

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



June 25, 2001

CSS LETTER NO. 01-16

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

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

SUBJECT: IMPLEMENTATION OF REVISED STATE CASE CLOSURE POLICY

This letter implements the attached revised state case closure policy and instructs Local Child Support Agencies (LCSA) to begin closing cases using the revised closure policy. Revised closure policy is based on current federal case closure regulations in 45 Code of Federal Regulations Section 303.11 and on federal policy. State case closure policy also includes procedures to implement recommendations from the Policies, Procedures, and Practices (P3) Project's Case Closure Workgroup that were approved by the Department of Child Support Services (DCSS) to augment federal requirements. Revised state policy is in the process of being placed into regulations.

Case closure policy specified in this CSS Letter for immediate implementation is authorized by Family Code (FC) Section 17306(e)(1). That section allows the Department to implement provisions of Division 17 of the Family Code via letters or instructions from the Director of DCSS.

Case Closure

The DCSS is implementing revised case closure policy with this CSS Letter for several reasons. Revised closure policy will establish uniform criteria for closing cases based on revised federal guidelines augmented by state policies which will ensure optimum customer service. Uniform application of case closure policy will benefit the state in evaluating performance and in determining budget allocations based on staffing ratios

DCSS-DR-2001-STA-0076



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for future fiscal years. Further, it will increase LCSAs' effectiveness and efficiency by closing those cases which are not workable under case closure criteria thus allowing LCSAs to focus resources toward the ongoing caseload. Finally, it will demonstrate resolve to optimize customer service by making extra efforts to identify alleged fathers and to locate noncustodial parents to help ensure any chance for identifying or locating the individual is not lost as a result of this early implementation.

Closing Cases and Cases to Receive Extra Efforts

Cases which are being processed for closure under the closure criteria in effect prior to your LCSA receiving this CSS Letter must continue to be processed for closure under those criteria. Upon receipt of this CSS Letter LCSAs must immediately begin to identify all cases, which are not in the process of being closed, that are eligible for closure under the revised closure policy and begin the closure process with certain exceptions. For only this initial implementation, LCSAs must send the 60-day closure notice when a case is identified as eligible for closure for cases requiring a closure notice-- but must also initiate extra efforts to locate noncustodial parents or to contact custodial parents before the case can be closed for those cases enumerated below. If the recipient of Title IV-D services provides a response to the closure notice that would warrant the case to remain open or if the extra locate efforts are successful, the case shall remain open and pending appropriate follow up action. Extra locate efforts apply to the following types of cases:

1. **Cases in which three years of automated locate activity have not detected the location of the noncustodial parent and his/her earnings or assets pursuant to the attached case closure policy in paragraph (a)(4).** To help ensure that the noncustodial parent cannot be located with our automated locate resources, the following actions must be completed before these cases are eligible for closure for this initial implementation phase:
 - a) Counties must refer cases eligible for closure under paragraph (a)(4) to the locate sources they currently use for locating noncustodial parents for one additional round of automated locate activity-- unless a case was already referred to locate sources within the three months prior to identifying it for closure. County locate sources likely include the California Parent Locator Service (CPLS) and/or the Federal Parent Locator Service (FPLS) for those counties with direct access to the FPLS.
 - b) Also, counties which have a completed interface to the Federal Case Registry (FCR) must have also referred these cases to the FCR before determining if they are eligible for closure for this early implementation phase. Federal regulations require that a locate case be referred to all locate sources to which a case can be referred given the availability of the information required by the source to identify the individual. This includes all locate sources accessible through the FCR.

2. **Cases in which the non-Title IV-A recipient of services cannot be contacted pursuant to paragraph (a)(10) of the case closure policy.** In addition to attempting to contact the recipient of services by telephone and a first class letter, revised closure policy also requires counties to attempt to locate the recipient of services using the Department of Motor Vehicles (DMV) and the Medi-Cal Eligibility Data System (MEDS) before the case can qualify for closure. These additional locate efforts are stipulated in revised case closure policy and will always apply in this case closure scenario. **Note** that closing cases under paragraph (a)(10) will take a minimum of 120 days. This is because the LCSA must send the contact letter and wait 60-days from the date of sending the contact letter before sending a case closure notice when contact is not reestablished. The LCSA must then wait 60-days from the date of sending the closure notice before the case can be closed if there is no response warranting the case to remain open. These requirements are mandated by federal regulation and policy.

Special Note: For initial implementation, cases eligible for closure under new closure policy specified in (a)(10)(C) must be closed if new requirements for locating the custodial party are completed and the individual is not located. This is because before the cases are eligible for closure under (a)(10)(c), revised case closure policy requires the LCSA to attempt to locate the custodial party for six months using the same locate resources required to attempt to locate a noncustodial parent. This requirement applies when there is a collection that must be distributed to the custodial party. However, any of these cases in your LCSA's current caseload which are undergoing, or have undergone, six months of locate efforts pursuant to closure policy under paragraph (a)(10)(C) without success at locating the custodial party are, or will be, eligible for closure if the CP was not located.

3. **Cases in which efforts to locate the alleged father could not be performed by the LCSA because the custodial party could not identify the father of the child in question pursuant to paragraph (a)(3)(D) in the case closure policy.**
 - a) Prior to closure activity the LCSA must contact the custodial parent to ask for information which could help identify the father of the child in question. If the custodial party cannot provide information that would identify or help identify the father, a 60-day case closure letter must be sent and the case closed, unless, during the 60-day period, the custodial parent responds to the closure notice with information the county can use to perform the needed child support service.

Closure Letter

The required letter from the county informing the individual that his/her case will be closed in 60 days must include information on how the individual can reapply for services unless that information is not appropriate to the case. For example, when paternity was not established because the child in question was deceased before paternity could be established. If an LCSA's closure letter does not already include information about how to reopen the case, or if its automated system cannot readily accommodate the additional wording, LCSA's should include a stuffer stating this information with the closure notice. The wording on the closure notice or stuffer shall state:

If your case is closed, you may apply again for child support services whenever you have new information which would help us provide the service you need or anytime you need additional child support services in the future because of a change in your family circumstances.

LCSA List of Cases Eligible for Closure

For this early implementation phase of revised case closure policy, LCSAs must provide DCSS with a list of cases eligible for closure under the revised closure policy by July 3, 2001. However, while compiling the list LCSAs should begin the closure process immediately upon identifying eligible cases. The list must identify the case name and number, the closure criterion under which the case is eligible for closure, and the date the case will be closed (when 60-days from sending the closure notice has elapsed—for those cases requiring a closure notice). Send the list of cases to be closed to Kathie Lalonde at the addresses indicated at the end of this letter.

The list will provide information to the Department on the total number of potential cases to be closed and as a universe from which DCSS will select cases for a future review to validate appropriate LCSA application of case closure policies. State reviewers will review a sample of cases to ensure uniform and appropriate local child support agency implementation of the revised case closure policies.

LCSA Contact Person

LCSAs must also identify the person who will have lead responsibility for overseeing the effort to close cases under revised case closure criteria and who will serve as the contact with whom DCSS can communicate on matters regarding this effort. LCSAs must provide DCSS with the name, telephone number, and email address of their contact person by June 29, 2001. Again, send this information to Kathie Lalonde.

Regional Administrators

DCSS regional administrators will monitor the LCSAs' progress in implementing the revised case closure policy.

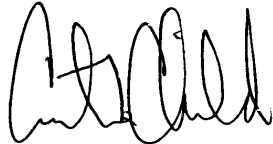
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The Department is aware of the work LCSAs will have to perform to complete this effort and appreciates your time, energy, and infinite resolve in making the state's child support program better serve families. If you have any questions regarding this effort to implement the revised case closure regulations contact (and send your case closure list to), Kathie Lalonde, at (916) 464-5884; or email at Kathie.Lalonde@dcss.ca.gov; or mail to: DCSS, P.O. Box 419064, MS-30, Rancho Cordova, CA. 95741-9064. Questions regarding the revised state case closure policy should be directed to Myrna Gregory, Manager, Case Management Establishment Policy Unit, at (916) 464-5229, or email at mgregory@dcss.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Child', written in a cursive style.

CURTIS L. CHILD
Director

Enclosure

cc: Stakeholders

Department of Child Support Services
Revised Case Closure Policy

Introduction

The Department of Child Support Services (DCSS) hereby adopts the following case closure policy which provides definitions of basic terms and criteria under which Title IV-D cases must be closed and is indexed to facilitate future referencing to the program's case closure regulations.

Definitions

“Case closure” means that Title IV-D services will no longer be provided. Case closure shall not affect a child support order or arrears that have accrued under the order.

“Recipient of services” means the custodial party or noncustodial parent who has applied for, or is receiving Title IV-D services, or has been referred to the Title IV-D agency.

Criteria for Closure

- (a) Title IV-D cases are eligible for closure and must be closed when they meet any of the following closure criteria numbered (1) through (14).
- (1) There is no longer a current support order and assigned and unassigned arrears are under \$500 or arrears are unenforceable under state law. Situations to which these criteria apply include, but are not limited to, the following:
- (A) Reconciliation of the family.
 - (B) The death of a child for whom support is owed.
 - (C) Paternity is established and is the only Title IV-D service needed because both parents in the Title IV-A grant are living together.
 - (D) The child for whom support is sought dies before paternity can be established.
 - (E) Cases with medical support orders with a specific dollar amount and arrears which accrue under such orders.
 - (F) Emancipation of the youngest child.
 - (G) Cases which meet the closure criteria under (1) above and are not receiving child support arrearage payments.
- (2) The noncustodial parent or alleged father is deceased and no further action can be taken, including a levy against the estate. The local child support agency shall:
- (A) Verify the death of the noncustodial parent or alleged father.

- (B) Document that attempts to identify assets that could be levied against the estate were unsuccessful. The closure notice shall include information about possible Social Security Administration death benefits.
- (3) Paternity cannot be established because of one of the following:
- (A) The child has reached 18 years of age.
 - (B) A genetic test or court or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that the custodial party does not know the identity of other individuals who could be the father.
 - (C) A local child support agency in conjunction with the local Title IV-A agency determines that the child's best interest will not be served by establishing paternity because a good cause claim has been approved.
 - (D) Either the first name or the last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the local child support agency with the custodial party. For the purpose of this subparagraph "diligent efforts" means acting on leads the custodial party may provide that could help identify and locate the biological father such as a last known address or employer. The interview required in this subparagraph may be conducted by telephone when the custodial party would have to travel at least 60 miles or take time from work to be interviewed face-to-face, or is disabled, or lacks transportation.
 - (E) An unmarried mother receiving Title IV-A services was artificially inseminated and the donor of semen is not identifiable.
- (4) The noncustodial parent or alleged father's residence, employment address, or earnings or assets are unknown and the local child support agency has made diligent but unsuccessful quarterly attempts using all locate sources pursuant to federal and state requirements for locating the noncustodial parent or alleged father and his/her earnings or assets. Such efforts shall be made over a three-year period when there is sufficient information to initiate an automated locate effort, or over a one-year period when there is insufficient information to initiate an automated locate effort. For the purposes of this subparagraph, the following shall apply:
- (A) "Sufficient information" means the first and last name and date of birth and/or Social Security Number of the noncustodial parent or alleged father.
 - (B) "Diligent" means a local child support agency has done both of the following:
 1. For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father.

2. Made every reasonable effort to obtain a missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the Department of Justice, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service.
 - (C) A case does not meet the requirements for closure under this subparagraph if the location of the noncustodial parent's or alleged father's residence is known, even if the location of his/her earnings or financial assets remain unknown.
- (5) The noncustodial parent cannot pay support for the duration of the child's minority for any of the three reasons specified in (A) through (C), below, and the local child support agency determines that no income or assets are available to the noncustodial parent which could be levied or attached for support. The noncustodial parent:
- (A) Is institutionalized in a psychiatric facility.
 - (B) Is incarcerated with no chance of parole.
 - (C) Has a medically verified total and permanent disability with no evidence of support potential.
- (6) The noncustodial parent lives in a foreign country and all of the following apply:
- (A) The noncustodial parent is a citizen of the country.
 - (B) The noncustodial parent does not work for the United States government or a company which has its headquarters or offices in the United States.
 - (C) The noncustodial parent has no reachable domestic income or assets.
 - (D) California does not have reciprocity with the country.
 - (E) In addition to the criteria specified in (A) through (D), above, if the case is a California initiated request for reciprocal child support services with Mexico, the case shall be closed if at least one of the following apply:
 1. Paternity is at issue and California's long-arm jurisdiction specified in Section 4905, Family Code, does not apply or, in cases where California's long-arm jurisdiction applies, long-arm jurisdiction has been attempted but failed to establish paternity.
 2. The noncustodial parent's location is not known.
 3. The noncustodial parent is not known to be working or the local child support agency is unable to determine the noncustodial parent's employer.

4. The local child support agency cannot be provided with a photograph of the noncustodial parent.
 5. The only issue in the case is retroactive support for past aid paid.
- (7) The local child support agency has provided non-Title IV-D Location-Only services as requested by the custodial party, legal guardian, attorney, or agent of a child who is not receiving public assistance, whether or not such services were successful.
- (8) A non-Title IV-A recipient of services requests closure of a case and there is no assignment for medical support and no assigned arrears. Situations to which this closure criterion applies include, but are not limited to, the court determining that it would be inappropriate to establish a child support order against the noncustodial parent for a case in which retroactive child support for past aid paid is the only issue.
- (9) There has been a finding of good cause, or other exceptions, to cooperation with the local child support agency, and the state or local Title IV-A or Medi-Cal Agency has determined that support enforcement may not proceed without risk of harm to the child or caretaker.
- (10) The local child support agency is unable to contact the non-Title IV-A recipient of services over a 60-calendar-day period despite at least one attempt to contact the recipient of services by telephone and a first-class letter sent to the last known address of the recipient of services, and after using the Department of Motor Vehicles and Medi-Cal Eligibility Data System to locate the recipient of services.
 - (A) The 60-calendar-day contact period shall commence with the date that the contact letter is mailed to the last known address of the recipient of services.
 - (B) The local child support agency shall not mail the case closure letter required by (b), below, until 60 calendar days have elapsed from the date the contact letter was mailed to the recipient of services, and until all responses from queried locate sources have been received indicating no new information is available that would allow the case to remain open.
 - (C) When the recipient of services is the custodial party and the local child support agency has a child support collection that needs to be distributed to the custodial party, the local child support agency shall attempt to locate the custodial party for 6 months pursuant to Family Code Section 17502 before the case qualifies for closure under this criterion. In attempting to locate the custodial party for six months, the local child support agency shall apply the same requirements and locate sources for locating noncustodial parents.
 - (D) Medically needy only cases shall not be closed under this closure criterion. The local child support agency shall contact the Medi-Cal

agency for assistance in locating the custodial party.

- (11) A non-Title IV-A recipient of services, except a medically needy only recipient, is uncooperative and an action by the recipient of services is essential for providing the necessary Title IV-D service. A local child support agency shall explain the incident of the non-cooperation to the recipient of services in writing and warn the recipient of services about the consequences for continued non-cooperation and document circumstances of non-cooperation in the case file. Non-cooperation shall include any action or inaction by the recipient of services which is essential for the next step in providing Title IV-D services such as:
- (A) Continuing to accept direct child support payments.
 - (B) Failing to attend hearings.
 - (C) Refusing to sign forms.
 - (D) Refusing to report private attorney actions.
- (12) The recipient of services has moved to another county or state and both (A) and (B), below, apply:
- (A) The recipient of services applied for services in the other county or state.
 - (B) The local child support agency documents in the case file that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state; or, in the case of an inter-county transfer, to confirm that the case, with its support order and arrears, has been transferred in accordance with state inter-county case transfer requirements. The local child support agency shall provide notices appropriate for inter-county transfers as specified in inter-county transfer requirements.
 - (C) In addition to (A) and (B), above, if there are assigned arrears, the case shall not be closed under this closure criterion until one of the following occurs:
 - 1. The assigned arrears are collected.
 - 2. The case can be closed under another closure criterion.
 - 3. Responsibility for collecting the assigned arrears is transferred to another jurisdiction pursuant to inter-county case transfer requirements.
- (13) The local child support agency documents failure by the initiating state in an interstate case to take an action which is essential for the next step in providing Title IV-D services.
- (A) If the responding local child support agency needs additional information to process an interstate case, the local child support agency shall send to the initiating state a notice requesting the initiating state to provide the information within 30 calendar days, or provide a response as to when the information shall be provided.

1. If the information or notice of when information will be provided is not received by the responding local child support agency after 30 calendar days from mailing the request in (A) above, the responding local child support agency shall notify the initiating state that the case will be closed in 60 calendar days.
 2. The responding local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open.
- (B) The case shall be closed after 60 calendar days have elapsed from the date of mailing the closure notice in (A)(1) above, if the initiating state does not provide the information needed to process the interstate case or a response stating when the information will be provided.
- (14) A Title IV-D case is erroneously opened and both of the following apply:
- (A) No Title IV-D services can be appropriately provided for the case.
 - (B) There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided.

Notification of Case Closure

- (b) A local child support agency shall notify the recipient of Title IV-D services in writing when closing a case pursuant to closure policy under (a)(1) through (6) and (10) through (13), above, of the local child support agency's intent to close the case.
- (1) Written notice shall not be provided for cases closed pursuant to policy under (a)(7), (8), (9), or (14), above.
 - (2) Written notice of case closure shall be mailed to the last known address of the recipient of services 60 calendar days prior to closing the case. When the only address for the recipient of services is the Title IV-A agency, the local child support agency shall send the closure notice to the Title IV-A agency's address.
 - (3) The notice of intent to close the case shall, at a minimum, include the following information:
 - (A) The reason the case is being closed.
 - (B) The circumstances under which the case could be reopened, such as new information regarding the location of the noncustodial parent's or alleged father's residence or earnings or assets.
 - (C) Whom to contact to apply for possible Social Security death benefits for cases closed for the reasons specified in paragraph (a)(2), above.

- (4) When a case qualifies for closure under (a)(1), above, because the parents have reconciled and the reconciliation makes the family ineligible for public assistance, and there is no arrears assigned to the state that is eligible for enforcement, the local child support agency shall mail a case closure notice to both the custodial party and noncustodial parent. The notice shall state both of the following:
 - (A) The case is being closed because the family has reconciled.
 - (B) Title IV-D service shall be terminated.

- (5) A case shall remain open if:
 - (A) The recipient of services responds to the closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order; or
 - (B) Contact is re-established with the recipient of services within the timeframes specified in closure policy under (a)(10).

Case Reopening

- (c) The case shall be reopened at a later date if the 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. When a former recipient of services requests resumption of Title IV-D services, the recipient of services shall complete a new application for Child Support Services.

Record Retention

- (d) Closed Title IV-D case records shall be retained for a minimum of four years and four months, unless otherwise specified, and summary criminal history information shall be deleted, in accordance with Record Retention Requirements.

Recall of Enforcement and Establishment Actions

- (e) When Title IV-D cases are closed, the local child support agency shall recall establishment and enforcement activities as appropriate for each case. These activities may include, but are not limited to:
 - (1) Dismissal of Summons and Complaints without prejudice.
 - (2) Termination of wage and medical assignments.
 - (3) Removal of obligor's name from intercepts.
 - (4) Release of personal and real property liens.
 - (5) Substitution of payee.