

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



June 28, 2007

CSS LETTER: 07-11

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

SUBJECT: DUPLICATE CASE TRANSFER POLICY UPDATE FOR STATEWIDE
SERVICES VERSION 2.1

REFERENCE: CSS LETTER 06-19, DUPLICATE CASE TRANSFER POLICY
UPDATE FOR STATEWIDE SERVICES VERSION 1
IMPLEMENTATION 1.3; CSS LETTER 05-30, DUPLICATE CASE
TRANSFER POLICY UPDATE; CSS LETTER 06-13,
VERIFICATION OF UNREIMBURSED ASSISTANCE POOLS.

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS

This letter supersedes a portion of the duplicate case transfer (DCT) policy letter previously issued through CSS Letter 06-19, Duplicate Case Transfer Policy Update for Statewide Services Version 1 Implementation 1.3, dated June 8, 2006. It also supersedes a portion of the DCT policy letter previously issued through CSS Letter 05-30, Duplicate Case Transfer Policy Update, dated October 21, 2005. All superseded provisions are specifically identified in this letter.

This policy update provides local child support agencies (LCSA's) with policy/process changes applicable with implementation of the California Child Support Automation System (CCSAS) Version 2 Instructions regarding how the LCSA's will work DCTs depending on the which system the LCSA's are using are included. In this letter, LCSA's using the Child Support Enforcement (CSE) system are considered "transitioned". LCSA's using ARS or CASES are considered "non-transitioned". The processes are divided by when both LCSA's are transitioned, both LCSA's are non-transitioned or when the LCSA's are both transitioned and non-transitioned. When both counties have not transitioned to CSE, only the changes to current processing are addressed.

General Information

1. As the State moves towards a statewide system, with all LCSA's converted to CSE Version II, the DCT process will be simplified. When all LCSA's are transitioned, there is no longer a duplicate case, as in Version 1 because only one case will exist in CSE. When a case is transferred, the "managing county" is changed in CSE. While LCSA's are in the process of transitioning to CSE, they will continue to process duplicate cases between LCSA's when either LCSA has not transitioned.
2. A case is to be considered a "duplicate" when the custodial party (CP) and non custodial parent (NCP) are the same in both LCSA's. Foster care cases, where the CP is the county, are not considered the same case because each county is considered a separate CP. Kin Gap cases, while a type of foster care, will have the caretaker as the CP. In Kin Gap cases, the case must transfer if the NCP and CP are the same in another LCSA case, no matter what type of aid the CP received in another county.
3. All dependants in common with the NCP and CP must be managed by one LCSA even if the receiving LCSA never enforced support for all dependants. For LCSA's not transitioned, dependants and their arrears from a sending LCSA's case must be added into the receiving LCSA's case. For transitioned LCSA's, all dependants will be in the CSE case.
4. Case management responsibility (CMR) will continue to be determined by the rules described in CSS Letter 05-30. The sending LCSA that is relinquishing CMR will continue to transfer the case and financial management responsibility to the managing LCSA (receiving LCSA).
5. The LCSA's will continue to use the DCT reports from the LCSA secure website. CSE is programmed to have a Duplicate Case Transfer Detail Report automatically generated once a week, but the functionality will not be available until a later date. The LCSAs will be notified when the CSE functionality is available.
6. To assure that cases are transferred appropriately, the DCT Coordinator will continue to be the single point of contact for coordinating all case transfer activities and communication between LCSAs.

7. If a case qualifies for closure, the case will be closed rather than transferred. Additionally, a case should not be opened or transferred if the existing case is in a pending closure status and the closure reason is appropriate for statewide closure of the case. If the closure reason is no longer valid, the receiving LCSA must open their case (non-transitioned) or change the closure status (transitioned).
8. LCSA's that receive an application for services should review SWS/CSE before opening and processing the referral. If the case exists in a closed status, the case should not be reopened if state level closure of the case is still appropriate.
9. In CSE Version 2, the unreimbursed assistance pool (UAP) for all transitioned LCSA's, where the CP has received services, will be tracked within the case. The UAP for all open cases and cases closed one year from an LCSA transitioning to CSE Version 2 will convert to the state case. For cases that will have UAP convert, the LCSA's must calculate and maintain the UAP for statewide tracking.
 - a. Non-transitioned LCSA's or transitioned LCSA's transferring a case to a non-transitioned LCSA's should no longer include the UAP balance on page four of the DCSS 0419 (08/17/05). This information is not necessary because the welfare accounts are temporarily changed to nonwelfare since money cannot be transferred between transitioned and non-transitioned LCSA's. These accounts must be maintained by the sending LCSA since it will revert to PAA after all cases are transitioned.
 - b. LCSAs will continue to pay any excess over the receiving LCSA's UAP directly to the family when either or both LCSA's have not transitioned to CSE Version 2.
 - c. If both LCSA's have converted to CSE Version 2, accounts will no longer be converted and both LCSA's UAP will be automatically recouped by the system.
10. LCSA DCT case managers and coordinators should attempt to resolve any disputes regarding DCT. If the LCSA Directors cannot resolve the issue, they may be referred to the assigned Department of Child Support Services (DCSS) Regional Administrator for assistance.

11. It is imperative that both LCSA's do not have financials concurrently on their case when either LCSA is not transitioned. **These cases must be worked as the highest priority.**
 - a. If both LCSAs have financials, then the sending LCSA must terminate all Integrated Database (IDB) enforcement actions and the NCP billing statement. The Order/Notice to Withhold Income for Child Support (ONTW) for collection of support must be left in place until the receiving LCSA acknowledges completion of the transfer.
 - b. Only the managing LCSA, according to CSE rules, will convert to CSE Version 2. Non managing LCSA's data will be converted into the Legacy Data Archive (LDA). The non managing LCSA's financials will not convert to Version 2. This is why these cases must be worked as the highest priority.
 - c. If the DCT process did not occur prior to transitioning to Version 2, the LCSA should locate the financial information and send it to the LCSA that now has case management responsibility.

The following information is separated into four categories for easier reference:

(1) Non-Transitioned to Non-Transitioned (2) Transitioned to Transitioned,
(3) Non-Transitioned to Transitioned and (4) Transitioned to Non-Transitioned.

The information will be further separated into sending and receiving processes.

Some of the process steps are required of all categories of actions, but for the sake of clarity and ease of use, there will be some duplication of information in all four categories.

TRANSITIONED TO TRANSITIONED

The process for changing managing LCSA when both LCSA's are on CSE Version 2, simplifies the DCT process. As indicated above, when both LCSA's are transitioned, there is no "duplicate case". There is only one case in CSE that includes data from all transitioned LCSA's including participants, accounts, payment history, UAP, and welfare history. Because the case is now a state level case, there is no longer a need to continue the current DCT process.

In the Transitioned to Transitioned case management transfer process, the sending LCSA's responsibilities are limited to the following:

1. Review CSE Imaging and ensure all appropriate documents have been imaged within 10 days of being notified of the need to transfer the case. At a minimum, documents listed in DCSS 0103, sections 1, 2 and 3 along with any other pertinent case information.

2. Review the financial history, if history exists on a legacy system that is not been converted to the LDA, the sending LCSA must send the history for CSE imaging and notify the receiving LCSA. If the history is no longer applicable because the court has set arrears during the time the case was on CASES/ARS, then the history should be imaged and an Activity Log entered explaining why the history is no longer applicable.
3. Notify the receiving LCSA if the case cannot be transferred due to pending legal action. Promptly transfer the case, if appropriate, once the legal action has concluded. Image any additional documents as a result of the legal action.
4. Notify the receiving LCSA by tasking the appropriate worker that all actions have been taken.
5. Send the hardcopy case record, if applicable, to the receiving LCSA. Record retention in accordance with the California Code of Regulations (CCR), Title 22, Division 13, Section 111450, will be maintained at a state level. The case record should be cleansed of unnecessary records before sending.

Additional Information for the Sending LCSA:

1. There is no need to terminate any enforcement action in CSE when a case is transferred between LCSA's. CSE will automatically handle all wage withholdings, Notice of Medical Support Orders, Liens, and IDB. Continue enforcement on the case until case management is changed to the receiving LCSA.
2. The sending LCSA's DCT Coordinator will provide declarations or testimony in any legal proceeding, if necessary, when interest or other issues arising from a child support matter in a transferred case must be addressed by a motion, or order to show cause to appear in court.

The Receiving LCSA Responsibilities are:

1. Review all incoming service requests (IV-A referrals) for an existing case.
 - a. Upon receipt of a service request (referral), if a transitioned case exists in CSE, the system will change case management automatically when the service request is completed. Therefore, the LCSA worker must review the case and determine if case qualifies for transfer before completing the service request process.
 - b. If the case qualifies for immediate case management transfer (no legal action pending) the worker can process the referral. The system will change managing LCSA immediately.

- c. If legal action is pending in the sending LCSA, the worker must process the service request according to the DCT Quick Reference Guide (QRG) and task the sending LCSA to transfer the case when the legal action is completed.
2. The receiving LCSA should review CSE imaging to ensure the case has been imaged.
3. Once case management responsibility has transferred to the receiving LCSA, the LCSA is responsible for enforcing all financial obligations for the case.

Additional Information

1. If financial accounts exist at the time of the transfer, the receiving LCSA will not be required to change any accounts in CSE. See QRG "Transferring A IV-D Case" for detail on Registering a Foreign Order when the order exists on CSE.
2. CSE will administratively process wage withholdings, National Medical Support Notice (NMSN's), liens, and IDB at a state case level, Version 1 processes including terminating wage withholdings and NMSN and lien change or payee is no longer required in a transition to transition case management transfer. CSE will automatically change managing LCSA on IDB enforcement.
3. Registration of the order must be done according to the QRG "Registering a Support Order", to ensure financial accounting and existing enforcement is not impacted.
4. The LCSA's will no longer change the welfare accounts from the sending LCSA to non welfare, the system has functionality to maintain and process UAP for all transitioned LCSA's.
5. Accounts that converted from Welfare to Non welfare under the Non-transitioned processing will be converted back to welfare at some point after all LCSAs are transitioned. Additional instructions will be provided once all LCSAs have transitioned to CSE.
6. DCT Documents for Transitioned to Transitioned cases.
 - a. DCSS 0419, Duplicate Case Transfer Notification: This form is no longer necessary and is not available in CSE.
 - b. DCSS 0420, Duplicate Case Transfer Information Request: This form is no longer necessary and is not available in CSE.

- c. DCSS 0514, Duplicate Case Transfer Acknowledgment: This form is no longer necessary and is not available in CSE.
- d. CS 2890, Notice of Case Transfer (CP): This form is no longer necessary and is not available in CSE.
- e. CS 2890A, Notice of Case Transfer (NCP): This form is no longer necessary and is not available in CSE.
- f. CS 2892, Notice of Case Transfer Completion (CP): This letter is used to notify the CP when case transfer is complete.
- g. CS 2894, Notice of Case Transfer Completion (NCP): This letter is not available in CSE. LCSA's will be required to produce a free form letter, DCSS 0196, informing the NCP that his/her case is now managed by the receiving LCSA.

NON-TRANSITIONED TO NON-TRANSITIONED

LCSAs will continue to follow all process outlined CSS letter 05-30 and 06-19 except for the following:

1. The sending LCSA will no longer send aid information to the receiving LCSA.
2. The sending LCSA will no longer send UAP information to the receiving LCSA.
3. The sending LCSA will continue to produce and send the Change of Payee for real property liens. The sending LCSA will not release their lien and the receiving LCSA will record a lien under their court number. All LCSA's will be required to follow state level lien processing.
4. Send the hardcopy case record if requested by the receiving LCSA. Record retention in accordance with the California Code of Regulations (CCR), Title 22, Division 13, Section 111450, will be maintained at a state level. The case record should be cleansed of unnecessary records before sending.

NON-TRANSITIONED TO TRANSITIONED

Procedures for the Non Transitioned to Transitioned cases will follow the same procedures as the Non Transitioned to Non Transitioned, except for the following:

The sending LCSA will send their hardcopy file, if requested by the receiving LCSA. The receiving LCSA will prepare and send the file to CSE imaging. If the LCSA does not maintain hardcopy files, the LCSA will ensure all necessary documents have been imaged into Co-Stars. If the non-transitioned LCSA will not convert one year from the date of the transfer, all documents must be printed from Co-Stars and sent to the Transitioned LCSA for imaging into the CSE case.

Duplicate Case Transfer Sending Packages for Non-transitioned to Transitioned:

- DCSS 0419, Duplicate Case Transfer Notification: This form is used to transmit all case related information necessary to transfer a case. Note: CSE/SWS case number should be used on this form. It is not necessary to fill out NCP, CP, and DP information, all information is available in CSE.
- DCSS 0420, Duplicate Case Transfer Information Request: This form is not available in CSE, the receiving LCSA should contact the sending LCSA coordinator if more information is necessary.
- DCSS 0514, Duplicate Case Transfer Acknowledgment: This form is not available in CSE, the receiving LCSA should contact the sending LCSA coordinator by e-mail, phone or regular mail correspondence to inform them to close their case.
- CS 2890, Notice of Case Transfer (CP): This letter is used to notify the CP of case transfer. This form will still be sent from ARS and CASE for the sending LCSA.
- CS 2890A, Notice of Case Transfer (NCP): This letter is used to notify the NCP of case transfer. This form will still be sent from ARS and CASE for the sending LCSA.
- CS 2892, Notice of Case Transfer Completion (CP): This letter is used to notify the CP when case transfer is complete.
- CS 2894, Notice of Case Transfer Completion (NCP): This form is not available in CSE at this time. LCSAs should the free form letter, DCSS 0196 for this purpose.

TRANSITIONED TO NON-TRANSITIONED

The Transitioned to Non-Transitioned process is the same as Non-Transitioned to Non Transitioned except:

1. In a statewide system the transfer package will be much smaller as most of the required information can be accessed in the CSE system. There will still be a need for some documents to be being supplied to the receiving LCSA. The DCSS 0103 is used by the sending LCSA.
2. The sending LCSA must ensure the file is imaged into CSE prior to sending the hardcopy file to the receiving LCSA.
3. Any financial history available in CSE does not need to be sent to the receiving LCSA, all LCSA's have access to CSE.
4. It is not necessary to send updated payment history to the receiving LCSA, all data is available in CSE.
5. The sending LCSA cannot close their case in CSE since it is a statewide case. All case accounting must be adjusted to zero balance when the receiving LCSA accepts the case and add the accounting to their case. The receiving LCSA must change managing LCSA to the receiving LCSA at the time the accounts are adjusted.
6. The transitioned LCSA will not terminate their wage withholding at the time they send the DCT. The sending LCSA will fax a copy of the termination to the receiving LCSA when the receiving LCSA is ready to send their wage withholding.

COAP PROCESSING

This process applies to cases in which both LCSAs are non-transitioned and in cases where either one of the LCSAs is non-transitioned. It does not apply to cases in which both LCSAs are transitioned.

When an LCSA has received a Compromise of Arrears Program (COAP) application or has an active COAP agreement prior to completing a DCT request, the case is not transferred and CMR is retained until one of the following occurs:

1. The COAP application is denied;

2. The COAP agreement is fulfilled or rescinded; or
3. Both LCSAs have transitioned to Version 2 and the case can be transferred without affecting the categorization of the arrears.

When a case is mistakenly transferred even though the LCSA had received a COAP application or was administering an active COAP agreement prior to completing a DCT request, the case must be transferred back to the sending LCSA, which retains CMR until one of the conditions listed above occurs.

When an LCSA receives a COAP application after a case has transferred, the COAP application is processed by the LCSA with current CMR utilizing the current categorization of arrears. Generally, if the NCP's offer in compromise is denied because the arrears are categorized as owed to the custodial party, the NCP may re-apply for an offer in compromise as soon as both the sending and receiving LCSAs have transitioned to Version 2 and the arrears balances are regenerated.

Due to the complexities of compromising arrears through either the Compromise of Arrears Program or the Compromise of Arrears Program – Family Reunification during the transition period, DCSS may issue additional instructions to facilitate equitable results under specific circumstances.

If you have any questions or concerns regarding this matter, please contact the Program Policy Branch at (916) 464-5883.

Sincerely,

/s/ by BILL OTTERBECK

BILL OTTERBECK
Acting Deputy Director
Child Support Services Division