



CSSD Policy

<b>Subject:</b>	<b>Case Closure Policy (for Litigation Purposes)</b>	<b>Number</b>	<b>2015-02</b>
<b>Approval Date:</b>		<b>Pages:</b>	
<b>Approved By:</b>		<b>Revision</b>	<b>FINAL</b>

- I. **PURPOSE:** 1) To provide CSSD personnel with policy and procedural guidance regarding the appropriate Federal case closure criteria to close IV-D cases and 2) To ensure the appropriate closure of IV-D cases, which will result in the favorable ratings on CSSD’s annual data reliability and federal performance audits.
- II. **AGENCY IMPACT:** This policy affects all CSSD Sections and Units.
- III. **REFERENCES:** 45 CFR 303.11, Case closure criteria; AT- 99-04, Case Closure Criteria Final Rule, 45 CFR Part 303, March 11, 1999; PIQ-00-02, Intergovernmental Case Closure When Custodial Parent Location is Unknown; “Automated Child Support Enforcement, A Guide for Automation Case Closure,” DHHS/ACF/OCSE, June 2004. D.C. Official Code § 15-101 (2005), Enforceable period of judgments; expiration; D.C. Official Code § 15-103 (2005).

IV. **DEFINITIONS:**

Case Closure Criteria - A process used to close IV-D case that meets at least one of the twelve Federal criteria for case closure. There are also administrative and automated administrative criteria for case closure that are not listed in the Federal criteria for case closure.

60 Day Closure Intent Notice – Federal regulations require in 9 of the 12 federal case closure criteria for a IV-D agency to send a 60-day Closure Intent Notice to a custodial parent indicating the agency’s intent to close the IV-D case within 60 calendar days. District of Columbia Child Support Enforcement System (“DCCSES”) will automatically generate letter unless the custodial parent or initiating out-of-state agency contacts CSSD during the 60 day period and the appropriate code is entered to the terminate the case closure process.

Custodial Parent (“CP”) – The person with whom the dependent child(ren) resides.

Non-Custodial Parent (“NCP”) – The person who has a legal obligation to provide support for the dependent child(ren). The dependent child(ren) does not reside with the NCP.

Out-of-State Agency (“OSA”) – The IV-D agency located in another jurisdiction.

Support Enforcement Specialist (“SES”) – The CSSD staff who is responsible for processing support cases within specific sections and/or units.

Code Abbreviations – CSSD staff will enter action codes onto DCCSES to process case closure. The code consists of numbers and abbreviated words that instruct DCCSES on how and when to process case closure. When the case is in a pending closure status, the code abbreviation will read “P/C”. When the case is in a closed status, the code abbreviation will read “CLSD.”

V. **INQUIRIES:** Direct all inquiries to Policy and Training Section, (202) 724-2131.

VI. **POLICY:**

A. **Responsibility of CSSD Units in Case Closure Procedure:**

The following CSSD Units will close IV-D cases in accordance with the procedure referenced herein:

1. Local Cases – The SES, Paralegal, or Support Staff in the Intake, Enforcement, and Locate Units and in the Legal Services Section will follow the “Local Cases” procedures under each federal case closure criteria.
2. Intergovernmental Responding Cases (“R Cases”) – The SES in the Intake Unit or Enforcement Unit who is responsible for processing Responding State Cases will follow the “Intergovernmental Responding Cases” procedures under each federal case closure criteria.
3. Intergovernmental Initiating Cases (“I Cases”) – The SES in the Intake or Enforcement Unit who is responsible for processing Initiating State Cases will follow the “Intergovernmental Initiating Cases” procedures under each federal case closure criteria.

B. **Federal Case Closure Criteria:**

Federal law mandates that a IV-D agency must establish a system for case closure for all IV-D cases. CSSD is authorized to close all cases opened in DCCSES in which one of the following criteria is met:

1. There is no longer a current support order and arrearages are under \$500 or unenforceable under state law;
2. The noncustodial parent or putative father is deceased and no further action, including a levy against the estate, can be taken;
3. Paternity cannot be established because:
  - a. The child is at least 18 years old and action to establish paternity is barred by a statute of limitations which meets the requirements of Sec. 302.70(a)(5) of this chapter;
  - b. A genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified; or

- c. In accordance with Sec. 303.5(b) of this part, the IV-D agency has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending;
  - d. The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the IV-D agency with the recipient of services;
4. The noncustodial parent's location is unknown, and the state has made diligent efforts using multiple sources, in accordance with Sec. 303.3, all of which have been unsuccessful, to locate the noncustodial parent:
  - a. Over a three-year period when there is sufficient information to initiate an automated locate effort, or
  - b. Over a one-year period when there is not sufficient information to initiate an automated locate effort;
5. The noncustodial parent cannot pay support for the duration of the child's minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential. The state must also determine that no income or assets are available to the noncustodial parent which could be levied or attached for support;
6. The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and the state has been unable to establish reciprocity with the country;
7. The IV-D agency has provided location-only services as requested under Sec. 302.35(c) (3) of this chapter;
8. The non-IV-A recipient of services requests closure of a case and there is no assignment to the state of medical support under 42 CFR 433.146 or of arrearages which accrued under a support order;
9. There has been a finding by the responsible state agency of good cause or other exceptions to cooperation with the IV-D agency and the state or local IV-A, IV-D, IV-E, Medicaid or food stamp agency has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;
10. In a non-IV-A case receiving services under Sec. 302.33(a)(1) (i) or (iii), the IV-D agency is unable to contact the recipient of services within a 60 calendar day period despite an attempt of at least one letter sent by first class mail to the last known address;
11. In a non-IV-A case receiving services under Sec. 302.33(a)(1) (i) or (iii), the

IV-D agency documents the circumstances of the recipient of services' noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services.

12. The IV-D agency documents failure by the initiating state to take an action which is essential for the next step in providing services.

C. Notice Requirement in Cases Meeting the Federal Case Closure Criteria:

In cases meeting the criteria in paragraphs (1) through (6) and (10) through (12) of this section, the state must notify the recipient of services, or in an Intergovernmental case meeting the criteria for closure under 12), the initiating state, in writing 60 calendar days prior to closure of the case of the state's intent to close the case.

The case must be kept open if the recipient of services or the initiating state supplies information in response to the notice which could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of paragraph (10) of this section, if contact is reestablished with the recipient of services. If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application for IV-D services and paying any applicable application fee.

In cases meeting the criteria in paragraphs (7) – (9), CSSD *is not required* to send a 60-Day Closure Intent Notice to close the IV-D case prior to actually closing the case. The 3 criteria that do not require the 60-day notice are:

1. CSSD provided locate services only; or
2. Good Cause Claim; or
3. A Non-TANF CP request case closure and there is no assignment of medical support or TANF arrearages to the District.

D. Closure of IV-D Services, the Court Case, and Documentation:

The District of Columbia is a Judicial State. This means that all Child Support orders are established through Court-Order. Accordingly, cases that are closed in DCCSES must be closed with the Courts. Any established court ordered support case that is subsequently administratively closed due to meeting a Federal Case Closure Criteria, must be closed in Court by CSSD filing an appropriate motion. Furthermore, the Documentation that is used to support the closing of the case will be the same Documentation CSSD will use to file to dismiss the court order with the courts.