

Module 2

Military Locate Procedures

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 2-1: Module 2** (title slide).
2. Ask participants if there are any lingering questions from earlier modules. When there are no further questions, proceed to Module 2.
3. Explain to participants that, just as in non-military cases, you need to locate an individual in the military before you can establish or enforce a child support obligation.
4. Review the module's goals and objectives with participants.

What you need to know

1. It takes approximately one hour to complete this module.
2. Participants are not expected to memorize the addresses for the WorldWide military locate resources. This module includes a handout listing those addresses.
3. Listed below are the equipment, handouts, and PowerPoint slides needed for the module.

Equipment/Supplies

- Flipchart stand with two pads of paper and/or whiteboard
- Markers (permanent, dry-erase, and wet erase)
- Masking tape
- Personal computer with PowerPoint program
- LCD projector and screen
- Trainer Guide
- Participant Guides (including Appendix with Handouts)

PowerPoint Slides

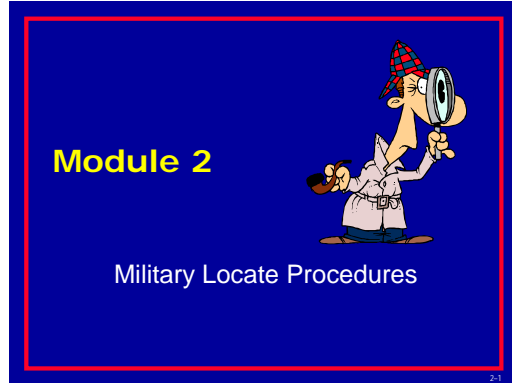
- 2-1: Module 2 (title slide)
- 2-2: Federal Locate Regulations (1)
- 2-3: Federal Locate Regulations (2)
- 2-4: Locate Resources for Military
- 2-5: Summary

Handouts

- 2-1: Military Locators
- 2-2: Sample FOIA Letter to Request Home Address
- 2-3: Review Exercises

MODULE 2: MILITARY LOCATE PROCEDURES

Time: 1 hour



2.1 MILITARY LOCATE PROCEDURES

2.1.1 Learning Goals

- Each participant will learn the various locate resources (civilian and military) applicable to cases involving the military (active duty, retired, reservists, and civilian employees).
- Each participant will learn how to use these various locate resources.

2.1.2 Learning Objectives

- Given a participative lecture, participants will correctly identify the basic requirements of the Federal IV-D locate regulations.
- Given a participative lecture and scenario-based exercises, participants will explain where to find and how to use various military locate resources.
- Given a participative lecture and scenario-based exercises, participants will explain how the state and Federal civilian locate resources assist when a military case needs locate services.

TRAINING NOTES

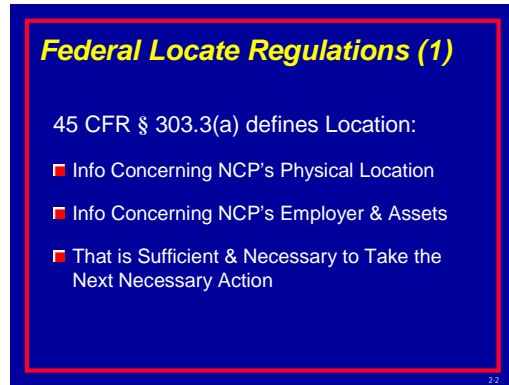
What you need to say/do

1. Display **PowerPoint Slide 2-2: Federal Locate Regulations (1)**. Briefly cover the bullets on the slide.
 2. Advise the participants that all of the Federal child support enforcement regulations are available on-line at OCSE's website: www.acf.hhs.gov/programs/cse.
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What you need to know

1. OCSE issues the Federal regulations governing IV-D locate procedures. As a condition of receiving Federal child support funding, all state IV-D programs must comply with these regulatory requirements and timeframes.

2.2 APPLICABLE FEDERAL REGULATIONS AND TIMEFRAMES



2.2.1 Definition

The Federal Office of Child Support Enforcement (OCSE) maintains regulations controlling locate activity in all IV-D cases, including cases involving the military. These regulations appear at Title 45 of the Code of Federal Regulations, section 303.3. These regulations define “location” as “information concerning the physical whereabouts of the noncustodial parent, or the noncustodial parent’s employer(s), other sources of income or assets, as appropriate, which is necessary to take the next appropriate action in the case.” As you can see, “locate” involves more than determining a noncustodial parent’s residential address.

Although these regulations do not specifically address military cases, their guidance is directly applicable to cases involving the military. In fact, if the individual you are attempting to locate is in the military, the odds that you will successfully locate the individual are probably greater than in many non-military cases. This is true because you are more likely to uncover a Social Security number in a case involving the military, and the Social Security number is the key to success for most automated locate searches.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 2-3: Federal Locate Regulations (2)**.
2. Explain that the Federal regulations do not require a IV-D office to initiate locate activity simply because the noncustodial parent's address/asset location is unknown. For example, if income withholding is in place and the child support obligation is being met as ordered, then locating the noncustodial parent (NCP) may not be required under the regulations. Federal regulations only require locate activity when locating the noncustodial parent is required before you can take the next action in the case.

What you need to know

1. Examples of "appropriate state agencies" specifically appearing in the Federal locate regulations include agencies maintaining records of:
 - Public assistance
 - Wages and employment
 - Unemployment insurance
 - Income taxation
 - Driver's licenses
 - Vehicle registrations
 - Criminal recordsMost of these state agencies maintain web sites and locate information may be available on-line.

2.2.2

Scope of Locate



According to the Federal locate regulations, the IV-D office must undertake locate activity in all cases where the location of the noncustodial parent (NCP) or the location of the NCP's income/assets is "necessary" to take the next appropriate action in the case. Examples of locate resources that the regulations identify include:

- The Expanded Federal Parent Locator Service (FPLS)
- Relatives and friends of the NCP
- Current and past NCP employers and unions
- Local telephone companies
- The U.S. Postal Service
- Financial references
- Appropriate state agencies.

TRAINING NOTES

What you need to say/do

1. Continue to display **PowerPoint Slide 2-3: Federal Locate Regulations (2)**.
2. Explain to the participants that it is a IV-D plan requirement that states develop guidelines to define “diligent efforts to serve process.” According to OCSE-AT-89-15, when states exhaust the procedures outlined in these guidelines but are unsuccessful in their attempts to serve process, then the Federal case processing timeframes for other program remedies (e.g., paternity establishment) do not apply to that case.
3. Stop displaying **PowerPoint Slide 2-3** and conduct the following activity: Ask the participants for examples of when it is unnecessary for a IV-D office to repeat unsuccessful locate efforts. You may use the flipchart to record their responses. One example occurs when initial locate efforts fail to uncover any information on an alleged father beyond his first name. In this case, the IV-D office need not repeat locate efforts because there is insufficient identifying information in the case.

What you need to know

- 1 According to commentary accompanying OCSE’s final case closure regulations (OCSE-AT-99-04), case closure is appropriate when legitimate locate efforts fail to locate putative fathers or obligors due to inadequate identifying or location information.

2.2.3

Locate Timeframes

According to the Federal locate regulations, within “no more than 75 calendar days” of a IV-D agency’s decision that locate action is needed to take the next appropriate action in a case, the agency must access all appropriate locate resources, including the FPLS. The Federal locate regulations’ timeframes apply to non-military and military cases alike.

2.2.4 Repeating Locate Activities

When locate attempts fail, Federal regulations require the IV-D agency to repeat locate efforts on the case. Repeating locate efforts is required either quarterly or immediately upon the receipt of new information that may aid in the locate effort. For example, if a custodial parent contacts the IV-D office with updated address information, upon receiving that “new information,” the IV-D office must repeat locate activities immediately. However, there must be “adequate identifying and other information” in the case to justify repeating the locate efforts.

2.2.5 Case Closure

Federal regulation 45 C.F.R. § 303.11 allows the state IV-D agency to close a case where the NCP’s location is “unknown and cannot be identified after diligent efforts using multiple sources, in accordance with Sec. 303.3, all of which have been unsuccessful...” The amount of time that the IV-D office must pursue locate efforts prior to closing a case depends upon the amount of information that the IV-D office has concerning the NCP. If the IV-D office has sufficient information to initiate an automated locate effort (i.e., the NCP’s name and Social Security number), the case can be closed after three years of unsuccessful locate efforts. However, if the IV-D office does not have sufficient information on the NCP to initiate an automated locate effort, the case can be closed after one year of unsuccessful locate efforts.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 2-4: Locate Resources for Military**.
2. Examples of “appropriate state agencies” specifically appearing in the Federal locate regulations include agencies maintaining records of:
 - Public assistance
 - Wages and employment
 - Unemployment insurance
 - Income taxation
 - Driver’s licenses
 - Vehicle registrations
 - Criminal records

What you need to know

2.3 IV-D LOCATE RESOURCES

It is important to remember that all of the IV-D locate resources available to the IV-D office in civilian cases are also available in cases involving the military. In fact, today's IV-D locate resources are particularly impressive due to the enhancements in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).



2.3.1 Local Locate and State Parent Locator Service Resources

As stated earlier in section 2.2.2 of this module, Federal regulations require the state IV-D agencies to undertake specific locate activity when the location of the noncustodial parent, or his/her assets, is unknown. Even in cases involving the military, a local IV-D office may be able to locate the individual by completing the locate activity identified in the Federal regulations. For example, if the current location of the service member is unknown, but you know that this individual has parents, family, friends, or prior employers in your area, you may be able to locate the service member by contacting these leads. If a local IV-D office is unsuccessful in its attempts to locate the service member, the locate effort should be referred to the State Parent Locator Service. According to 45 C.F.R. § 302.35, it is a state IV-D plan requirement that all states operate State Parent Locator Services (SPLS). The SPLS must maintain working relationships with all appropriate agencies in order to use effectively that state's locate resources. In many cases, an automated review of the records of other state agencies may provide information that will assist in locating the individual.

TRAINING NOTES

What you need to say/do

1. Stress to participants that the FPLS remains the most reliable and most timely locate resource in cases involving a member of the military.
2. In addition to obtaining address information, the FPLS can provide a service member's date of birth. As revised by PRWORA, another important enhancement to the FPLS is the assistance it receives from the Social Security Administration in verifying, correcting, and supplying Social Security numbers. The FPLS statute, 42 U.S.C. § 653(j)(1)(B), provides that:
 - The Social Security Administration shall verify the accuracy of, correct, or supply to the extent possible, and report to the Secretary, the following information supplied by the Secretary pursuant to subparagraph (A):
 - (i) The name, Social Security number, and birth date of each such individual.
 - (ii) The employer identification number of each such employer.
3. According to 45 C.F.R. §§ 302.35(b) & 303.70(a), the SPLS may designate additional IV-D offices (IV-D staff) that have the authority to submit locate requests directly to the FPLS.
4. Inform participants that there are local (i.e., information limited to that particular office or installation) and national military locate resources.

What you need to know

1. PRWORA's major enhancements to the Federal Parent Locator Service included:
 - Creation of the National Directory of New Hires
 - Creation of Federal Case Registry of Child Support Orders
 - Increased access to income, benefit (including unemployment benefits and health insurance), and asset information.

2.3.2

Expanded Federal Parent Locator Service

The Expanded Federal Parent Locator Service (FPLS) is arguably the most important IV-D locate tool in military cases. In addition to many locate resources not available directly to the local IV-D office or SPLS, the Expanded FPLS includes an exclusive interface with the Federal Social Security Administration's database. The FPLS/Social Security Administration interface can be particularly beneficial to cases involving the military.

As previously noted, all correspondence with military locate resources must include the full name and Social Security number of the individual you are attempting to locate. Does this mean that if you do not have the individual's Social Security number, you will not be able to locate him/her? Not necessarily.

One of the services that the Social Security Administration provides the FPLS is supplying or correcting missing or inaccurate Social Security numbers. Due to this feature, it may be necessary to query the FPLS in order to obtain a military member's Social Security number before initiating specific locate activity with the military. However, keep in mind that an individual IV-D employee cannot request such services directly from the FPLS. According to Federal regulations, only an SPLS (or any additional IV-D offices designated by the SPLS) may submit requests for information to the FPLS.

Each month, the FPLS also accesses records of the Department of Defense (DoD) for civilian employees of the DoD and military retirees. The FPLS accesses the records of the Veterans Administration (VA) on a weekly basis. The VA provides the address an individual has designated for receipt of VA benefits. Unlike the WorldWide Locator Services, the FPLS can obtain and disclose both duty station and home addresses of all military and civilian DoD employees.

2.4 MILITARY LOCATE RESOURCES

In addition to the FPLS, IV-D caseworkers should know that several *military* locate resources exist on the local and national levels. It is important to keep in

TRAINING NOTES

What you need to say/do

1. Explain to participants that in a limited number of cases, the military's disclosure of residence or duty stations may compromise national security because it is evidence of troop movements. This is particularly true when the United States is involved in military conflict but may also be true when the nation is at peace.
2. Explain to participants that, in 2003, the Army suspended its World Wide Locator Service. Except for the Coast Guard, all other branches continue to provide this service to the IV-D community upon a written request. (The Coast Guard asks that IV-D offices submit locate requests to the Coast Guard's WorldWide Locator Service via e-mail.) In cases involving the Army, the Army's WorldWide Locator Service continues to provide address information to the military member's spouse.
3. Ask participants to suggest local military locate resources. Write them on the flipchart. Discuss how military installations, legal assistance offices, and military recruiters can provide locate information.
4. Explain to participants that knowledge of the service member's commanding officers is very important. In cases where the service member is not cooperating with your official child support duties, that person's chain of command can be called upon to enlist the service member's cooperation.
5. Remind participants that when using the individual's chain of command, they should document previous attempts undertaken to obtain the information and explain the need for the information.
6. Provide this **practice tip** to participants: To help avoid delays in locating a new military address, when corresponding with a commander always ask to be informed of the member's next duty station in the event of a reassignment.

What you need to know

1. An "authorized client" (service member, member's spouse, and member's dependent children) may consult with a legal assistance attorney at any military base.

mind that, for the best results, you should always use the military member's full name and Social Security number in all locate actions involving the military.

Due to the nature of military service, the residence address and duty station (work address) for members of the military frequently change. In addition, due to national security concerns, there are instances when the military is prohibited from disclosing the residence or work address for a given member. As all branches of the military review their address disclosure procedures, it is becoming more difficult to obtain address information from the military. For example, in 2003, the U.S. Army's WorldWide Locator Service stopped providing address information to the general public (including state and local IV-D offices).

2.4.1 Local Military Locate Resources

Local military resources provide locate information that is more limited than national military resources. However, if you can narrow the location of the service member to a particular installation, the local military resource may be the quickest. The best local military locate resource is the military installation. An installation often maintains a central locator office to keep track of the individuals assigned to that installation. If you believe that the individual you are attempting to locate is assigned to a given military installation, you can contact that installation's locator office to obtain the service member's military unit address. The telephone number for an installation's locator office is available through the installation's information operator. In order to obtain the individual's military unit address, you must have that person's full name and Social Security number. The individual's military unit address is important because it allows you to contact the individual and, if the member fails to cooperate, his/her commanding officers.

The military's legal assistance attorneys are another local locate resource. Most large military bases maintain legal assistance offices. Their duties include

TRAINING NOTES

What you need to say/do

1. Before beginning section 2.4.2, direct participants to the Appendix for **Handout 2-1: Military Locator Services**.
2. It may seem obvious, but remind participants to contact the *appropriate* WorldWide Locator Service. That is, if the individual they are attempting to locate is in the Navy, they should contact the Navy's WorldWide Locator Service.
3. Advise participants to avoid making locate requests to the WorldWide Locator Services between the months of May and October, due to the delays in updating records following reassignments combined with the fact that most reassignments occur in the summer.

What you need to know

1. The military encourages its recruiters to cooperate with official IV-D locate efforts as a matter of good public relations.
2. Because the structure/format of the military address is foreign to most civilians, in all correspondence with military locate services it is important to double-check the alphanumeric address information that comprises the military address.
3. Due to the lag time in receipt of assignment information, a caseworker may find that the address on file with the WorldWide Military Locator Service is an old one, or that there is no record of the service member because he or she has been active for less than three months.

assisting spouses and dependent children in obtaining the military service member's military address. Recruiting offices may also provide locate information, but they are not the "best" starting point for child support caseworkers. Cities often have multiple recruiting offices so the caseworker would need to know which recruiting office enlisted the service member. The recruiter's information is also very time sensitive; the recruiting office will only have records regarding the member's initial duty station. If the member enlisted more than a year ago, locate information from the recruiting office will be of little value.

2.4.2 National Military Locate Resources

Each military branch maintains a WorldWide Locator Service and, except for the Army, all branches provide IV-D offices with locate information free of charge. For active duty members, the address information that the WorldWide Locator Services provide is the member's unit address, which may include an APO (Army Post Office) or FPO (Fleet Post Office) address if the member is overseas. To determine the actual geographic location of an APO or FPO address, contact the U.S. Postal Service or the postal offices at the nearest military installation.

In order to service a request, the military's WorldWide Locator Services need the service member's full name and Social Security number. If you know the member's date of birth, rank, and location and time period of the member's last duty station, that information should also be provided. In deciding when to contact a WorldWide Locator Service, keep in mind that military records may run up to 90 days behind reassignments and most reassignments occur in the summer.

TRAINING NOTES

What you need to say/do

1. Direct the participants to the module Appendix for **Handout 2-2: Sample Letter to Request Home Address** (a sample copy of a *Freedom of Information Act* request used to request a service member's home address). Stress the fact that the agency director must sign FOIA requests to the military. Advise participants that all branches, *except the Army*, accept these FOIA requests. Although a IV-D office cannot obtain locate assistance from the Army's WorldWide Locator Service, a custodial parent can obtain locate assistance, provided paternity is not in issue.
2. Explain to participants that the Defense Manpower Data Center (DMDC) maintains a website (www.dmdc.osd.mil) that allows *registered* users to verify if an individual is in the military service. To become a registered user, an individual completes a brief on-line application at the DMDC website. However, this DMDC information does not *locate* the individual in question; it simply verifies whether the individual is in the service.

What you need to know

Usually the member's military address is more useful than his or her home address. While the service member may be away from his or her home address for several months at a time, the member is rarely away from his/her military address for more than two weeks at a time. In addition, by concentrating your casework efforts on the military address, you are in a better position to call upon the assistance of the individual's chain of command. If, however, you need the service member's home address, direct your request to the installation personnel officer for the member's duty station. If necessary, a IV-D office may also use the Freedom of Information Act (FOIA), 5 U.S.C. § 522a, in its attempt to obtain the home address of a military member. All branches except the Army will accept the written FOIA request for this purpose. Direct a FOIA request for a service member's home address to the General Counsel for the appropriate branch of the military. See **Handout 2-2** in the Appendix.

If you need to locate a service member who is incarcerated in a military brig, contact the legal office or military police of the member's last duty station. To assist them with their search, provide an approximate date of the member's conviction.

TRAINING NOTES

What you need to say/do

1. Direct the participants to **Handout 2-3: Review Exercises** in the appendix. Allow participants approximately 20 - 30 minutes to review and complete the exercises on their own. At the conclusion of that time, facilitate a group discussion of the exercises. Record participants' identification of issues and responses on the flip chart.
 2. After completion of the exercises, display **PowerPoint Slide 2-5: Summary**.
 3. Inform participants of the topics that Module 3 will explore.
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What you need to know

2.5 EXERCISES

The trainer will facilitate a discussion of **Handout 2-3: Review Exercises**.

2.6 SUMMARY OF MODULE 2



In this module we:

- discussed Federal locate regulations that govern IV-D cases,
- identified state and Federal civilian locate resources for military cases, and
- identified local and national military locate resources.

2.7 PREVIEW OF MODULE 3

In the next module, we will discuss the following topics:

- personal jurisdiction and in rem jurisdiction,
- personal jurisdiction based on domicile, physical presence, and long-arm statutes,
- the difference between military installations with exclusive Federal jurisdiction and with concurrent or proprietary jurisdiction,
- service of process on U.S. installations,
- service of process on overseas installations,
- service of process on board a ship.

