whether
controls are in place to ensure that all data on paternities established
within the State outside of the IV-D program necessary to compute the PEP
is provided.

Escrowed Collectibles: Section G-3(c)(2) of the December 1999 Certification
Checklist states that "the system must, at a minimum, automatically
generate reports" for specific financial activities. One of the financial
activities listed is "escrowed collectibles". To comply with this
provision, we need to know the following:

  * **Question**: What are escrowed collectibles?

  Answer: Escrowed collectibles are those collectibles that are placed
  in escrow because:
      o an action may be pending on the case that may effect how the
        collection is disbursed,
      o an obligation may be pending on the case, and disbursement is
        unknown,
      o a collection may have been disbursed, but has been returned by
        the Post Office as undeliverable. Many states will place the
        money in escrow until they get an address (may later have to
        place in State abandoned property fund)
      o purely unidentified money: money sent to the child support office

by mistake, money without a name or case # may not be collectibles but could be placed in escrow until resolved.

* **Question**: Is this a provision that must be specifically addressed in an Order?

Answer: This is not a provision that must be provided for in a child support order.

* **Question**: What specific type of tracking is required for such collectibles?

Answer: The requirement for the system to track these escrowed collectibles is related to the requirement for reporting undistributed collections, including unidentified collections on the OCSE-34A collections report. In addition, the functional requirement of report generation is most useful as States attempt to identify payments and disburse to the correct entities.

* **Question**: Is this provision a mandatory requirement or an optional provision that may be utilized by states?

Answer: The ability to generate reports related to escrowed collectibles is a mandatory requirement.

* **Question**: Is there a regulatory citation for this provision? If yes, please give reference.

Answer: The regulatory provisions are 45 CFR 302.15 and 45 CFR 307.10(b)(3) and (5)

10 H. Security and Privacy

Question: Is handling an Family Violence case like a Good Cause case sufficient for certification? Our system records a Family Violence Indicator for its interface with the FCR. Policy prohibits disclosure of any information on a person that has this indicator set. We were unaware of any system requirement for automated restrictions before the Addendum to the Certification Guide. We were prepared to handle these cases in the same manner as we would Good Cause cases. Will this be sufficient for Certification? If not, was there any policy direction other than the Certification Guide that dealt with the requirements for Family Violence?

Answer: OCSE has clarified the certification requirement at Objective H-2(k) and Appendix B to indicate that the State will determine security and access of State staff to records on Family Violence. See the answer to a previous question on the same topic.

Question: Are there criteria that define on which reports it would be inappropriate to put information on the whereabouts of participants with a Family Violence Indicator (FVI)? On Page 6 of Appendix B, the last sentence in the first paragraph indicates case participants with family violence indicator set to "Y" should not be captured on "reports". Is there a specific list of criteria which would identify the reports which it would be inappropriate to place this information on, or is it at the states' discretion?

Answer: OCSE was unable to find the reference in the Appendix B guidance that you mentioned. Both the Federal Case Registry and Security sections should be consulted to prepare for the documentation and on-site review of the FV indicator. The security guidance has been substantially revised in response to earlier questions on the FV indicator (see next question). There is no OCSE list of criteria, but OCSE's technical representatives are available to provide additional guidance on FV indicator policy, or other States' practices, if needed. (Contact June Melvin Mickens at 301-847-9495 for further information.) Basically it is the State's discretion to develop the procedures to avoid improper disclosure of address or whereabouts information on protected persons.

Question: Regarding the guidance on pages 29-31 of Appendix B of the Certification Guide related to security provisions of Objective H-2 in particular the Family Violence Indicator, The guidance states on page 29:

"The setting of a family violence indicator on a case record should then prohibit access to the subject case and to all appropriate participant records by all but a select State staff few with "need to know" authority. Normal caseworker involvement and routine case processing activity on such case (and applicable participant records) would not be deemed as meeting this higher standard of access. Further, the system, on such a case, would need to prevent the access to, publication of, and distribution of, such subject case and participant record information to print files, forms, documents and reports, except on an as-needed basis, and only then if authorized by individuals with the appropriately strict level of security clearance."

We feel that individual States can determine authorized access and what level of caseworkers to have authorized access to a case with a FY indicator. We recognize the need to protect unauthorized disclosure of the records with a family violence indicator, but this "guidance" appears to go far beyond the statutory requirement of requiring a FV indicator in the State Case Registry for the limited purpose of transmitting the FV indicator to the Federal Case Registry. It also goes beyond the specific prohibition in section 654(26)(B) and (C) in the SSA against "release of information on the whereabouts of 1 party or child" when there is a risk of family violence. This new security requirement of tracking security access not by category, but by individual caseworker and individual cases, is a major systems redesign for most CSE systems. This would be especially burdensome for States that don't utilize the cradle to grave type of case processing, but assign to different caseworkers and different offices based on the status of the case.

The additional guidance in Appendix B regarding security imposes a dramatic change to statewide CSE systems that was not previously mentioned in the Automation regulations when discussing the Family Violence Indicator, the FCR Implementation Guide when discussing State Level Security or the initial PRWORA certification guide. Through the policy guidance on Family Violence and other system requirements, OCSE has recognized the State's role in defining Family violence, and the States role in developing written policies and procedures to prevent unauthorized access to child support

data, especially access to address or "whereabouts" information. Due to the
lack of clear statutory, regulatory or prior policy mandating this strict
an interpretation of the required security levels, we urge OCSE to revise
its guidance in this area to permit States to determine how best to protect
unauthorized disclosure of these records.

Answer: OCSE concurs. We have revised the Guidance on Page 29-31 of Appendix
B to clarify that States can determine the security access by State Staff
to records with a Family Violence Indicator.

See Appendix B for revised description of Objective H-2 (k)