



CSSD Policy			
Subject:	<b>Administrative Enforcement Policy</b>	Number:	<b>2009-19</b>
Approval Date:	<b>October 13, 2009</b>	Pages:	
Approved by:	<b>Benidia A. Rice, Director</b>	Revision	<b>Final</b>

- I. **PURPOSE:** (1) To obtain financial support for children in IV-D cases from the NCP as ordered by the Court, (2) To enforce local support orders; (3) To cross train all Specialists in their units so that they all know how to initiate the various types of administrative enforcement tools, (4) To address problems from case reports received from unit managers; and (5) To work cases that have large amount of arrears.
  
- II. **REFERENCES:** D.C. Official Code § 46-224, Enforcement of orders by means other than income withholding; D.C. Official Code § 46-224.01, Interception of lottery prizes for delinquent child support payments; D.C. Official Code § 46-225, Reporting and publication of delinquent accounts; D.C. Official Code § 46-225.01, Sanctions; D.C. Official Code § 46-226.07, Administrative enforcement in interstate cases; D.C. Official Code § 46-226.03, Authority of IV-D agency to expedite paternity and support process; D.C. Official Code § 46-226.07, Administrative Enforcement in interstate cases; D.C. Official Code § 46-226.10, Automated procedures; D.C. Official Code § 46-226.11, Jurisdiction; D.C. Official Code § 46-206, Enforcement of Withholding; 42 U.S.C. § 654, State plan for child and spousal support; 42 U.S.C. § 654a, Automated data processing; 42 U.S.C. § 657, Distribution of collected support; 42 U.S.C. § 659, Consent by the United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations; 42 U.S.C. § 664, Collection of past-due support from Federal tax refunds; 42 U.S.C. § 666, Requirement of statutorily prescribed procedures to improve the effectiveness of child support enforcement; 31 C.F.R. § 285.1, Collection of past-due support by administrative offset; 31 C.F.R. § 285.3, Offset of tax-refund payments to collect past-due support; 45 C.F.R. § 302.32, Collection and disbursement of support payments by the IV-D Agency; 45 C.F.R. § 302.33 Services to Individuals not receiving title IV-A or title IV-E foster care assistance 45 C.F.R. § 302.33, Services to Individuals not receiving title IV-A or title IV-E foster care assistance; 45 C.F.R. § 302.51, Distribution of support collection; 45 C.F.R. § 302.52, Distribution of support collected in Title IV-E foster care maintenance cases ; 45 C.F.R. § 302.60, Collection of past-due support from Federal tax refunds; 45 C.F.R. § 302.65, Withholding of unemployment compensation; 45 C.F.R. § 302.70, Required state laws; 45 C.F.R. § 303.72, Requests for collection of past-due support by Federal tax refund offset 45 C.F.R. § 302.85, Mandatory computerized support enforcement system; 45 C.F.R. § 303.6, Enforcement of support obligations; 45 C.F.R. § 303.8,

Review and adjustment of child support orders; 45 C.F.R. § 303.102, Collection of overdue support by State income tax refund offset; D.C. Mun. Regs, 29 DC ADC § 1702, Enforcement of Orders by Means Other than Income Withholding; D.C. Mun. Regs, 30 DC ADC § 612, Withholding from Prize Payments; Deficit Reduction Act of 2005, P.L. 109-171.

III. **POLICY:** Federal regulations require that each state maintain an effective automated system to identify delinquent non-custodial parents (NCP's) who have failed to make timely child support payments. All IV-D agencies must initiate enforcement action within thirty (30) calendar days of a delinquency unless service of process is required. If service of process is necessary before taking an enforcement action, the IV-D agency must complete service of process or document unsuccessful attempts at service, no later than sixty (60) calendar days of identifying a delinquency or the location of the NCP, whichever occurs later. There are a number of enforcement remedies that a IV-D agency may use in IV-D delinquency cases. The following administrative enforcement tools will maximize the potential of children to receive timely child support payments from their parents:

- A. **Administrative Offset**—Federal and D.C. regulations allow CSSD to intercept certain federal payments to apply to child support arrears. Examples of some of the federal payments include federal retirement payments, federal reimbursement payments, and travel voucher payments;
- B. **Federal and State Tax Intercepts**—CSSD may collect past due support under the Federal Income Tax Refund Offset. This remedy involves the interaction of all State IV-D agencies and three Federal agencies - OCSE, FMS, and IRS. CSSD may also collect past due support from the D.C. Office of Tax & Revenue;
- C. **Passport Denials**—The Passport Denial Program allows all IV-D agencies to submit the names of NCP's with arrearages exceeding \$2,500 to the Office of Child Support Enforcement to be forwarded to the Department of State to deny applications for a passport or the use of a passport; and
- D. **Lottery Intercepts**—Federal Law and D.C. Statutes and Regulations give authority to the Mayor to intercept or seize lottery prize winnings of \$600 or more belonging to an NCP who owes delinquent child support.

Specialist Steps to Enforcing a Case: All Specialists shall take the following steps to ensure that they are processing and enforcing the correct case. The Specialist shall receive cases on his or her task list with at least 30 days of delinquent child support payments. The Specialist may also receive referrals for administrative enforcement from telephone calls, the Customer Service Unit, and Referrals. The Specialist shall review the NCP's information on the Locate History screen,

specifically, the new hire information, employment, home address, the age of the dependents, asset/income screen, and if emancipation is updated.

DCCSES identifies eligible cases and generates one letter for the lifetime of the arrears when the case becomes eligible for the offset. This pre-offset letter lists all the administrative tools available to the CSSD for collection of past due support. Under Federal regulations and the D.C. statute, after receipt of a pre-offset notice, the NCP is allowed the right to object to administrative enforcement. CSSD's Specialist should document receipt of an NCP contest to intercept programs. The Specialist shall enter the Objection in DCCSES including the case note reasons the NCP is contesting submission to offset. DCCSES will flag the case for deletion when the arrearage balance has been reduced to \$0.

There are numerous other enforcement tools that CSSD can use to collect past-due support from NCP's, namely, DMV license suspension or revocation, wage-withholding, administrative FIDM, real and personal property liens, civil contempt, criminal contempt, enforcement of medical support orders, periodic review and adjustment of support orders, the Fresh Start Policy, consumer credit reporting, and garnishment of unemployment insurance benefits. These enforcement tools have their own separate policies with detailed procedures.