

2021

Kansas Child Support Services

POLICY MANUAL
CSS ADMINISTRATION

DEPARTMENT FOR CHILDREN AND FAMILIES | 555 S. Kansas Ave, Topeka, KS 66601

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Kansas Department for Children and Families

Child Support Services

1000 General Policy

1000 Availability of IV-D Child Support Services

Title IV-D of the Social Security Act requires that each state have a designated office to provide child support services. In Kansas, the IV-D program is within the Department for Children and Families. There are certain programs that require cooperation with the IV-D program and each state identifies those programs. The same services are also to be made available to anyone who enrolls for the services.

The Family Support Act of 1988, amended Section 467(b) of the Social Security Act. Each state is required to develop and use mandatory support guidelines in establishing support obligations. Kansas has adopted [Child Support Guidelines](#) available on the Judicial Branch website. The Kansas guidelines are updated every four years.

Kansas uses a judicial process in establishing and modifying child support orders. Either an administrative or judicial process or in some circumstance both are in use at the same time to enforce child support orders.

Kansas establishes parentage for minor children only. The parentage code is set forth in chapter 23-2209 of the Kansas Statutes Annotated (K.S.A.) and amendments thereto. All child support orders utilize the [Kansas Child Support Guidelines](#).

Kansas will request assistance from other states, tribes or countries when circumstances warrant. Kansas has adopted Uniform Interstate Family Support Act (UIFSA) 2008 in K.S.A. 23-36,101 et seq and uses the Office of Child Support Enforcement (OCSE) approved forms for intergovernmental transactions.

Kansas does not charge a fee for IV-D services.

Attorneys for the IV-D program represent the State of Kansas, Secretary of the Department for Children and Families.

1010 Non-Discrimination

No person will, on the grounds of race, religion, color, sex, age, handicap, national origin or ancestry, be excluded from participation in, be denied the benefit of, or be subject to discrimination under any program or activity.

1020 DCF Participation

The Kansas IV-D program requires an enrollment form (previously known as application) from any non-mandatory participant and parentage information from non-mandatory and mandatory participants when parentage has not been legally established.

A case remains open until a written closure request is received from the participant or the participant is notified that closure will occur.

Kansas IV-D services are available to the following persons:

- Parent – A biological or legal parent who has residential custody of a child/ren;
- Non-parent caretaker – a legal guardian, relative or friend besides the legal or biological parent who cares for the child(ren). Certain limitations may apply depending on the legal standing of the non-parent caretaker;
- Non-Custodial Parent (Payor) – the biological or legal parent of a child, which the child does not live with. This person has a duty to pay support for the child(ren) and limited services only are available;
- Kansas Department of Corrections-Juvenile Services (KDOC-JS);
- Foster Care;
- Anyone who completes an enrollment form for services (voluntary participant); and
- Anyone who is identified as a mandatory participant (mandatory participant).

If Child Support Services (CSS) is unable to provide services, the participant is notified as to why services cannot be provided.

All participants need to cooperate and provide requested information and legal forms to process the child support case. If cooperation does not occur, case closure (voluntary) or loss of benefits (mandatory) may occur.

The State of the original child support order determines when child support stops. In Kansas, the general rule is that child support continues until a child's 18th birthday or if enrolled in school when they turn 18 until June 30th of that year. Child support may be extended upon the filing of a motion. (See Section V.B.4 Termination of Child Support Orders, Kansas Child Support Guidelines, Effective January 1, 2020, page 30.)

1020.1 Mandatory IV-D Participants

Federal and/or Kansas law requires participation in the IV-D program when child(ren) receive benefits from at least one of the following programs:

- Temporary Assistance for Needy Families (TANF) benefits;
- Federal or State funded Foster Care (FC);
- Department of Corrections – Juvenile Services (KDOC-JS);
- Food Assistance (FA);
- Child Care (CC); or
- Medicaid.

Certain exclusions may apply:

- Intact household; or
- Good cause determination

1030 Child Support Service Options

CSS offers two types of service; full service and limited services. Mandatory participants receive full service. Voluntary participants may choose either full service or limited service.

1030.1 Full Services

Full services include any of the following:

- Legal establishment of parentage of a minor child(ren); and
- Establishment of a support obligation of a minor child(ren);
- Enforcement of a support obligation (including orders for health care coverage) through emancipation;
- Modification of a support obligation;
- Collection of arrears; and

- Expedited parentage.
 - For situations in which the father is in the home with the child, parentage must be established when TANF and FA is requested. If parentage is not established, an immediate referral is made by Economic and Employment Services (EES) to CSS for paternity establishment. These are referred to as expedited paternity referrals. This may occur at the time of initial application or when the father begins living in the home at a later time.

1030.2 Limited Services

Limited services include locating a party, parentage only and modification only. CSS is also able to do a limited services case for unemployment income only in certain circumstances.

1030.2.1 Locate Only

CSS will conduct a specific locate using all local, state and federal resources during a multi-month search to locate a parent.

Unless there is an overriding issue, the information may be released only to the IV-D participant or their representative who requested the limited service.

Limited services cases for locate only will close immediately upon locate and notification. A non-custodial parent (NCP) [payor] may not open a limited service for locate case.

IV-D program will not provide private locate services unless tied to a parental kidnapping case. Parental kidnapping cases must be coordinated through the IV-D Director.

1030.2.2 Parentage

An alleged parent may enroll to establish parentage. The Kansas Parentage Act allows either party to pursue a paternity action. Physical custody is not a requirement to bring this action.

A participant will be notified that their case will be closed if any of the following are on file:

- A legal determination of parentage exists;
- A presumption of parentage exists; and/or
- An existing closed case and good cause or potential family violence was determined within 1-year prior to enrollment form from NCP (payor) being received.

1030.2.3 Modifications

Anyone may enroll to modify an existing child support order.

1040 Assignment of Rights

Federal laws in Title IV-A and Title IV-D of the Social Security Act, and Kansas laws govern the assignment of child and spousal support. Rights are assigned to the Secretary of the Department for Children and Families when a family voluntarily enrolls for IV-D Child Support Services, a family begins receiving a mandatory assistance program (TANF, Child Care, Food Assistance, and/or Medicaid) or child(ren) entering Foster Care or KDOC-JS. The assignment gives CSS the legal authority to establish, enforce or modify support orders for which the rights have been assigned. The also gives the Kansas Payment Center (KPC) the authority to endorse checks for processing.

The assignment of support ends when physical custody of a child changes from the CSS case recipient.

1040.1 Assignment of Child Support Rights (Retention of Support)

There are many rules that decide when support will be kept by Kansas to reimburse some of the assistance granted to a family, or whether DCF involvement is to only serve as a passthrough and retain records to determine when involvement is necessary to enforce orders of the court.

An assistance recipient included in a CSS case have assigned all rights to their child and spousal support over to DCF when a family begins receiving TANF, child(ren) enters Foster Care or custody of KDOC-JS, resulting in retention of support by the IV-D program.

A CP (payee) of CSS can only assign what rights he or she possesses. An individual cannot assign rights to support he or she owes. The statute language is:

“By applying for or receiving aid to families with depended children such application or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person’s own behalf of any other family member for whom the applicant is applying for or receiving aid.”

1040.2 Temporary Assistance for Needy Families and Foster Care Assignment

In accordance with K.S.A. 39-709, an application for, or receipt of, TANF or placed in care of the Secretary of the DCF shall constitute an assignment of support rights and limited Power of Attorney to the Secretary of the DCF.

The assignment shall transfer, by operation of law, to the Secretary of the DCF when an order for child support has been established and the legal custodian surrenders physical custody to a caretaker relative.

The assignment includes accrued, present or future rights to support that the TANF or foster care recipient may have in their own behalf or in behalf of any family member for whom the recipient receives assistance. The assignment gives the Secretary a limited power of attorney (POA) to sign over to the DCF any checks, money orders or other negotiable instruments representing support payments received. The assignment of support rights and limited Power of Attorney will automatically become effective on the date that TANF benefits or foster care and/or KDOC-JS placements are approved without the requirement that any document be signed by the customer.

Under the terms of the support assignment, the active TANF or Foster Care recipient agrees to turn over to CSS all support payments received.

The assignment remains in effect if the TANF or foster care case is open, even if no TANF or foster grant is issued or the CP (payee) no longer has physical custody of the child. Any support obligations that accrued during the time frame TANF or Foster Care was open remain due and owing to the DCF upon TANF closure or child(ren) being released from foster care placement. CSS will not keep more than the TANF grant or foster care placement grant spent.

Support obligations which accrued prior to the receipt of TANF or Foster Care placement could remain due and owing at TANF closure or foster care release date as conditionally assigned to the DCF. This will be based on the time frame in which the arrears accrued, due to changes in Federal Distribution Policies.

After the TANF or foster care case closes, the assignment remains in effect until the CP (payee) provides a written statement to CSS that services are no longer desired. The assignment could also end at the discretion of CSS.

1050 Continued Services

When families lose eligibility for and/or are no longer involved with TANF, Food Assistance, Child Care, Medicaid, Foster Care and KDOC-JS, the IV-D program is federally required to notify families that IV-D services will be continued unless the CP (payee) notifies the program that they wish to stop receiving IV-D services. A continued services letter is sent to the CP (payee) by CSS within 5-business days of mandatory program closure.

1060 Distribution of collected child support

- Collected child support is retained by the state to reimburse for expenditures provided for TANF or Foster Care/Juvenile Services; and
- Collected child support is **not** retained by the state to reimburse in any other mandated program.

1060.1 Recovery of Misdirected Support, Overpayments and Similar

The IV-D program has the right to recover retained support, misdirected, duplicate and overpaid monies. This may be done using various methods including, but not limited to, payment plans, retention of collected arrears and by state debt set-off.

1070 Represented Parties (Mandatory and Voluntary)

The IV-D attorneys represent the Secretary of the Department for Children and Families.

An IV-D participant may hire an attorney at any time to represent them.

A payor of child support may hire an attorney at any time to represent them.

Program attorneys will need written permission from a party's attorney before the program attorney is able to work directly with someone who has hired an attorney to assist them.

1080 Fees

The Kansas IV-D Program does not charge an enrollment fee to the CP (payee) or NCP (payor). Other fees or costs may exist depending on the type of case – Kansas IV-D or Intergovernmental.

1080.1 Kansas IV-D Cases

- There are no fees/costs for court ordered genetic testing in parentage cases;
- There are no collection fees for IV-D child support collected;
- Filing fees are not collected from any party when a petition or motion is filed in a IV-D case in the Kansas courts; and
- Court costs may be assessed when a court order is entered.

1080.2 Intergovernmental Cases

- Filing fees are not collected from any party when a petition or motion is filed in a IV-D case in another jurisdiction; and
- Court costs which may include genetic testing, expert witness fees, deposition costs or any other related court costs may be assessed when a court order is entered.

1080.3 Incoming Intergovernmental Fees

Federal regulations allow both sending and receiving agencies to apply cost recovery fees to intergovernmental cases, as both states have incurred expenses. However, there is no fee charged on incoming intergovernmental cases. If a case is sent to another state, they may have policies that deduct a portion of the payment for a fee. When such fees are applied, the NCP (payor) is given full credit for the payment.

1080.4 Never TANF Fee

Each IV-D case that has never received TANF is assessed an annual fee of \$25 after \$500 in support is collected. The Kansas IV-D program currently pays this fee.

In intergovernmental cases, the initiating state is responsible for collecting the fee when TANF has never been received by a family. If Kansas is the initiating state, then there is not an annual fee charged. If Kansas is not the initiating state, the annual fee will be determined by the state that is the initiating state and assessed by that state's policy.

Unless IV-D fees are clearly defined under the initiating state's law as child support, collecting Never-TANF fees from a family is not part of the services offered by Kansas CSS.

1090 Diligent Efforts

CSS will use due diligence to the extent possible to perform all available and necessary actions.

1100 Protecting Federal Tax Information Through Email

Child Support Services (CSS) policy prohibits the inclusion of Federal Tax Information (FTI) in email communication except when it is specifically allowed to be sent to an authorized recipient. An authorized recipient is an individual who needs the FTI to perform their official duties as authorized in accordance with the Internal Revenue Code (IRC) 6103. "To Share or Not to Share" document from the Federal Office of Child Support Enforcement (OCSE) identifies who this information can and cannot be shared.

<http://srsshare.srs.ks.gov/CSS/Pubs/TrainingDeskGuides/Confidentiality/To Share Or Not-OCSE.pdf>

If FTI is unintentionally emailed, the IV-D staff who sent the email shall log the incident; immediately notify the CSS Director or Designee and their immediate supervisor in the same email/contact; and, follow improper disclosure guidelines outlined in DCF Office of Information Technology Services (OITS) Standard Operating Procedure 12.1 Security Incident Response.

When FTI is included in an email to an authorized recipient the proper procedure must be followed. All CSS Contractors shall only use their DCF emails (ks.gov) if FTI is to be emailed.

All DCF network infrastructure shall be in compliance with S16.3 v2019 Network Management Policy & SOP 16.3.2 Network Management and amendments thereto.

1110 Protecting Federal Tax Information Through Fax

Child Support Services (CSS) policy prohibits the inclusion of Federal Tax Information (FTI) in fax communication except when it is specifically allowed to be sent to an authorized recipient. An authorized recipient is an individual who needs the FTI to perform their official duties as authorized in accordance with the Internal Revenue Code (IRC) 6103. “To Share or Not to Share” document from the Federal Office of Child Support Enforcement (OCSE) identifies who this information can and cannot be shared.

<http://srsshare.srs.ks.gov/CSS/Pubs/TrainingDeskGuides/Confidentiality/To Share Or Not-OCSE.pdf>

If FTI is unintentionally faxed, the IV-D staff who sent the email must log the incident; immediately notify the CSS Director or Designee and their immediate supervisor in the same email/contact; and, follow improper disclosure guidelines outlined in DCF Office of Information Technology Services (OITS) Standard Operating Procedure 12.1 Security Incident Response.

When FTI is included in a fax to an authorized recipient the proper procedure must be followed.

1120 Safeguarding of Information

Child Support Services (CSS) requires the general safeguarding of information at the traditional worksite or any alternate worksite including but not limited to Personally Identifying Information (PII), information that may be considered to be health information, Federal Tax Information (FTI) in accordance with IRS Publication 1075 and amendments thereto as well as any other information that may be considered protected or confidential.

Kansas Department for Children and Families

Child Support Services

2000 Case Initiation Policy

2000 Case Initiation Requirements

The requirements for case initiation originate from Title IV-D of the Social Security Act (“the Act”). The IV-D program is required to:

- Provide services relating to the establishment of paternity and/or parentage; or
- Provide services relating to the establishment, modification, or enforcement of child support obligations; and,
- Provide equal services on behalf of child(ren) no matter how the cases initiated.

Initiation of cases into the IV-D program occurs when:

- An individual submits a Child Support Services Enrollment Form (CSS Enrollment Form) for IV-D services; or
- A child(ren) receiving assistance is automatically referred to the IV-D program. In Kansas, the following programs require cooperation with the IV-D program:
 - State-administered cash assistance programs funded under Title IV-A of the Act;
 - Temporary Assistance for Needy Families (TANF); or
 - Child Care assistance programs (CC);
 - Foster care programs funded under Title IV-E of the Act;
 - Foster care programs funded by the state;
 - Medical assistance (Medicaid) funded under Title XIX of the Act; and
 - Food assistance (FA) funded under the Kansas Hope, Opportunity and Prosperity (HOPE) Act.

Participants are notified at application for a mandatory program if they must cooperate with the IV-D program.

2010 Conditions for Referral to the IV-D Program

Not all recipients of public assistance are referred for child support services. To qualify for a referral, at least one child in a family receiving public assistance must:

- Currently receive the benefit of TANF, CC, FA, and/or Medicaid assistance or placed in Foster Care and/or Kansas Department of Corrections-Juvenile Service;
- Be determined to be eligible for assistance; and
- Have one or both parents not residing within the assistance household.

If both parents reside outside the assistance household and are eligible for referral as described above, each is referred separately.

Cases referred to the IV-D program remain open until the case qualifies for IV-D closure.

2020 Federal Timeframes

A CSS case must be in compliance with the following program timeframes:

- 45 CFR §303.2(a)(2)- When an individual requests an application for IV-D services, provide an application to the individual on the day the individual makes a request in person, or send an application to the individual within no more than 5 working days of a request received by telephone or in a record. Information describing available services, the individual's rights and responsibilities, and the State's fees, cost recovery and distribution policies must accompany all applications for services and must be provided to title IV-A, Medicaid and title IV-E foster care applicants or recipients within no more than 5 working days of referral to the IV-D agency; and
- 45 CFR §303.2(a)(3)- Accept an application as filed on the day it and the application fee are received.
 - *Kansas does not charge a fee for enrollment into IV-D program.
- 45 CFR §303.2(b) – For all cases referred to the IV-D agency or applying for services under §302.33 of this chapter, the IV-D agency must, within no more than 20 calendar days of receipt of referral of a case or filing of an application for services under §302.33, open a case by establishing a case record and, based on an assessment of the case to determine necessary action.
 - 1) Solicit necessary and relevant information from the custodial parent and other relevant sources and initiate verification of information, if appropriate; and

2) If there is inadequate location information to proceed with the case, request additional information or refer the case for further location attempts, as specified in §303.3.

2030 Requesting CSS Enrollment Form

An individual may obtain a CSS Enrollment Form in person, by phone, US Postal Mail, or by email using of one of three options:

- Request a CSS Enrollment Form from any Kansas CSS office;
- Request a CSS Enrollment Form by calling Kansas Customer Services Call Center at 888-757-2445; or
- Obtain a CSS Enrollment Form from the Kansas Department for Children and Families public website at www.dcf.ks.gov.

CPs (payees) who want IV-D services but are not receiving a type of public assistance that requires cooperation with the child support program must submit an Enrollment Form.

Note:

The CSS Handbook must accompany a CSS Enrollment Form only, and if appropriate, a cover letter with disclosure statement. No legal documents are to be sent at this time during initial case opening.

2040 Providing the CSS Enrollment Form and CSS Handbook

CSS staff must provide a CSS Enrollment Form upon request or send a CSS Enrollment Form and CSS Handbook to the requester within five working days or provide information to requester to download an enrollment form on the DCF public website at www.dcf.ks.gov.

The CSS Handbook may be sent to the requester or the requester can view the CSS Handbook on the DCF public website at www.dcf.ks.gov.

2050 Returning CSS Enrollment Form for IV-D Services

Requester must send completed CSS Enrollment Form to:

Kansas Child Support Services
P.O. Box 552
Lawrence, KS 66044

Or:

Email: dcf.cssapplications@ks.gov

Or:

Fax: 844.682.2171

2060 Recording a Request for a CSS Enrollment Form for IV-D Services

2060.1 Automated Referrals

- System flow must originate from Referral Menu (REFM) screen for process;
- All automated referrals must be documented through REFM screen flow process; and

2060.1.2 To comply with 45 CFR §303.2(a)(2):

- All referrals must be reviewed for opening within five business days of receipt of referral; and
- Processing needs and initial case assessment must be completed within 20-business days and documented on the List Narrative (CSLN) screen.

2060.2 Voluntary Enrollment Forms

2060.2.1 To comply with 45 CFR §303.2(a)(2):

- When a person makes a request for IV-D services in person, a hard copy of the CSS Enrollment Form and CSS Handbook must be provided the same business day. The Information Request Details (INRD) screen must be completed the same business day.
- When a person makes a request for IV-D services by phone or email, CSS staff will provide the soft copy details to the individual, verbally or by electronic means. The INRD screen must be completed the same business day the soft copy is provided.
- If the individual prefers or requests a hard copy, CSS staff must mail a CSS Enrollment Form and CSS Handbook within five business days of the request. The INRD screen must be completed the same business day the hard copy is mailed.

2070 Receiving and Processing CSS Enrollment Forms for IV-D Services

- IV-D program must accept the CSS Enrollment Form on the day it is received in the IV-D office;
- CSS Enrollment Form must be date stamped on front side; and
 - CSS management must have procedures that ensure the accurate recording of the received date.
 - CSS staff must not enter false dates for the purpose of meeting federal timeframes in an audit. Such action by CSS staff is prohibited and is considered a falsification of information.

CSS Enrollment Form must be linked through the INRD request number.

2080 Opening and Initial Case Assessment

Within 20-days of receipt of the CSS Enrollment Form:

- Open a case on KAECSES from the INRD record;
- Complete the initial case assessment documenting steps on List Narrative (CSLN) screen; and
- Send acknowledgment letter to CP (payee) advising of case opening and current status.

2090 Service Area Caseload

IV-D cases are worked based on the judicial district where the order originated. If there is not a court order (establishment cases) or there is a non-Kansas order, the case will be worked in the judicial district in which the CP (payee) resides.

In incoming intergovernmental cases, the CP (payee) is not involved in the decision regarding to which office the case is worked. Central Registry makes this determination based on the following:

- If there is an existing Kansas order, the case is worked in the judicial district for that county;
- If there is no court order or there is an out-of-state court order;
 - The case is worked in the county in which the NCP (payor) resides.

- If the address is unknown, but employer is known, the case may be worked in the judicial district for the county where the employer is located;
- The NCP (payor) moves prior to filing, the case must be transferred to the judicial district for the county where the NCP (payor) now resides.

In alleged parent enrollment forms for a paternity case, the case will be worked in the judicial district where the CP (payee) resides, if known. If CP's (payee's) location is unknown, the case will be worked in the judicial district where the alleged parent resides.

2090.1 CP (Payee) Relocation out of Kansas

When a CP (payee) moves from Kansas, the case will remain open unless the CP (payee) requests closure or opens assistance in another state. If a IV-D case opens in another state, and the foreign jurisdiction requests the Kansas case be closed, the Non-TANF portion must be closed; although Kansas may continue to pursue permanently assigned arrears due to Kansas. CP (payee) moving from the state of Kansas alone is not justification for closure or requesting the CP (payee) to close the case.

If a CP (payee) moves to another state and there are no remaining state arrears assigned to Kansas, the CP (payee) may request closure of the case.

2090.2 Inter-County Transfers

If the CP (payee) moves within the state of Kansas, the case will continue to be worked in the judicial district for the court order on the case. If the case is an establishment case (no court order exists; no pending petition filed), the case will be transferred to the judicial district for the county where the CP (payee) now resides . The IV-D agency will not initiate a change of venue solely upon relocation of one party.

For Foster Care, when placement with a relative in another county results in a new TANF case opening, usually the case would continue to be worked in the open Foster Care assistance county. If an order already exists for the case, it will remain in the office handling the judicial district for that order.

Kansas Department for Children and Families

Child Support Services

3000 Non-Cooperation and Good Cause Policy

3000 Legal Background of Cooperation and Non-Cooperation Requirements

Federal regulations require all mandatory program recipients to be referred to the IV-D program and sets forth the penalty for recipients who do not participate cooperatively with the program. However, a recipient who has a reason to not participate due to domestic violence may qualify for a Good Cause exception. Title 45-Public Welfare Code of Federal Regulations (CFR) 264.30.

3010 Determining Cooperation and Non-Cooperation

3010.1 Who Is Required to Cooperate?

For IV-D purposes, an assistance recipient is a person who receives benefits from one or multiple of the following mandatory programs:

- Temporary Assistance for Needy Families (TANF);
- Child Care Assistance (CC);
- Food Assistance (FA), under the Kansas Hope, Opportunity and Prosperity for Everyone (Hope Act); and/or
- Medicaid.

Kansas assistance recipients must cooperate with Child Support Services (CSS), the Kansas IV-D program, in the establishment of parentage and/or a child support order including modifications for a child(ren) receiving benefits unless the assistance program has found the recipient has a good cause exception.

3010.2 Case Head

A case head is the person to whom assistance benefits are directed to on behalf of the family and/or child(ren). The case head is either the custodial party (CP) [payee] or non-custodial party (NCP) [payor] or alleged parent on the IV-D case. There are several situations where the case head would not be the CP (payee) on the IV-D case. In those situations, Kansas Automated Eligibility and Child Support Enforcement System (KAECSES) must be updated

to reflect the legal parent in the appropriate role. KAECSES should always reflect the legal parent as the CP (payee), if legal parent is in the household and is not a minor.

3010.3 The Ineligible Case Head

An ineligible case head is a person who is not receiving assistance for themselves but is receiving benefits on behalf of a child(ren) in the home.

For example, a case head who receives Supplemental Security Income (SSI) cannot concurrently receive TANF benefits. The recipient will be an ineligible case head on the TANF case.

Cooperation is required for an assistance case that has an ineligible case head unless there is a good cause exception.

3020 What Defines Cooperation?

An assistance recipient is in cooperation with the IV-D program when they provide sufficient information to the program that allows for the next step in the process to take place. Information provided by assistance recipient provides the basis for determining the appropriate action that the IV-D program needs to take on the child(ren)'s behalf.

Cooperation enhances and expedites the child support process.

Cooperation includes, but is not limited to, the following:

- Identifying the NCP (payor) or alleged legal parent if parentage is not legally established for the child(ren);
- Providing necessary identifying information and whereabouts, if known, so that the other parent may be found or located;
- Attesting to the lack of knowledge about parentage or location of the other parent;
- Appearing for genetic testing and/or making the child(ren) available with the correct documentation on the dates and times requested for genetic testing;
- Providing requested information or documentation which the IV-D program requires or needs;
- In person appearances as scheduled or requested for interviews or court hearings; and
- Appearing as a witness or necessary third party at a legal proceeding.

3020.1 Requirements for Determining Non-Cooperation

- Assistance recipient has received at least four documented notifications in a timely and appropriate manner;
- The assistance recipient has been given clear and specific tasks, instructions, necessary steps, or information of what exactly is needed to be in cooperation and to avoid a penalty;
- Assistance recipient must be informed of their rights, responsibilities, and the potential penalties that may result by a finding of non-cooperation;
- Document that the assistance recipient knew of the cooperation requirement; and
- Assistance recipient must not be a Refugee.

3030 What Defines Non-Cooperation

Non-cooperation exists when assistance recipient does one or more of the following:

- does not respond;
- willfully and repeatedly fails or refuses to provide information;
- fails to return necessary and required documents that the IV-D program cannot obtain from another source; or
- fails to take a necessary or required action for the IV-D program.

3040 Who Determines Cooperation for an IV-D case

The decision of an assistance recipient's cooperation status is made by the Kansas IV-D program. This determination can be made by any CSS staff, CSS supervisor, CSS manager, or CSS Administration staff. Please be aware the assistance recipient's participation in programs that are not overseen by Department for Children and Families does not have an impact on cooperation status.

3050 Disqualifications for Assistance Programs

State laws, federal regulations, and administrative rules require that TANF, Medicaid, Food Assistance and Child Care assistance recipients cooperate in establishing paternity and securing support for children receiving public assistance benefits, unless there is a good cause reason. The IV-A or Medicaid program determines effective dates and penalties. See table below for program specifics:

Assistance Program	Support Disqualifications
TANF/CC	<p>TANF case closure with tiered penalties:</p> <ul style="list-style-type: none"> • First Penalty: minimum 3-month penalty period without eligibility for benefits for the entire TANF and/or CC household). Applicant must be in compliance with CSS to effectively cure the penalty and restore eligibility for benefits at the end of the 3-month period. • Second Penalty: minimum 6-month penalty period without eligibility for benefits for the entire TANF and/or CC household. Applicant must be in compliance with CSS to effectively cure the penalty and restore eligibility for benefits at the end of the 6-month period. • Third Penalty: minimum 12-month penalty period without eligibility for benefits for the entire TANF and/or CC household. Applicant must be in compliance with CSS to effectively cure the penalty and restore eligibility for benefits at the end of the 12-month period. • Fourth Penalty: 10-year ban from TANF and Child Care eligibility.
FA	<p>Non-cooperative person removed from the case (benefits reduced). Non-cooperative person must gain compliance with CSS to effectively cure the penalty and restore eligibility for benefits.</p>
Medicaid	<p>Non-cooperative person removed from the case unless pregnant or two months postpartum. Non-cooperative person must gain compliance with CSS to effectively cure the penalty and restore eligibility for benefits.</p>

3060 Good Cause

Federal regulations allow states to develop good cause exemptions to the child support cooperation requirement when a family receives public assistance. In Kansas, the good cause exemptions apply to recipients of the following programs:

- TANF;
- Child Care;
- Food Assistance; and/or
- Medicaid.

3060.1 Determination of Good Cause

In accordance with the Kansas IV-D State Plan and Kansas Economic and Eligibility Services (EES) manual, good cause must be determined by the IV-A or IV-E program. Therefore, EES and PPS have the responsibility for determining good cause. If good cause is granted prior to a referral being made, CSS will not receive the referral. If a referral is received in error with good cause pending or granted noted, CSS will not open a case.

3060.2 Good Cause Pending or Granted

Once the IV-A or IV-E program has determined good cause is pending or should be granted, CSS staff **must** do the following:

- Set Family Violence Indicator (FVI) on CP (payee);
- Suspend or stop all child support activities (establishment of support/parentage and/or enforcement of support); and
- Close an existing IV-D case if good cause is granted and the determination is made to end child support action.

3060.3 When Assistance Recipient Alleges Good Cause After The IV-D Referral Is Received

If at any time CSS staff are concerned for the wellbeing of any party on a case, CSS must complete the following actions:

- Set Family Violence Indicator (FVI) on CP (payee);
- Communicate same day with IV-A and/or IV-E program and include the assigned CSS Program Administrator to expedite the process; and

- Follow up within five business days, if no response was received, to determine status of good cause and if FVI and/or good cause is still relevant.

3070 When the IV-D Program Does Not Consider Cooperation/Non-Cooperation Status

Cooperation status is not reviewed in the following situations:

- CP (payee) on the IV-D case is an agency or state; or
- CP (Payee) or NCP (payor) is not receiving public assistance.

3080 Administrative Hearings as a Result of Non-Cooperation Finding

Federal regulations and state laws governing assistance programs provide the assistance recipient with the right to an administrative hearing to contest the denial, reduction or termination of assistance by CSS. EES handles all administrative hearings regarding non-cooperation.

Kansas Department for Children and Families

Child Support Services

4000 Locate Policy

4000 Locate

It is Child Support Services' (CSS) policy that when locate of the non-custodial parent (NCP) [payor] is unknown that we will, to the extent possible, use any and all available locate tools to verify the location, employment, assets and/or resources of the NCP (payor) in every open IV-D case.

All locate must be documented per procedure on the Kansas Automated Eligibility and Child Support Enforcement System (KAECSES).

Prior to any debt being removed from the system, all available locate tools must be checked and documented on the narrative screen (CSLN) within the previous 60-calendar days.

Locate information is only retained in the case file, as needed, for evidence in a judicial or administrative proceeding.

Kansas Department for Children and Families

Child Support Services

5000 Establishment Policy

5000 Establishment

Federal requirements require the legal initiation of an action for parentage or support obligation must occur within 90-days of locating the NCP (payor) or service on the NCP (payor), per 45 CFR §303.4 (d). With a final order being established timely per 45 CFR §308.2 (h)(1).

The Kansas IV-D program may only file legal proceedings to establish parentage or an ongoing support obligation on behalf of a minor child(ren). See K.S.A. 23-2209.

The Kansas IV-D program must take the following actions on each case:

- Complete an initial case review through Case Review Menu (CRME) Screen within 60-calendar days of case opening in Kansas Automated Eligibility and Child Support Enforcement System (KAECSES);
- Determine and document case plan on List Narrative (CSLN) screen;
- Complete new CRME and document future case plan every 6-months; and
- Open or reject Legal Request (LGRQ) within 5-business days after legal referral sent.

5010 Minor NCP (Payor)

Age of either parent does not stop the processing of a case. Exceptions may be granted for extraordinary circumstances by Child Support Services (CSS) Administration.

5020 Contact with NCP (Payor)

The IV-D program must attempt to make a first contact with NCP (payor) within 30-calendar days of locate.

5030 Establishment Time Frames

Legal actions must be initiated and completed timely with 75% of actions completed within six months and 90% within twelve months from date of service of process.

The CSS attorney is to complete Service of Process to establish parentage within 90-days of receipt of an appropriate and complete legal action request. Federal regulation §303.101(b)(i) requires service be obtained within 180-days in 75% of such cases and within 365-days in 90% of such cases. If the service of process necessary to commence parentage proceedings cannot be obtained within the above time frames, the IV-D attorney must document unsuccessful attempts in accordance with the diligent effort's standards.

5040 Judgment for Child's Share of TANF and/or Foster Care Reimbursement

Kansas will seek judgments from one or both legally responsible parents for 100% of unreimbursed cash assistance (TANF), Foster Care or KDOC- JS paid on the child(ren)'s behalf or the hypothetical child support amount determined at a court hearing for the same time-period, whichever is less. CSS Administration must approve and narrate on CSLN any exceptions. See K.S.A. 39-718b.

5050 Cost of Raising Child Judgement (CRCH)

Kansas will only pursue a judgment for past due support in parentage actions, as defined in K.S.A. 23-2215 (f)(3) and amendments thereto for a maximum of 60-months at the hypothetical child support amount, excluding any months where TANF was received. The legal parent is responsible for pursuing any time period not covered by the 60-months.

5060 Medical Support Establishment and Income Tax Credit

Whenever a current support order is being established or modified, or when a private child support order does not mention medical support, CSS must petition the court to order a parent to provide health care coverage for the child per 45 CFR §303.31.

CSS policy is to order the legally responsible parent to provide medical coverage for the child(ren). Documentation of coverage information and viability will be recorded in KAECSES.

5070 Income Withholding

The Kansas IV-D program utilizes Income Withholding Orders (IWO) to attach income for child support. See 45 CFR §303.100. The process for income withholding is set forth in K.S.A. 23-3101 et seq. and amendments thereto. Kansas is required to use the Federal Office of Child Support Enforcement (OCSE) forms entitled either "Order/Notice to Withhold Income for Child Support" or "Notice of an Order to Withhold Income for Child Support".

In Kansas, employers must not exceed 50% of the payor's disposable income per K.S.A. 23-3104.

All cases in the IV-D program must have an IWO on file subject to any exceptions allowed by statute. If an exception is appropriate, IV-D attorneys must narrate on List Narrative (CSLN) the exception and findings.

The payment location on IV-D IWOs must be the Kansas Payment Center. Kansas uses pro rata for payments on multiple income withholding orders. See K.S.A. 23-3105 and amendments thereto.

5080 Diligent Efforts

Exhausting all available resources. State will remain in compliance with 45 CFR §303.4(d), which states:

Within 90-calendar days of locating the alleged father or noncustodial parent, regardless of whether paternity has been established, establish an order for support or complete service of process necessary to commence proceedings to establish a support order and, if necessary, paternity (or document unsuccessful attempts to serve process, in accordance with the State's guidelines defining diligent efforts under 45 CFR §303.3(c)).

5090 Dismissal of Parentage Action

Dismissal of a pending parentage action will be done only for legal reasons and the decision to dismiss will be made and documented on CSLN by the attorney making the legal decision.

Sufficient communication must be provided to the court and parties as to why the dismissal is occurring. If an alternative is available, it should be fully explored, and the attorney must document on CSLN their legal decision as well as any discussions with the affected parties.

Except for extraordinary circumstances, dismissal must be without prejudice. In any case that is dismissed with prejudice, it must be narrated on CSLN as to the extraordinary circumstance. All dismissals must attempt to protect or preserve the rights of the child(ren).

Kansas Department for Children and Families

Child Support Services

6000 Income Withholding Policy

6000 Income Withholding

The Kansas IV-D program utilizes Income Withholding Orders (IWO) to attach income for child support. See 45 CFR §303.100. The process for income withholding is set forth in K.S.A. 23-3101 et seq. and amendments thereto. Kansas is required to use the Federal Office of Child Support Enforcement (OCSE) forms entitled either "Order/Notice to Withhold Income for Child Support" or "Notice of an Order to Withhold Income for Child Support".

In Kansas, employers must not exceed 50% of the payor's disposable income per K.S.A. 23-3104.

All cases in the IV-D program must have an IWO on file subject to any exceptions allowed by statute. If an exception is appropriate, IV-D attorneys must narrate on List Narrative (CSLN) the exception and findings.

IWOs must be timely issued, modified and terminated when necessary.

The payment location on IV-D IWOs must be the Kansas Payment Center (KPC). Kansas uses pro rata for payments on multiple income withholding orders. See K.S.A. 23-3105 and amendments thereto.

Notice of Income Withholding Order (NIWO) must be sent to any attachable source of income as defined in K.S.A. 23-3102 and amendments thereto to notify the payor of income to withhold child support within federal timeframes, generally two business days. In the event, a NIWO is not able to be sent, narration must be documented on CSLN as to the remedy.

Kansas must review cases to determine if a payor of income is not willingly withholding and submitting payments after confirming receipt of a NIWO. Kansas will take all available and appropriate remedies as set forth in the income withholding act.

Updated NIWOs due to modification or termination must be sent within federal timeframes. Cases must be timely reviewed to determine if payor of income is honoring updated NIWO amounts. In the event of an issue, narration on CSLN must occur to document the issue and remedy.

Any employer that fails to honor IWOs as outlined are subject to fines based on K.S.A 23-3104.
Kansas has adopted direct income withholding in K.S.A. 23-36,501.

Kansas Department for Children and Families

Child Support Services

7000 Enforcement Policy

7000 Enforcement

The Kansas IV-D program will enforce the following obligations:

- Child Support;
- Child Support Arrears Judgments, which are not dormant;
- Judgments for State of Kansas (Foster Care [FC], 718b);
- Medical Support Orders;
- Medical Support when reduced to a judgment;
- Interest when reduced to a judgment; and
- Spousal Support (current or arrears) when current child support is due at of time IV-D assignment.

The Kansas IV-D program will use all available judicial and administrative remedies for enforcement, with the following exceptions:

- Contempt of court actions will not be sought in the event:
 - IWO is in place and fully compliant;
 - NCP is receiving UI benefits;
 - NCP is receiving public assistance;
 - NCP (Payor) is incarcerated;
 - NCP (Payor) does not reside in Kansas and there is not an active outgoing enforcement case; or
 - NCP (Payor) has pending or active disability claims.
- Administrative enforcement actions (Federal and State) will occur in all cases meeting their respective criterion unless an exemption applies.

7010 Modifications

The IV-D program will regularly monitor for payments and modifications of child support orders.

For more information on modification, please see section 8000 Modification policy.

7020 Arrears Calculations

Upon request, Kansas will provide an annual notarized arrears calculation affidavit on a Kansas order within 10-business days of the request to an NCP (payor) or CP (payee). Some exceptions may apply.

Kansas Department for Children and Families

Child Support Services

8000 Modification Policy

8000 Review and Adjustment Requirements

Federal Regulation 45 CFR §303.8 governs the review and adjustment process for child support orders. Under this regulation Child Support Services (CSS) is required to:

- Provide notice to both parties every three years of their right to request a review and, if appropriate, adjustment of the support order;
- Provide notice to both parties within 15-business days of learning that a non-custodial parent (NCP) [payor] will be incarcerated with at least 180-calendar days remaining and, if appropriate, adjustment of the support order;
- For Temporary Assistance for Needy Families (TANF), Foster Care (FC), Child Care (CC) and Food Assistance (FA) cases, review and, if appropriate, adjust support orders at least once every three years;
- For Non-Public Assistance and Medicaid only cases, review and, if appropriate, adjust support orders at three-year intervals only if requested by either parent, and;
- Review a support order in less than three years if requested by a parent and adjust the order if a substantial change in circumstances is shown by the requesting parent to have occurred after the date of the order.

8010 Review and Adjustment Timeframes

Federal Regulation 45 CFR §303.8(b)(7)(ii) and §303.8(e) requires CSS agencies to have procedures for conducting 3-year reviews that include the following time frame requirements:

- Within 15 business days of learning of a NCP's [payor's] incarceration with at least 180-calendar days of incarceration remaining, CSS must notify both parents of their right to request a review;
- Every three years, CSS must notify both parents of their right to request a review;
- Every three years, CSS must conduct a review for Public Assistance (PA) cases;

- Every three years, CSS must conduct a review for Non-Public Assistance (NPA) cases, if requested by a parent;
- CSS must allow parents 30-days to contest the results of a review after they have been notified of the review's completion;
- Within 180-days of receiving a request for review or locating a parent (whichever occurs later), CSS must conduct the review and adjust the order (or determine that the order should not be adjusted).

8020 Review Selection Criteria

A review is appropriate if certain criteria are met.

8020.1 Three-Year Reviews

An open case is eligible for this review if:

- More than three years has passed since the order for support was established or the last modification. Current TANF, FC, CC, and FA cases are mandatory for review; or
 - If no child support was entered in the order or the child support is \$0, but the payee/child(ren) currently have an open mandatory program, the order must be reviewed.
- The case has at least one child who is younger than 18 years of age.

8020.2 Less than Three-Year Reviews

CSS should conduct a review in less than three years after the last order on the basis that a change in circumstances regarding a child or parent has occurred since the date of the order that may result in a 10% change in the child support amount. These reviews are conducted at the request of a party.

8020.3 Payor Incarcerated Reviews

CSS will start the review process after learning of a payor's incarceration when payor has at least 180-calendar days of incarceration remaining and at least one party has returned necessary legal documents required by K.S.A. 23-3002 and amendments thereto.

8030 Review/Assessment of the Support Order

In the review, CSS must assess the modification potential of the support order. This assessment must include consideration of the ability of both parents to provide support and any significant change in circumstances that could impact the welfare of the child. CSS must pursue the availability of health insurance if the order includes no medical support provisions.

CSS determines whether adjustment of the support obligation might be appropriate by using the most current information available and reviewing for any changes in circumstances in application of the Kansas Child Support Guidelines.

In any review, CSS should evaluate the order for need for modification in addition to the support amount. Although not a basis for the review of an order, other factors such as conversion of non-monthly obligations to monthly orders due on the first day of the month can be addressed in any proposed adjustment of an order following a review.

8040 Change in Circumstances

Kansas allows a court to modify a support order at any time based on a change in circumstances that is presented by any party. When reviewing a support order, CSS must evaluate information to determine whether any change in circumstances exists that warrants modification of the order.

8040.1 Change in Circumstances for Three-Year Reviews

Kansas allows for the modification of a child support order within three years of the order when a material change of circumstances is shown. If the order is older than three years, it is not necessary to show a material change in circumstances. See K.S.A. 23-3005 and amendments thereto.

If the review of an order indicates a change of at least ten percent (10%) of the child support amount, CSS should pursue a request for modification. No other justification or evidence of change in circumstances is necessary.

If the review indicates a less than a ten percent (10%) difference exists in the amount of support, CSS should not pursue modification of the order based on the three-year criteria. A request for modification based on other changes in circumstances might be appropriate and should be documented in the legal pleadings and in the case review.

8040.2 Change in Circumstances for Less Than Three-Year Reviews

CSS must conduct a review for both Public Assistance (PA) and Non-Public Assistance (NPA) cases if requested by either party due to a change in circumstances within less than 3 years since the last review or modification. Eligibility for review requires only that the requestor cite a change in circumstances that occurred after the date of the last order or review of the obligation.

Documentation or verification of the change in circumstances and determination of whether the cited change is a qualified change in circumstances warranting adjustment of the order are addressed during the review.

A change in circumstances that may result in a modification of child support could include:

- Change in income or employment (including payor begins to receive Social Security Income [SSI] or Social Security Disability Income [SSDI]);
- Incarceration of payor with at least 180-calendar days remaining;
- Change in living expenses or cost of living;
- Change in medical expenses or health insurance costs;
- Change in child care expenses;
- Additional biological or adopted child in home;
 - Note- Kansas Child Support Guidelines do not permit a modification solely on the basis of when a payor chooses to have another child, but when/if the payee requests a modification and the payor has had another child, the payor can raise having another child as a defense to an increase in the child support amount
- Change of residence of child, including placement with the Secretary of the DCF, Department of Corrections-Juvenile Services or with a third party such as grandparent or other family member;
- Change in age of child/ren resulting in movement to a different age category; or
- A proposed child support worksheet that reflects an increase or decrease of the child support amount of at least 10%

8050 Standard for Pursuit of Adjustment

At the completion of the review, CSS must decide whether it will pursue an adjustment of the obligation through the judicial system.

For a three year review, CSS pursues an adjustment of the order if:

- Based upon the information available from the parties submitted documentation, a child support worksheet recalculation indicates there may be a change in the support amount that is at least ten percent (10%) more or less than the existing obligation.

For a review completed in less than three years, CSS pursues an adjustment of the order if:

- At least one qualified change in circumstances is presented and sufficient written documentation has been received from at least one party, and;
- Based upon the information available from the parties submitted documentation, a child support worksheet recalculation indicates there may be a change in the support amount that is at least ten percent (10%) more or less than the existing obligation.

8060 Barriers to Review

If CSS discovers potential barriers to the review or modification of an order, such as the payor is not located, layoff, unemployment or similar problems, or court order changes regarding child are pending, the review can be postponed. CSS must determine whether to conduct or postpone the review. If the review is to be postponed, document the particular reason(s) that requires the review to be delayed and notify the payee and payor. Permanent disability (payor receives SSI or SSDI or similar) is not a barrier for review.

8070 Notification of Review Completion

Once the review is completed, all parties involved must be advised of the results of the review and allowed 30-calendar days to provide additional information that could affect the outcome of the review or to challenge the CSS agency's decision. CSS cannot initiate any action to adjust the order until the end of the 30-days.

If either party provides additional information within 30-days, CSS must reevaluate the case and notify the parties of the results. If more than 30-days pass the review process will start over.

8080 Adjustment of the Support Order

If the review indicates that the support obligation should be adjusted, CSS must initiate appropriate legal action to modify the order, in accordance with Kansas law.

If the case is currently mandatory PA (Public Assistance) and modification is warranted but neither party state a desire to pursue an adjustment of the obligation, CSS must initiate court action to modify the order if, they have appropriate legal documents to do so. If they do not have the appropriate documents from the payee, non-cooperation should be reviewed.

In a Non-PA case, if a review indicates that an order should be modified, but all of the parties are in agreement that an adjustment is not desired, CSS is not required to pursue modification. Documentation of this decision must be placed in the case file and referenced in KAECSES and should include the following information:

- The support obligation amount as calculated using the Kansas Child Support Guidelines, and documented in KAECSES on the worksheet screens;
- A dated statement of reason(s) why the parties do not want to proceed with the legal review for an adjustment, and;
- The signatures of each party on the statement.

When taking court action to modify an order, CSS does not represent either the payee or payor in the action. The CSS attorney presents the information and evidence from the review to the court for consideration of adjudication of the support obligation. The client of the CSS Attorney is the Secretary for the Department for Children and Families (K.S.A. 39-756 (e) and amendments thereto).

Department for Children and Families

Child Support Services

9000 Medical Support Policy

9000 Medical Support

Federal regulations require Child Support Services (CSS) to review all cases for health care coverage. The Kansas IV-D policy is for one of the legal parents to provide coverage. The circumstances of the case determine which medical support services to provide.

Generally:

- The parent who receives support, commonly referred to as the custodial parent (CP) or payee, is required to carry health care coverage for the children if it is available and viable.
- The parent who pays support, commonly referred to as the non-custodial parent (NCP) or payor, is required to provide health care coverage if it is available and viable for the children and not available at low cost or no cost to the other parent (payee).

Child Support will collect and share, when appropriate and as confidentiality allows, information from parties or entities to ensure coverage may be obtained timely.

Documentation of both CP and NCP health care coverage information for a child(ren) must be made with the Kansas IV-D system.

CSS may inquire regularly for updated health care coverage information.

9010 Health Insurance Viability

The cost of health insurance is considered reasonable, if the total cost to the parent responsible for providing medical support does not exceed 5% of his or her gross income per 45 CFR §303.31(a)(3).

9020 Medical Withholding Orders

Kansas has adopted the use of the National Medical Support Notice (NMSN) and amendments thereto, as the standard form developed by the Federal Office of Child Support Enforcement (OCSE). See K.S.A. 23-3103 and amendments thereto.

9030 Modification

When a modification is sought, unless parties request differently, the motion will always include a request for medical support. The order sought will follow the guidelines in Establishment Policy.

When there is no other basis for modification and the existing order does not include medical support, a motion to establish medical support will be filed.

9040 Duration of Coverage

Medical support enforcement will continue until emancipation of the child(ren).

Kansas Department for Children and Families

Child Support Services

10000 Finance Policy

10000 Finance

This section covers the distribution and disbursement of collections and how they allocate to current, past and future months' obligations.

10020 IV-D Recovery Payments

CSS must seek reimbursement of any payment that were either misapplied or misdirected to a party. This includes but is not limited to:

- processing error;
- overpayment;
- change in court order;
- error in disbursement; and/or
- customer error.

10030 State Disbursement Unit (SDU)

All assigned support payments must process through the State Disbursement Unit (SDU), Kansas Payment Center (KPC).

The KPC is responsible for disbursing payments to families and other states within two days of receipt of the collection with the following exception: Certain federal tax offset collections may be held for up to six months to allow for adjustments to be made by the Internal Revenue Service (IRS).

10040 Direct Payments

The IV-D program uses the KPC as the official payment record. Any payments made outside of a court order that designates the KPC as payment site, are considered gifts and no credit will be given unless there is a court order.

Prior to IV-D assignment of support, if a Kansas support order allows for payment arrangements

to a location other than KPC, the IV-D program will not collect arrears until they have been reduced to a judgment and finalized in a court order. Exceptions may exist for non-Kansas orders.

10050 Distribution of Collections

All child support collections, from all sources must be distributed promptly in accordance with section 457 of Title IV- D of the Social Security Act and 45 CFR §302.32, 45 CFR §302.51, and 45 CFR §302.52. In addition, provisions shall be made for the prompt refund of any amounts which have been inappropriately withheld or offset.

By the assignment of support rights, Kansas is granted the right to retain support otherwise for the family (or child in state custody) as reimbursement for public assistance paid to the family.

Kansas Department for Children and Families

Child Support Services

11000 Intergovernmental Services Policy

11000 Intergovernmental Services

Intergovernmental cases are set up on the Kansas Automated Eligibility and Child Support Enforcement System (KAECSES) and worked similar to any Kansas case. Although there are similarities, there are exceptions. There are certain actions which the initiating state is responsible for and other actions where the responding state is responsible.

11010 Central Registry Responsibilities

Federal regulations require each state to establish a Central Registry to expedite the handling of incoming intergovernmental IV-D cases. Child Support Services (CSS) Administration Office runs the Kansas Central Registry for incoming intergovernmental cases under Title IV-D. Kansas has adopted the use of the federally mandated forms as updated by Office of Child Support Enforcement (OCSE). Kansas codified UIFSA 2008 at K.S.A. 23-36,101 et seq.

Central Registry receives incoming intergovernmental cases from other states, tribes, and countries based upon the residency or employment of the NCP (payor). The initiating state sends a packet in accordance with the Uniform Interstate Family Support Act (UIFSA) or under other Treaty Agreements and Memorandums of Understandings (MOU) to the Kansas Central Registry (responding state).

Per 45 CFR §303.7(b)(2)(c)(3), Central Registry will process any new intergovernmental cases within 10-working days. Central Registry will send acknowledgment and advise as to the completeness of a packet to the initiating state.

Central Registry will not reject cases due to insufficient information or documents. Upon receipt from Central Registry, CSS staff will review the case within 20-business days and request from the initiating state any additional documents that may be needed. The initiating state has 30-days to provide any necessary information. If no response received, Kansas will initiate case closure.

11020 Types of Cases Kansas Will Accept

11020.1 Full Services

- Establishment of parentage and child support and/or state owed arrears judgment for child's portion from initiating state and/or cost of raising a child (CRCH) judgment for a

maximum time frame of 60-months at the rate of child support in accordance K.S.A. 23-2215 (f)(3) and medical support order;

- Establishment of child support and medical support;
- Establishment of reimbursement of state owed arrears;
- Enforcement of current support, arrears, and/or current medical support or medical judgment; or
- Enforcement of interest reduced to judgments provided by initiating state.

11020.2 Limited Services

- Unemployment Income (UI);
- Locate only; or
- Tribal Federal Debt Setoff (FDSO)/State Debt Setoff (SDSO)

11030 Incoming Intergovernmental Cases

UIFSA requires initiating states to provide the address and social security numbers for custodial parents (payees).

11030.1 Cases Handled by Central Registry

Kansas has elected to do limited services on the following types of cases:

- Kansas Unemployment Income;
- Federal Parent Locator Services (FPLS);
- State and Federal setoff for Tribes whom we have a fully executed Memorandum of Understanding (MOU); and
- Request for Change of Support Payment Location Pursuant to UIFSA §319.

11040 Outgoing Intergovernmental Cases

Kansas will send an outgoing UIFSA when all available Kansas remedies have been exhausted. Kansas will exempt NCP (payor) from credit reporting prior to sending case outgoing.

11040.1 Establishment of Parentage in Outgoing Intergovernmental Cases

If the NCP (payor) is located out of state, a legal assessment is needed to determine if

legal action is appropriate to file in Kansas or if a Uniform Interstate Family Support Act (UIFSA) action will be necessary. The legal assessment should be documented in the CSS case record and should consider both the Long Arm Statute and Constitutional

Due Process requirements as set by the [Uniform Law Commissioners \(ULC\) section 201](#) and supported by Kansas statute.

If the case can be filed in Kansas, UIFSA guidelines require that the state, foreign country or tribe try to establish parentage using its Long Arm Statute before initiating a UIFSA.

Kansas Department for Children and Families

Child Support Services

12000 Administrative Appeals and Hearings

12000 Administrative Appeals

An applicant, recipient or taxpayer may appeal any decision or final action of any agent or employee of the Secretary for the Department for Children and Families (DCF).

The appeal must:

Be in writing;

Be timely – within 30-days; and

Be filed at the Office of Administrative Hearings (OAH).

- If appeal is received at a DCF or Child Support Services (CSS) office, it will be forwarded to OAH for filing.

Forms and additional informational is available at the OAH website: www.oah.ks.gov.

CSS will:

Respond timely and appropriately to any appeal filed at OAH.

Represent the Secretary of DCF in the proceedings.

When appropriate, attempt to resolve or settle any appeal.

- When settlement occurs, the person who filed the appeal, must withdraw it in writing.

Participate in the OAH process until the process is completed as determined by OAH.

12010 Out-of-State Hearings

The NCP (payor) may request the appeal hearing in the state submitting the debt, the state that established the order, or the NCP's (payor's) home state, regardless whether it is a Kansas case or an intergovernmental case. If the NCP (payor) wants the review handled in the other state, the request for review must be transferred within 10-days.

The other state must render a decision within 45-days of receiving the request and both states are bound by that decision.

If the NCP (payor) does not request the appeal be heard in the other state, normal FDSO appeal procedures will be used.

Department for Children and Families

Child Support Services

13000 Case Closure Policy

13000 Case Closure

An IV-D case is eligible for closure when federal criteria is met, and proper required notice has been provided to the custodial parent (CP)[payee] in accordance with 45 CFR §303.11 (d)(1-4).

In accordance with K.S.A. 303.11 (d)(5), if a case is closed, a request may be made to reopen if there is a change in circumstances which could lead to paternity, order establishment, or enforcement of an existing order. A new enrollment form for IV-D services must be completed.

Closure is completed on the Case Details (CADS) screen and documented on List Narrative (CSLN) screen. The case closure checklist must be utilized to determine if the case meets appropriate closure criteria, which will be documented with all other actions taken at the time of case closure. The case closure checklist must be accurately completed and accompany the IV-D case file.

13010 Closure Criteria

Each state adopts closure criteria. Kansas has adopted the following closure codes which are currently available in the Kansas Automated Eligibility and Child Support Enforcement System (KAECSES).

13010.1 Closure Criteria accommodated by IV-D System

Each state adopts closure criteria. Kansas has adopted the following closure codes which are currently available in the Kansas Automated Eligibility and Child Support Enforcement System (KAECSES):

- **CC:** 45 CFR §303.11(b)(1): There is no longer a current support order and arrearages are under \$500 or unenforceable under State law;
- **SA:** 45 CFR §303.11.(b)(2): There is no longer a current support order and all arrearages in the case are assigned to the State;
- **AM:** 45 CFR §303.11(b)(3): There is no longer a current support order, the children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the

noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;

- **DC:** 45 CFR §303.11(b)(4): The noncustodial parent or alleged father is deceased and no further action, including a levy against the estate, can be taken;
- **IH:** 45 CFR §303.11(b)(5): The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate;
- 45 CFR §303.11(b)(6): Paternity cannot be established because:
 - **EM:** 45 CFR §303.11(b)(6)(i): The child is at least 18 years old and an action to establish paternity is barred by a statute of limitations that meets the requirements of §302.70(a)(5) of this chapter;
 - **NP:** 45 CFR §303.11(b)(6)(ii): A genetic test or a court or an administrative process has excluded the alleged father and no other alleged father can be identified; combine pinks together; or
 - **4D:** 45 CFR §303.11(b)(6)(iii): In accordance with §303.5(b), 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 rape, or in any case where legal proceedings for adoption are pending;
 - **NP:** 45 CFR §303.11(b)(6)(iv): 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;
- **NL:** 45 CFR §303.11(b)(7): The noncustodial parent's location is unknown, and the State has made diligent efforts using multiple sources, in accordance with §303.3, all of which have been unsuccessful, to locate the noncustodial parent:
 - 45 CFR §303.11(b)(7)(i): Over a 2-year period when there is sufficient information to initiate an automated locate effort; or
 - 45 CFR §303.11(b)(7)(ii): Over a 6-month period when there is not sufficient information to initiate an automated locate effort; or
 - 45 CFR §303.11(b)(7)(iii): After a 1-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security Number;

- **AB:** 45 CFR §303.11(b)(8): The IV-D agency has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, or has a medically-verified total and permanent disability. The State must also determine that the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;
- **SS:** 45 CFR §303.11(b)(9): The noncustodial parent's sole income is from:
 - 45 CFR §303.11(b)(9)(i): Supplemental Security Income (SSI) payments made in accordance with sections 1601 et seq., of title XVI of the Act, 42 U.S.C. 1381 et seq.; or
 - 45 CFR §303.11(b)(9)(ii): Both SSI payments and Social Security Disability Insurance (SSDI) benefits under title II of the Act.
- **FO:** 45 CFR §303.11(b)(10): 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 there is no Federal or State treaty or reciprocity with the country;
- **LO:** 45 CFR §303.11(b)(11): The IV-D agency has provided location-only services as requested under §302.35(c)(3) of this chapter;
- **AR:** 45 CFR §303.11(b)(12): 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;
- **LS:** 45 CFR §303.11(b)(13): The IV-D agency has completed a limited service under §302.33(a)(6) of this chapter;
- **GC:** 45 CFR §303.11(b)(14): There has been a finding by the IV-D agency, or at the option of the State, by the responsible State agency of good cause or other exceptions to cooperation with the IV-D agency and the State or local assistance program, such as IV-A, IV-E, Supplemental Nutrition Assistance Program (SNAP), and Medicaid, has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;
- **LC:** 45 CFR §303.11(b)(15): In a non-IV-A case receiving services under §302.33(a)(1)(i) or (iii) of this chapter, or under §302.33(a)(1)(ii) when cooperation with the IV-D agency is not required of the recipient of services, the IV-D agency is unable to

contact the recipient of services despite a good faith effort to contact the recipient through at least two different methods;

- **FC:** 45 CFR 303.11(b)(16): In a non-IV-A case receiving services under §302.33(a)(1)(i) or (iii) of this chapter, or under §302.33(a)(1)(ii) when cooperation with the IV-D agency is not required of the recipient of services, the IV-D agency documents the circumstances of the recipient's noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services;
- **IS:** 45 CFR §303.11(b)(17): The responding agency documents failure by the initiating agency to take an action that is essential for the next step in providing services;
- **IC:** 45 CFR §303.11(b)(18): The initiating agency has notified the responding State that the initiating State has closed its case under §303.7(c)(11);
- **IN:** 45 CFR §303.11(b)(19): The initiating agency has notified the responding State that its intergovernmental services are no longer needed.
- **BG:** 45 CFR §303.11(b)(20): Another assistance program, including IV-A, IV-E, SNAP, and Medicaid, has referred a case to the IV-D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services; or
- **TR:** 45 CFR §303.11(b)(21): The IV-D case, including a case with arrears assigned to the State, has been transferred to a Tribal IV-D agency and the State IV-D agency has complied with the following procedures:
 - (i) Before transferring the State IV-D case to a Tribal IV-D agency and closing the IV-D case with the State:
 - (A) The recipient of services requested the State to transfer the case to the Tribal IV-D agency and close the case with the State; or
 - (B) The State IV-D agency notified the recipient of services of its intent to transfer the case to the Tribal IV-D agency and close the case with the State and the recipient did not respond to the notice to transfer the case within 60 calendar days from the date notice was provided;
 - (ii) The State IV-D agency completely and fully transferred and closed the case; and
 - (iii) The State IV-D agency notified the recipient of services that the case has been transferred to the Tribal IV-D agency and closed; or
 - (iv) The Tribal IV-D agency has a State-Tribal agreement approved by OCSE to transfer and close cases. The State-Tribal agreement must include a provision

for obtaining the consent from the recipient of services to transfer and close the case.

(c) The IV-D agency must close a case and maintain supporting documentation for the case closure decision when the following criteria have been met:

- (1) The child is eligible for health care services from the Indian Health Service (IHS); and
- (2) The IV-D case was opened because of a Medicaid referral based solely upon health care services, including the Purchased/Referred Care program, provided through an Indian Health Program (as defined at 25 U.S.C. 1603(12)).

13020 Closure Notice

In accordance with 45 CFR §303.11(d), Child Support Services (CSS) is required to provide 60-calendar days' notice, in some circumstances, prior to the closing of a case. The following KAECSES closure codes require notice to be given:

CC

SA;

AM;

DC;

IH;

EM;

NP;

4D;

NL;

AB;

SS;

FO;

LS;

LC;
FC; and
IS

The following closure codes do not require a 60-day closure letter:

LO;
AR;
GC;
IC;
IN;
BG; and
TR

When the CP (payee) is someone other than the State of Kansas (SOK) or Department of Corrections-Juvenile and 60-day letter is sent, notification of closure will be sent and closure will not occur until after the 60-day period is over or the CP (payee) responds, whichever occurs first.

If a determination is made that a case was set to close using the incorrect closure code, the correct closure code must be entered and the 60-day waiting period starts over.

13020.1 Contact from Custodial Parent

If at any time during the 60-day period, the CP (payee) or initiating agency, makes contact with the Kansas IV-D program indicating a desire to have the case remain open (verbally or in writing) and supplies information which aids in the establishment of parentage, a support order, or enforcement of an order, then case must not be closed.

13030 Agency Placement Cases

When the CP (payee) is listed as the State of Kansas (SOK) or Juvenile Justice Authority (Department of Corrections-Juvenile Services [KDOC-JS]) then a closure letter will not be sent, and case must be closed immediately.