



Kansas Child Support Services Title IV-D Policy Manual





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CHAPTER 1: ESTABLISHMENT AND ADMINISTRATION OF THE PROGRAM

Section 1: Establishment of the Title IV-D Program

Version: 1	Effective Date: 1/1/2024
Background	

Congress enacted legislation that required each state to establish a program to establish and enforce child support obligations as a condition of receiving federal funds.¹ The Program is often called the Title IV-D Program because it was created in Title IV, Part D, of the 1975 Social Security Act. The Title IV-D Program was designed to recover costs of state and federal public assistance and for cost avoidance to help families to no longer need or avoid seeking public assistance (formerly Aid to Families with Dependent Children (AFDC) and currently Temporary Assistance for Needy Families (TANF)). The focus has changed from one of cost recovery to securing and distributing money to families.

The following services are provided under the Title IV-D Program:

1. Locate services;
2. Establishment of parentage;
3. Establishment of child support order;
4. Establishment and enforcement of medical support order;
5. Collection, accounting, and disbursement of support;
6. Enforcement of support order; and
7. Modification of support order.

Pursuant to federal law, each state shall assign a single and separate organizational unit to administer the Child Support Program.² The State of Kansas named Child Support Services (CSS) as the single State agency to administer the Title IV-D Program in Kansas.³ Federal regulations provide that CSS may enter into cooperative agreements with other agencies to perform some of its child support responsibilities.⁴ Sections 2 and 3 of this Chapter detail the roles and responsibilities of the Title IV-D Offices.

Kansas law governing the Title IV-D program is very specific regarding CSS' ability to enter into contracts for the administration of the program.

"...the secretary for children and families shall: (a) enter into contracts or agreements necessary to administer title IV-D services."⁵

¹ 42 U.S.C. § 602(a)(2)

² 42 U.S.C. § 654(3)

³ K.S.A. 39-753

⁴ 45 C.F.R. § 302.12(a)(3)

⁵ K.S.A. 39-753(a)

As required by federal regulations, all payments, except cash, are now made to and processed by the State Disbursement Unit (SDU).¹ The state contracts with a private vendor to administer the SDU, statutorily named the Kansas Payment Center (KPC).

State Title IV-D agencies are required to cooperate with and provide services to other states, countries, and Title IV-D Tribes (upon certification by the Office of Child Support Services (OCSS)). Each state has laws that derive from the Uniform Interstate Family Support Act (UIFSA) model language that enables support and paternity actions to be successfully resolved when parties live in different States. Detailed information regarding these cases can be found in Chapter 15: Intergovernmental Case Processing.

Policy

- N/A

References

- [42 U.S.C. § 602\(a\)\(2\)](#): Certification that the State will operate a child support enforcement program
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.12\(a\)\(3\)](#): State plan requirements
- [45 C.F.R. § 302.32](#): Collection and disbursement of support payments by the IV–D agency
- [K.S.A. 39-7,135](#): Title IV-D agency designated; maintenance of Kansas Payment Center for collection and disbursement of support payments; contracts for administration and operation.
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [Pub. L. No. 93-647, 88 Stat. 2337](#): Social Services Amendment of 1975

Procedure

- N/A

Forms and Tools

- [Social Security Act](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 15: Intergovernmental Case Processing](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 39-7,135

CHAPTER 1: ESTABLISHMENT AND ADMINISTRATION OF THE PROGRAM

Section 2: Role of the Title IV-D Office in Providing Child Support Services

Version: 1	Effective Date: 1/1/2024
Background	

The Kansas Child Support Program fully privatized services in September 2013, meaning, Child Support Services (CSS) has contracted with vendors (hereafter referred to as “Title IV-D Office” or “field”) to provide child support services. Kansas is primarily a judicial state in terms of child support services.

The Title IV-D Office has six principal tasks:

1. Parent Locate

Where insufficient information exists, parent locate involves research to locate a Non-Custodial Parent (NCP) or alleged father.¹ The Title IV-D Office uses various search techniques and tools, including the Federal Parent Locator Service (FPLS); parent locate via the statewide child support system (KAECSSES); Federal Case Registry (FCR); multi-state and in-state Financial Institution Data Matches (FIDM); credit bureau reports; postal verification; the State Parent Locator Service (SPLS); and any other available sources of verifiable addresses. Locate has been enhanced by the use of automated data interfaces between KAECSSES and other locate resources.

2. Paternity Establishment²

The Title IV-D Office establishes parentage by filing a judicial action. Parentage can also be established administratively where the mother and biological father execute an Acknowledgement of Paternity.

3. Child Support Order Establishment

The Title IV-D Office establishes a financial obligation against either parent, or both parents to pay an amount for the support of a child. Parties may include parents who have never been married to each other, spouses who have separated, or guardians with whom the child physically resides.³ All child support orders must include a provision for medical support for the child to be provided by either or both parents.⁴

4. Enforcement

In order to enforce a child support order, the Title IV-D Office may use a variety of judicial or administrative enforcement actions.⁵ Where necessary, the Title IV-D Office may begin an action involving another state, country, or Title IV-D Tribe under the provisions of the Uniform Interstate Family Support Act (UIFSA).⁶

5. Review and Adjustment-Modification of the Child Support Order

¹ 45 C.F.R. § 303.3(a)

² K.S.A. 23-2201 et seq.

³ K.S.A. 23-3001 et seq.

⁴ K.S.A. 23-3114

⁵ K.S.A. 23-3101 et seq.

⁶ K.S.A. 23-36,101 et seq.

This task involves the “review and adjustment” process required by the federal regulations:

- a. If the state is providing Temporary Assistance for Needy Families (TANF) and an assignment of child support rights is in effect, a notice of review is generated every three years; or
- b. At the request of either party to the case.

The Title IV-D Office must review the current financial status of the parties, and if an adjustment to the support amount is warranted, proceed with appropriate action to modify the order.¹ The Title IV-D Office must motion the Court for modification if the existing order does not conform with the Kansas Child Support Guidelines (CSG), or if a material change in circumstances has occurred.²

6. Medical Support

When the Title IV-D Office becomes aware of a Title IV-D case where the existing support order does not provide for medical support or a support order needs to be established, the Title IV-D Office must petition the Court for an order for medical support for the child to be provided by either or both parents.³

Policy

- N/A

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302](#): State plan requirements
- [45 C.F.R. § 303.3](#): Location of noncustodial parents in IV-D cases
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders
- [45 C.F.R. § 303.31](#): Securing and enforcing medical support obligations
- [K.S.A. 23-3114](#): Medical child support; order; coverage under health benefit plan; limited power of attorney; enrollment by employer, sponsor or administrator of health benefit plan; disenrollment
- [K.S.A. 23-3005](#): Modification of child support
- [K.S.A. 23-2201 et seq.](#): Title and application of act.
- [K.S.A. 23-3101 et seq.](#): Title and purpose of act; severability
- [K.S.A. 23-36,101 et seq.](#): Citation of act
- [Kansas Child Support Guidelines](#)

Procedure

- N/A

Forms and Tools

- N/A

¹ 45 C.F.R. § 303.8

² K.S.A. 23-3005

³ 45 C.F.R. § 303.31(b); K.S.A. 23-3114



Kansas Child Support Services Title IV-D Policy Manual

Frequently Asked Questions

- N/A

Related Information

- [Chapter 8: Parent Locate](#)
- [Chapter 9: Paternity Establishment](#)
- [Chapter 11: Enforcement](#)
- [Chapter 12: Review and Adjustment/ Modification of the Child Support Order](#)
- [Chapter 14: Medical Support](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version.

CHAPTER 1: ESTABLISHMENT AND ADMINISTRATION OF THE PROGRAM

Section 3: Role of the Clerk of the District Court (CDC) and Kansas Payment Center (KPC) in Providing Child Support Services

Version: 1	Effective Date: 1/1/2024
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Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) added a Title IV-D State Plan requirement that the state agency will operate a State Disbursement Unit (SDU) on or after October 1, 1998.¹ This new requirement for each state to have an SDU virtually eliminated the role of the Clerk of Courts in collecting child support payments; however, they still have a role in the addition of court orders.²

The Title IV-D role of the Clerk of Courts include:

- Updating party information in the Kansas Payment Center (KPC) secure website;
- Processing orders established within its Courts;
- Entering child support order information into the KPC secure website; and
- Distributing payment records and histories prior to 2000 to parties upon request.

The role of the SDU includes:

- Maintaining child support payment records;
- Posting and disbursing payments;
- Distributing payment records and histories to parties upon request.

Policy

- N/A

References

- [K.S.A. 39-7,135](#): Title IV-D agency designated; maintenance of Kansas Payment Center for collection and disbursement of support payments
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 654b](#): Collection and disbursement of support payments
- [45 C.F.R. § 302](#): State plan requirements
- [Pub. L. No. 104-193, 110 Stat. 2105](#): Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- [OCSS-AT-97-13](#): Collection and Disbursement of Support Payment

Procedure

- N/A

¹ 42 U.S.C. § 654; 42 U.S.C. § 654b; Pub. L. No. 104-193, 110 Stat. 2105; OCSE-AT-97-13

² K.S.A. 39-7,135



Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 1: Establishment and Administration of the Program](#)
- [Chapter 2: Funding](#)

Revision History

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Version 1	1/1/2024	Final Approved Version

CHAPTER 1: ESTABLISHMENT AND ADMINISTRATION OF THE PROGRAM

Section 4: Kansas State Disbursement Unit (SDU)

Version: 1	Effective Date: 1/1/2024
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Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) required states to establish a central location where all income withholding payments could be made.¹ PRWORA required all child support payments to be made at the central location. In response to this mandate, Child Support Services (CSS) contracted with a vendor to establish the Kansas State Disbursement Unit, or Kansas Payment Center (KPC). Although part of the IV-D Program, the KPC processes both IV-D and Non-IV-D (NIVD) payments as discussed below.

KPC receives non-cash payments in the form of personal check, money order, cashier's check and certified check. These payments are processed through the statewide child support system (KAECSSES).²

Policy

- N/A

References

- [K.S.A. 23-3123](#): Distribution of support payments; rules and regulations
- [K.S.A. 39-7,135](#): Title IV-D agency designated; maintenance of Kansas payment center for collection and disbursement of support payments
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 654b](#): Collection and disbursement of support payments
- [42 U.S.C. § 657](#): Distribution of collected support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [Pub. L. No. 104-193, 110 Stat. 2105](#): Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- [OCSS-AT-97-13](#): Collection and Disbursement of Support Payments

Procedure

Payment Processing

The KPC receipts and processes support payments, (paper and electronic), for support orders, both IV-D and NIVD. Payments are posted at the court order level, not person level, to comply with Federal distribution policy.³

KPC receives payments from employers and individual payors. The payment methods available to employers and payors are: Online KPCpay using a debit/credit card, digital wallet methods include Google Pay, Apple Pay and Venmo and online direct transfer from a bank account.

¹ 42 U.S.C. § 654(27)(A); 42 U.S.C. § 654b; Pub. L. No. 104-193, 110 Stat. 2105; OCSE-AT-97-13

² K.S.A. 39-7,135

³ K.S.A. 39-7,135; K.S.A. 23-3123; 42 U.S.C. § 654b; 42 U.S.C. § 657

Automated Clearing House (ACH) deposits are received by U.S. Bank and include payments from other states, large employers and payors that use PayNearMe, MoneyGram, and PayPal. KPC also accepts business checks, personal checks, cashier checks, and money orders that are mailed directly to KPC.

KPC maintains three post office boxes for payments:

1. Support payments - P.O. Box 758599, Topeka, KS 66675-8599
2. Returned Checks - P.O. Box 750840, Topeka, KS 66675-0840
3. Recoupment payments - P.O. Box 750380, Topeka, KS 66675-0380

All payments are receipted and posted to a court order on the same day they are received unless there is missing information or funding.

All receipted payments tied to a court order then process within the KPC database to post to a IV-D or NIVD court order.

KPC only transmits IV-D payments to the State of Kansas; NIVD payments remain in the KPC database to be disbursed the next day.

KPC transmits a ("DCF") Payment File of the current days IV-D payments to Department for Children and Families (DCF) by 7:00pm. The following morning the funds associated with the payment file are wired to DCF from the KPC Central account to be processed by the state.

Once the state has processed the IV-D payments in KAECSSES, the next morning KPC receives the DCF Disbursement File back with complete IV-D payment distribution instructions based on Federal guidelines. During that same day, the state wires the exact amount of the disbursement file to KPC.

Once the DCF Payment File and wire transfer are both received from the State of Kansas for the IV-D disbursements, KPC combines the received IV-D disbursements and the NIVD disbursements and sends an ACH outgoing file to U.S. Bank to disburse payments to the person receiving payment via debit card or direct deposit. KPC also prints a small number of checks onsite to parties that do not want a debit card and do not have a direct deposit account.

Customer Service

KPC provides a toll-free customer service number and interactive voice response system (IVRS) 24 hours a day, 7 days a week. This provides customer service to persons who make payments, persons who receive payments, employers, IV-D agency staff, other states, etc. All calls are documented in the KPC system and then also in KAECSSES if it is a IV-D call.

Bank Reconciliation

KPC conducts a daily reconciliation of the bank-to-system activity of the previous business day. All discrepancies are researched and identified daily.

Forms and Tools

- [Kansas Payment Center](#)

Frequently Asked Questions

- N/A



Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 2: FUNDING

Section 1: Overview

Version: 1	Effective Date: 1/1/2024
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Background

Nationally, the Title IV-D Child Support Program is administered by the Federal Office of Child Support Services (OCSS) in conjunction with a single designated Title IV-D agency in each state. Each year, Congress appropriates funds to operate the Title IV-D Program.¹ These funds pay for federal operation of OCSS, including contracted services. A significant portion is passed through to the states in two ways:

1. Federal Financial Participation (FFP) or reimbursement for a portion of their costs; and
2. Incentives, which are determined by state performance in key areas.

As described in Chapter 1, the Title IV-D Program in Kansas is operated principally by a combination of the state designated Child Support Services (CSS) division of the Department for Children and Families (DCF) and the Title IV-D Offices. The parties enter into cooperative agreements or contracts as necessary to perform essential Title IV-D functions.

In general, there are four potential main sources of funding for the Title IV-D Program in Kansas:

1. State budgeted funds;
2. Federal Financial Participation (FFP or Reimbursement);
3. Incentive money; and
4. Program income.

This Chapter serves as an overview of the funding of the Title IV-D Program.

Policy

- N/A

References

- [42 U.S.C. § 651](#): Authorization of appropriations

Procedure

- N/A

Forms and Tools

- N/A

¹ 42 U.S.C. § 651



Frequently Asked Questions

- N/A

Related Information

- [Chapter 1: Establishment and Administration of the Program](#)

Revision History

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CHAPTER 2: FUNDING

Section 2: Federal Financial Participation (FFP)

Version: 1	Effective Date: 1/1/2024
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Background

Federal Financial Participation (FFP) is an after-the-fact reimbursement. Therefore, the state must have funds to initially pay for operation of the program before seeking reimbursement. The state provides an estimate to the Federal Office of Child Support Services (OCSS) that it will need for the upcoming quarter and OCSS makes it available in a “line of credit” called Federal Financial Participation (FFP) from which the state may draw funds.¹ Child Support Services (CSS) uses this money along with state funds to support its operations.

Policy

FFP is available for 4 categories of expenditures with each having a designated reimbursement percentage in the federal regulation:

1. Expenditures for the operation of the approved State Plan (federally defined as 66%).²
2. Expenditures attributable to the planning, design, development, installation, or enhancement of an automatic data processing and information retrieval system (federally defined as 66%).³
3. Expenditures attributable to laboratory costs incurred in determining parentage (federally defined as 66%).⁴
4. Expenditures for an alternative statewide system for which a waiver has been granted (federally defined as 66%).⁵

There are 2 types of costs for which FFP can be sought:

1. “**Direct costs**” are expenses that can be traced directly to, or identified with, a specific cost center, such as a department, program, service, and/or activity and is covered in the cost allocation plan.
2. “**Indirect costs**” are expenses incurred for common or joint purposes, and not solely for Title IV-D activities, therefore they cannot be recovered directly.⁶ These include costs distributed through a cost allocation plan which produce an equitable distribution of expenses based on the amount of usage and the benefits derived. These can benefit other areas within the Department for Children and Families (DCF) who identify and allocate Title IV-D costs for goods, services, and facilities which are then eligible for 66% federal reimbursement.

Examples of indirect costs would be: state/local central service costs, general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc. Commonly, this allocation is done by using the square footage used for Title IV-D activities. Each of these has a specific allocation statistic to distribute the costs in that program code. Sometimes, a portion of those costs are distributed based on agency FTE, while other costs are more directly charged based on the particular activity.

¹ 42 U.S.C. § 655(b)(2)

² 42 U.S.C. § 655(a)(1)(A)

³ 42 U.S.C. § 655(a)(1)(B)

⁴ 42 U.S.C. § 655(a)(1)(C)

⁵ 42 U.S.C. § 655(a)(1)(D)

⁶ 2 C.F.R. § 300; 31 C.F.R. § 205.12

FFP is not available for:

1. Service of process and court filing fees unless the court or law enforcement agency would normally be required to pay the cost of such fees;
2. Costs of compensation (salary and fringe benefits) of judges;
3. Costs of travel and training related to the judicial determination process incurred by judges;
4. Office-related costs, such as space, equipment, furnishings and supplies, incurred by judges;
5. Compensation (salary and fringe benefits), travel and training, and office-related costs incurred by administrative and support staffs of judges; and
6. Costs of cooperative arrangements that do not meet the requirements of 45 C.F.R. § 303.107: Requirements for cooperative arrangements.¹

References

- [42 U.S.C. § 655](#): Payments to States
- [2 C.F.R. § 300](#): Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- [31 C.F.R. § 205.12](#): What funding techniques may be used?
- [45 C.F.R. § 303.107](#): Requirements for cooperative arrangements
- [45 C.F.R. § 304.21](#): Federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials
- [45 C.F.R. § 304.22](#): Federal financial participation in purchased support enforcement services.

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 304.21(6)

CHAPTER 2: FUNDING

Section 3: Incentive Funding

Version: 1	Effective Date: 1/1/2024
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Background

The Federal Office of Child Support Services (OCSS) maintains a national incentive payment pool each year which is allocated on a competitive basis to the individual states based on their performance on 5 child support measures and their collections base. States risk losing incentive funding if they do not pass data reliability audits.¹ Kansas and each other state earn their child support incentive funding based on the state's performance in comparison to the other states.

The incentive pool for all states was set at \$483,000,000.00 for federal fiscal year (FFY) 2008 with provision for annual increase based upon the Consumer Price Index. Currently the incentive pool is over \$500,000,000.00 and changes each year when OCSS publishes the preliminary report for each federal fiscal year. Each state's share will be calculated using a weighted score based upon its volume of collections and its effectiveness performing in 5 areas as compared with the scores of other states. Basing it partly upon collections assures that, in general, states with large caseloads will get a proportionally greater share than states with smaller caseloads. Also, basing it upon performance measures assures that states that are efficient and productive will enhance their share while states that are not performing will see their share diminished.

In calculating the volume of collections for the collection base, 3 rules apply:

1. Collections made on intergovernmental cases may be claimed by both states;
2. Collections on current and former Temporary Assistance for Needy Families (TANF), current and former Foster Care and Medicaid (MA) cases count double; and
3. Collections on other never assistance cases count only once.

The performance measures used in this incentive calculation are:

1. Paternity establishment (PER) - The total number of children in the Title IV-D caseload at end of the Federal Fiscal Year (FFY) who were born out of wedlock, but now have paternity established, **divided by** the total number of children in the Title IV-D caseload at end of the last FFY who were born out of wedlock;
2. Support order establishment (SOR) - The total number of Title IV-D cases at the end of FFY with support orders established, **divided by** the total number of Title IV-D cases at the end of FFY;
3. Collections on current support (SCR) - The total amount collected for Title IV-D cases as current child support during FFY, **divided by** the total amount owed for Title IV-D cases as current child support during FFY;
4. Collections on arrears (CPAR) - The total number of Title IV-D cases with arrears **divided by** the total number of open Title IV-D cases at end of FFY with an arrears balance. If "any" arrears are due to the family, a case is counted as receiving an arrearage collection payment only if a payment is made to the family (not a tax payment). If the only arrears due on the case are state owed arrears, then an arrears collection that was paid to the state is counted; and
5. Cost effectiveness (CER) - Total amount collected on open Title IV-D cases with activities **divided by** total amount spent on child support enforcement activities.

¹ 42 U.S.C. § 609(a)(8)

Under Kansas practice, the incentive funds received from OCSS are expended as determined in the budget process. Historically, an annual estimate has been used to pay towards the largest contractor cost. This estimate is paid in 4 equal quarterly payments. In recent years, this has been \$4,000,000 annually and expended as \$1,000,000 per quarter. This annual estimate is spent from the “current” year’s incentive funds. Then, after the final incentive award for a fiscal year is determined and received (which can take up to two years following the end of the federal fiscal year), these incentive funds are drawn after a determination has been made as to how they will be expended. In the last few years, these “final” incentive funds have been applied to IT projects, and specifically towards the CSS case system modernization project. Historically, these accumulated “final” incentive awards have been expended with the oldest being expended first.

Federal incentive funds must be reinvested in the Title IV-D program and may not be used to take the place of existing funding. Federal law requires that the state, and any political subdivision to whom incentive funds are passed, shall expend the full amount of incentive payments to “*supplement*” and “*not supplant*” other funds, and are to be spent to improve the effectiveness or efficiency of the child support program.¹ Incentive funds are for expenses outside of the child support budget, used to enhance the program’s effectiveness, not as replacement for budgeted funds necessary to effectuate the child support office’s statutory and contractual duties.

Policy

- N/A

References

- [42 U.S.C. § 609\(a\)\(8\)](#): Noncompliance of State child support enforcement program with requirements of part D
- [42 U.S.C. § 658a](#): Incentive payments to States
- [42 U.S.C § 658a\(f\)](#): Incentive payments to States
- [45 C.F.R. § 303.52](#): Pass-through of incentives to political subdivisions
- [45 C.F.R. § 303.52\(a\)](#): Pass-through of incentives to political subdivisions.

Procedure

The Federal Calculation Method is used to determine each state’s incentive amount and is tied to the Collection Base.

1. The **State Collections Base** is equal to:
 - a. $2 * (\text{current assistance} + \text{former assistance} + \text{Medicaid assistance collections})$
 - b. $b. + \text{never assistance collections}$
2. Convert the **actual performance percentage** for each measure into the **applicable percentage** using OCSS tables.
3. Performance of 80% or above is required for maximum incentive in first 4 measures.
4. Performance at 5.00 or above is required for maximum incentive in cost effectiveness.
5. The **State Maximum Incentive Base** is determined by:
 - a. $\text{Applicable \% for PER} \times \text{State Collections Base} \times 100\%$
 - b. $\text{Applicable \% for SOR} \times \text{State Collections Base} \times 100\%$
 - c. $\text{Applicable \% for SCR} \times \text{State Collections Base} \times 100\%$
 - d. $\text{Applicable \% for CPAR} \times \text{State Collections Base} \times 75\%$

¹ 42 U.S.C. § 658a(f); 45 C.F.R. § 303.52(a)



- e. $\text{Applicable \% for CER X State Collections Base X 75\%}^1$
- 6. The individual State’s Incentive Amount is equal to State Maximum Incentive Base divided by sum of all States Maximum Income Base X National Incentive Pool.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
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¹ 75% and 100% determined in 42 U.S.C. § 658a

CHAPTER 2: FUNDING

Section 4: Program Income

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Background

The following are sources of program income for the Kansas' Title IV-D Program:

1. Interest earned on existing balance of the CSS Clearing Fund, which contains undistributed CSS collections;¹ and
2. Application Fee from the individual applying for IV-D services.² Child Support Services (CSS) has identified this amount as \$.01 per Non-TANF case opening;
3. Cost Recovery Fee for costs incurred in excess of any fees collected to cover; and administrative costs³; and
4. Annual Collection Fee of \$35 for each case if there is an individual in the case to whom IV–D services are provided, and the collection threshold has been reached. This annual fee is imposed each Federal fiscal year and is reported as part of quarterly reports(4).⁴

Program income is deducted from expenditures on the federal OCSS 396A Report and thus reduces the amount that is available for reimbursement on a dollar-for-dollar basis. Currently, CSS does not collect the Application Fee or the Annual Collection Fee. Instead, these costs are absorbed by the Program.

Policy

Revenues resulting from Title IV-D case activity shall be considered program income.⁵ Program income comes from the above sources and 66% of all program income is reported to the federal government.

References

- [45 C.F.R. § 75.307](#): Program income
- [45 C.F.R. § 302.33\(c\)](#): Application Fee
- [45 C.F.R. § 302.33\(d\)](#): Recovery of Costs
- [45 C.F.R. § 302.33\(e\)](#): Annual Collection Fee
- [45 C.F.R. § 304.50\(b\)](#): Treatment of Program income

Procedure

- N/A

Forms and Tools

- N/A

¹ 45 C.F.R. § 304.50(b)

² 45 C.F.R. § 302.33(c)

³ 45 C.F.R. § 302.33(d)

⁴ 45 C.F.R. § 302.33(e)

⁵ 45 C.F.R. § 75.307



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

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CHAPTER 2: FUNDING

Section 5: Cost Allocation Plan

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Federal reimbursement is available for direct and certain indirect costs that a state incurs in operating a Title IV-D Program. To be eligible for reimbursement of indirect costs, the state must file and receive approval of a cost allocation plan. The state may only claim reimbursement in accordance with the approved cost allocation plan.¹

The cost allocation plan must:²

1. Describe the procedures used to identify, measure, and allocate all costs to each of the programs operated by the state agency;
2. Contain sufficient detail to permit an informed judgment on the correctness and fairness of the state's procedures for identifying, measuring, and allocating all costs to each of the programs;
3. Conform to the accounting principles and standards prescribed in 2 C.F.R. § 200, and other pertinent regulations and instructions;
4. Be compatible with the Title IV-D State Plan;
5. The cost allocation plan shall contain the following information:
 - a. An organizational chart showing the placement of each unit whose costs are charged to the programs operated by the state agency;
 - b. A listing of all federal and all non-federal programs performed, administered, or serviced by these organizational units;
 - c. A description of the activities performed by each organizational unit and, where not self-explanatory, an explanation of the benefits provided to federal programs;
 - d. The procedures used to identify, measure, and allocate all costs to each benefiting program and activity (including activities subject to different rates of Federal Financial Participation (FFP));
 - e. The estimated cost impact resulting from the proposed changes to a previously approved plan;
 - f. A statement stipulating that wherever costs are claimed for services provided by a governmental agency outside the state agency, that they will be supported by a written agreement including, at a minimum:
 1. The specific service(s) being purchased; and
 2. The basis upon which the billing will be made by the provider agency.
 - g. If the public assistance programs are administered by local government agencies under a state supervised system, the overall state agency cost allocation plan shall also include a cost allocation plan for the local agencies; and

¹ 45 C.F.R. § 95.517

² 45 C.F.R. § 95.507

- h. A certification by a duly authorized official of the state stating:
 1. Information contained in the proposed cost allocation plan is prepared in conformance with Office of Management and Budget 2 C.F.R. § 200;
 2. Costs are accorded consistently through the application of generally accepted accounting principles appropriate to the circumstances;
 3. Adequate accounting and statistical system exists to support claims that will be made under the cost allocation plan; and
 4. Accurate information provides support of the proposed cost allocation plan.
6. Other necessary information establishing the validity of the procedures used to identify, measure, and allocate costs to all programs operated by the state agency.

Cost allocation plans are also applicable in claiming indirect costs. Indirect costs for the Title IV-D Program would include the overhead costs of the agency to operate Department for Children and Families (DCF). All programs share in the cost of the following units: Executive, Operations, Legal Administration, Occupational Health & Development, Personnel Services, and certain IT Services (OITS). These are distributed agency wide through the Cost Allocation Plan (CAP) each quarter based on the number of full-time equivalent (FTE) staff in various programs. It works the same for Regional Administration costs. If the Title IV-D Program has staff located in a region, a portion of those costs will be distributed to Child Support Services (CSS) based on the ratio of CSS staff to all staff in the region.

Other costs shown on the Earnings Report (a CAP report) from programs not specific to the Title IV-D Program, are allocated based on various statistics as identified in the CAP.

References

- [2 C.F.R. § 200](#): Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- [45 C.F.R. § 95.507](#): Plan requirements
- [45 C.F.R. § 95.517](#): Claims for Federal Financial Participation

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 2: Funding, Section 2: Federal Financial Participation \(FFP\)](#)

Revision History

Version	Date	Description of Revision
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Kansas Child Support Services Title IV-D Policy Manual

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CHAPTER 3: CASE INITIATION

Section 1: Enrollees, Case Types, and Case Initiation

Version: 1	Effective Date: 1/1/2024
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Background

A participant is the individual enrolling in Title IV-D services or automatically referred to Title IV-D services through the IV-A/IV-D interface.¹ A participant under age 18 must be accompanied by a parent or legal guardian when enrolling in Title IV-D services. A participant is not required to live in the county or state in which he or she is enrolling in Title IV-D services.²

The Kansas Child Support Services Enrollment Form (5033) is the form that has been approved by the Kansas Title IV-D Program for opening a case.

Policy

While any individual may enroll in services, Title IV-D services are only available to the following individuals.

- A Custodial Party (CP) is a person who has custody or guardianship of a child and is requesting the assistance of the Title IV-D Program in establishing parentage or establishing and/or enforcing a child support and/or medical support order.
- A Non-Custodial Parent (NCP) is any parent of a child, and the child does not live with that parent, who is requesting the assistance of the Title IV-D Program in establishing parentage or modifying a child support and/or medical support order.
- An alleged father who believes he is the father of a child may enroll in Title IV-D services to establish parentage of that child.

When a child support case is opened, it is labeled as one of the following case types:

- A Non-Public Assistance or Non-TANF (Temporary Assistance for Needy Families) case is any Title IV-D case in which neither the CP nor the child is receiving mandatory services. Any individual may enroll in services regardless of income.³
- A Mandatory case is a case that was automatically referred to the Title IV-D Office for child support services when one or more children are receiving any of the following mandatory services:
 - Temporary Assistance for Needy Families (TANF),
 - Food Assistance (FA),
 - Child Care Assistance (CC), or
 - Medicaid (CTM) and
 - One or both parents are not in the home.⁴
- Foster Care (FC) cases:

¹ K.S.A. 39-709; K.S.A. 39-756; 42 U.S.C. § 654(4); 45 C.F.R. § 302.33(a)(1)

² 42 U.S.C. § 654(6)(A)

³ K.S.A. 39-756

⁴ K.S.A. 39-709

- Title IV-E FC Funded cases- This child is in the custody of the Secretary of the Department for Children and Families (DCF) and has a social services worker within DCF that has responsibility for the child's case. Direct services to the child and the family are provided by the child welfare contractor providing foster care services for the region. This child is in custody because the child has been adjudicated as a Child in Need of Care (CINC). The state must share collections on these cases with the feds based on the Federal Medical Assistance Percentage (FMAP) rate. These cases are automatically received through the IV-E/IV-D interface. Within 20 calendar days of an appropriate referral, the case shall open in the statewide child support system (KAECSES).¹ There is no enrollment fee.²
- Title IV-E Funded NF cases- This child is in the custody of the Secretary of DCF and has a social services worker within DCF that has responsibility for the child's case. Direct services to the child and the family are provided by the child welfare contractor providing foster care services for the region. This child is in custody because the child has been adjudicated as a Child in Need of Care (CINC). When a child are/were not open on an open Non-IV-E foster care case. These are considered state only and the state retains 100% of collections on these cases. These cases are automatically received through the IV-E/IV-D interface. Within 20 calendar days of an appropriate referral, the case shall open in KAECSES.³ There is no enrollment fee.⁴
- Title IV-D Funded KDOC/JS cases- When a child is in the custody of the Kansas Department of Corrections- Juvenile Services (KDOC-JS) and has a case manager at the local KDOC-JS contractor within the community. KDOC-JS provides all services through community partners. This child is in custody because the child has been adjudicated a juvenile offender (JO). These cases may be received through the IV-E/IV-D interface. Within 20 calendar days of an appropriate referral, the case shall open in KAECSES.⁵ There is no enrollment fee.⁶
- A Non-IV-D (NIVD) case is a case in which none of the parties has enrolled in Title IV-D services, the case has not been automatically referred through the IV-A or IV-E interfaces for Title IV-D services, or a case that was formerly a Title IV-D case that is now closed to Title IV-D services. These cases are most often enforced through the county court trustees office, where the parties reside.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.33](#): Services to individuals not receiving Title IV-A services.
- [45 C.F.R. § 303.2\(b\)](#): Establishment of cases and maintenance of case records
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, childcare subsidies, and medical assistance; prohibition of Medicaid. expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations.
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship.

¹ 45 C.F.R. § 303.2(b)

² 42 U.S.C. § 654(6)(B)(i)

³ 45 C.F.R. § 303.2(b)

⁴ 42 U.S.C. § 654(6)(B)(i)

⁵ 45 C.F.R. § 303.2(b)

⁶ 42 U.S.C. § 654(6)(B)(i)

Procedure

Case Initiation Overview

Handling of Child Support Services (CSS) Enrollment Forms and referrals in the IV-D program is similar whether they are received manually or through an automated process. The timeframe for processing a CSS Enrollment Form and a referral including, creation of a case record is the same, within 20-calendar days.

The caseworker must ensure the case record is supplemented with all information and documents pertaining to the case, as well as all relevant facts, dates, actions taken, contacts made and results in a case.

Initiating IV-D Action

When the caseworker receives a CSS Enrollment Form for IV-D services or a referral to the IV-D agency, the following must be determined:

- **Determine case roles:** Determine the dependent(s), the alleged other parent or non-custodial parent (NCP), and the custodial parent (CP) among the persons included in the CSS Enrollment Form or referral. The CSS system requires a CP and at least one child to register a case. Alleged other parent(s) or NCP's must have a name and either date of birth (DOB) or social security number (SSN) to be assigned a new person number. Foster care cases will have the State of Kansas as the CP. In Kansas Department of Corrections – Juvenile Services (KDOC-JS) cases, JJA is designated as the CP unless otherwise stated.
- **Identify individuals:** Determine if KAECSSES already has a record of the persons included in the CSS Enrollment Form or referral. In doing so, make associations (e.g., determine that “Johnny is Johnny”) between referred persons and those in KAECSSES.
- **Identify IV-D cases:** Examine existing cases to determine if: an IV-D case already exists, case needs to be reopened, or one or more new IV-D cases must be created.
- **Multiple alleged other parents:** If there are multiple alleged other parents, they should be included within the same case record.
- **Notify IV-D partners:** Determine whether the information contained in the CSS Enrollment Form or referral may warrant further research or action by other CSS staff or partners in other departments within Department for Children and Families (DCF). Take steps to inform others if necessary.
- **Complete case assessment:** Document receipt of Enrollment Form or referral. If a court order exists, document state, county, and order number.
- **Initiate workflow:** Take appropriate steps to establish paternity and/or establish and enforce appropriate child support orders. When work is already in progress, determine whether the information in the CSS Enrollment Form or referral requires action.

Roles to Compose the IV-D Case

The initial step in evaluating the referral or CSS Enrollment Form is to determine which role each person will play in the IV-D case. Because other adults in addition to the grantee may be included in the referral, the appropriate persons must be determined by reviewing KEES for the roles of the dependent and CP and household status.

Each participant within KAECSSES is assigned an individual person number along with the case unit being assigned a unique case number. These numbers are randomly assigned and will remain exclusive to the individual. Once a person number is assigned to a participant by any program, it will remain the same and be used by all programs.

The Non-Custodial Parent (NCP)

The NCP for each IV-D case resulting from a referral is the biological or legal parent or alleged parent who does not reside in the assistance household.

When a referred child(ren) has both parents residing outside the home, two referrals will occur.

For most CSS Enrollment Forms, the person the individual listed as the parent not in the home is the NCP.

The Child(ren)

The child(ren) is the person in the home receiving assistance and who is referred by relation to the NCP, even if the NCP is unknown at the time of the referral. When several children are related to the same NCP, they are referred together and become part of the same IV-D case.

In a complex family situation, more than one referral may be made for a single family. For instance, a minor parent may be referred as a child and as a parent of his/her own child.

For most CSS Enrollment Forms, the child(ren) is the person listed as dependent(s) in the home with a Custodial Party.

The CP

The CP is identified based on the type of referral received by KAECSSES. For a Kansas Eligibility Enforcement System (KEES) referral, the relationships and parental role information contained in the referral and on KEES are used to determine the CP for a child(ren) and for the resulting IV-D case:

- When a natural or legal mother or father resides in the household, the CP is the natural or legal parent; and

Note: If the stepparent to the child is the case head on an assistance program but the biological or legal parent/guardian is in the household, the CP in KAECSSES, should appear as the biological or legal parent/guardian.

- When neither parent resides in the household, the CP is the person whom KEES indicates is the case head on the assistance case;
- It is the policy of the Kansas IV-D agency to not have minor parents assigned as a CP in a situation where a minor child has a child(ren) of their own. The CP will be the person whom KEES indicates is the case head on the assistance case.
- For most CSS Enrollment Forms, the CP is the individual who is listed as the applicant. Some exceptions apply, such as non-Custodial Party applying for parentage or modification only services.

Agency Placement Referrals

In situations where a child(ren) was placed in the custody of the State of Kansas, the IV-E agency is responsible for sending a referral to the IV-D agency. The CP is identified as the State of Kansas.

Matching KAECSSES Individuals to Referral or CSS Enrollment Form Individuals

To determine whether an individual on a KEES referral or CSS Enrollment Form is the same as an individual already existing within KAECSSES, the caseworker must use these key pieces of identifying information:

- Name;
- Date of Birth (DOB);
- Person Number; and

- Social Security Number (SSN).

The IV-A or IV-E staff may designate an NCP as “unknown.” In this case, very little or no identifying information is provided.

When using the identifying information listed above to determine whether a referred individual is already in KAECSSES, the caseworker will distinguish between:

- Matched information – both the referred individual and the KAECSSES individual have the same identifying information;
- Differing information – both the referred individual and the KAECSSES individual have identifying information, but it does not match; and
- Missing information – either the referred individual or the KAECSSES individual does not have identifying information, and no comparison is possible.

When it has been determined whether an individual is already in KAECSSES, the caseworker will decide to:

- Use the individual and associate him/her to a KAECSSES individual;
 - If information does not match or unknown, leave NCP role blank.
 - Create a new KAECSSES individual.
 - Use the individual and associate him/her to a KAECSSES Individual

Two individuals are considered to be a strong enough match to associate (or “use”) without further comparison when:

- All key identifying information matches; or
- The Person Number differs, but the SSN, name, and DOB match; or
- The Person Number is missing, but at least two of the SSN, name, and DOB match; or
- The Person Number matches and either:
 - The name and/or DOB matches and the SSN is missing; or
 - The SSN also matches and either the name or the DOB matches.
- Create a New KAECSSES Individual

Two individuals are clearly different when:

- The SSN is different or missing (does not match); and
- None or only one of the person number, name, or DOB matches.

Note: A new KAECSSES individual must never be created with only a NCP’s (payor’s) name and no other identifying information is known.

- Make Other Determination in Identifying Members

The caseworker will investigate further when KAECSSES shows two individuals, and they cannot be determined to be either a clear match or clearly different.

The caseworker will use other information to decide regarding the identity of the individual, including:

- Gender;
- Race and ethnicity;
- Address(es); and
- Other information as appropriate.

Matching Families to Child Support Cases

Once the individuals who compose the case are determined, the caseworker must search for existing CSS cases. This reduces duplicate cases in KAECSSES. Also, associating cases to existing CSS cases ensures that required action can be taken on existing cases based on changes or new information.

Use the Existing CSS Case

When searching for existing cases, the caseworker will select CSS cases where the CSS individuals play the same role as was determined for the referred case.

An existing CSS case must be used when:

- The assistance referral correlates exactly to an existing CSS case – the NCP, CP and child(ren) all match; or
- A new CP is identified – all child(ren) and NCP from the referral match to an existing CSS case; or
- A new child is identified for a CP and NCP – the CP and NCP from the referral match to an existing CSS case's CP and NCP; or
- A new alleged father is identified for a CP and child(ren) – the CP and child(ren) from the referral match to an existing CSS case's CP and child(ren) where the NCP was previously unknown.

Based on the results of the case comparison, the caseworker will take one of the following actions:

- Use the existing CSS case, whether opened or closed;
- Create a new CSS case;
- Select the best case when more than one CSS case is a potential match.

When the referred individuals match an existing CSS case, the existing CSS case must be used, and the referral must be associated to the CSS case.

Example: Anthony, a newborn, his five-year old brother, Charlie, and his mother, Brianna, begin to receive FA. Brianna already has an IV-D KAECSSES case and an ongoing support order for Charlie in which her former husband, Doug, is the NCP. Brianna identifies Doug as the likely father for Anthony when applying for assistance.

The resulting referral is matched by CP, NCP, and child to the existing KAECSSES case. Anthony is added to the existing KAECSSES case. This is commonly referred to as a add-a-baby case.

Third-Party CP- Both Parents Referred

If the NCP on the existing CSS case where the CP is neither the biological or legal parent or guardian has the same relationship to the child(ren) as the NCP in the referral, the existing CSS case should be used. If NCP and child(ren) relationship is not the same, a new CSS case must be created.

Example: Susan, a seven-year-old, lives with her grandmother, Gerri. Gerri applies for and receives Medicaid on Susan's behalf. Gerri identifies both Susan's mother, Jane, and father, Larry, to the Medicaid worker.

Two referrals are made.

Referral 1: When considering Gerri, Susan, and Larry, the referred family matches to an existing CSS case where Gerri is the CP and Susan is the child. However, the existing CSS case does not have an NCP listed as he was unknown previously.

The caseworker will identify the relationship between Larry and Susan in the referral and on KEES and identify Larry as the father of Susan. Larry is added as an NCP to the existing CSS case.

Referral 2: When considering Gerri, Susan, and Jane, a CSS case matches by CP and child. However, since this referral shows Jane no longer has Susan in the household, a new CSS case must be created with Gerri as the CP, Susan as the child and mother Jane as the NCP

Agency Placement Cases

In situations where a child(ren) was placed in the custody of the State of Kansas, and there is an existing CSS case for the NCP and child(ren), the caseworker must use the existing case and identify the CP as the State of Kansas or Kansas Department of Corrections - Juvenile Services (KDOC-JS).

New Alleged Parent Referred

Kansas IV-D policy is to include multiple alleged for a child(ren) within the same CSS case. All should be assigned as an NCP and documentation maintained for each person.

Creating a New CSS Case

When there is no match to the referred case or the NCP listed on the CSS Enrollment Form, after comparing for matches against the CP and child(ren), the CP and NCP, and the CP, NCP and child(ren), The caseworker must create a new CSS case. If Agency Placement case, then:

- When a child(ren) enters custody of the State of Kansas or Department of Corrections – Juvenile Services, there should be two referrals. One for each biological/legal parent.
- If there is an existing IV-D case with multiple children and one or some of the children enter custody of the State of Kansas or Department of Corrections – Juvenile Services, a new CSS case must be created for the child(ren) in state custody.

Cases That Will Remain Closed

The caseworker will not reopen a closed CSS case if the NCP or alleged parent in the referral or Enrollment Form is the same NCP or alleged parent in the existing closed CSS case, and:

- The existing closed IV-D case was closed because the NCP is deceased;
- The existing closed IV-D case was closed because the NCP was previously excluded as the parent of any of the child(ren) on the IV-D case (i.e., was excluded by genetic test or court order);
- The IV-D case was closed because a determination of good cause was granted less than one year ago; or
- If NA Enrollment Form is received and good cause was granted less than a year ago, The caseworker must:

- Contact CP by phone to make sure CP does want the case opened. The caseworker must make CP aware that case was previously closed case due to good cause and ensure CP understands that if case is re-opened CSS will take all necessary establishment and enforcement actions on the case. If CP still wants IV-D services, a case must be opened (or reopened) and proceed with taking necessary actions.
- The IV-D case was closed because the child(ren) was previously adopted with a name change through the State of Kansas IV-E agency.
 - A case is actively being worked by a tribe (check CSLN).

If case initiation comes from a NA Enrollment Form and case cannot be reopened, then the caseworker must send an acknowledgment letter indicating case cannot be opened with the reason listed. If the case initiation comes from a referral, the Title IV-D Office have designated staff to deactivate those referrals and the case will remain closed.

When to Reopen a Closed Case

The caseworker will reopen the CSS case if the NCP or alleged parent from the referral is the same NCP or alleged parent from the existing case. If multiple CSS cases meet this criterion, the caseworker will use discretion to select the most appropriate case. For example, a closed case previously associated to a support order is preferred over one without a support order.

The caseworker will open a new case when a IV-D case has been identified matching the referral but the case is closed and The caseworker, upon reviewing, decides that the case should not be reopened or left closed because it is not the right case.

Prior to reopening a case, the following should be determined:

- Verify if good cause is pending (check CADS and/or KEES); and
- Verify if case was closed due to adoption with a name change through Kansas IV-E program (check CHDS);
- Verify parties are still living (check KEES, CHDS, APDS, ARDS);
- Being actively worked by a tribe (check CSLN).

Initiating Case Work

Case Information Provided by the CP

It is the CSS policy to solicit information from a CP or other relevant sources and initiate verification of information, if appropriate.

Common information that will be asked for a CP is:

- The marriage status of birth parent including but not limited to date of marriage(s) and divorce date(s) (if applicable);
- First and last name of the NCP or other alleged parent;
- NCP's (payor's) gender and demographic information;
- NCP's (payor's) mailing, residential, and/or employer address;
- Existing court order information between birth parents; and
- Paternity/Parentage information. This may include:
 - Marital information, including spouse's name, if the child(ren) were born within a marriage;
 - For child(ren) born out of wedlock:
 - Signed Voluntary Affidavit of Paternity or State Birth Certificate; or
 - Parentage as defined in a court order.



Forms and Tools

- [CSS Enrollment Form](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation, Section 2: Non-Public Assistance Cases \(Non-Mandatory\)](#)
- [Chapter 3: Case Initiation, Section 3: Mandatory Cases](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

CHAPTER 3: CASE INITIATION

Section 2: Non-Public Assistance Cases (Non-Mandatory)

Version: 1	Effective Date: 1/1/2024
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Background

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.

Federal and state laws require the Kansas Title IV-D Program to provide child support services to any individual, including persons not receiving mandatory services, by contacting their local Title IV-D Office.¹

Policy

1. Requests for Services

When an individual requests to enroll in Title IV-D services, the Title IV-D Office shall provide the Kansas Child Support Services Enrollment Form (5033). If the request is made in person, the Enrollment Form shall be provided to the individual the same day the request is made.² If the request is made in writing, i.e. mail or electronic communication, or by telephone, the Enrollment Form shall be sent to the individual within five business days. An individual may also be provided the option to download an Enrollment Form on the Department for Children and Families (DCF) CSS public website.

2. Enrolling in Services

The Title IV-D Office shall accept the Enrollment Form from any individual.³ The Enrollment Form includes questions for information necessary to create a case in the statewide child support system (KAECSSES). The Enrollment Form is to be signed by the enrollee.⁴ If there are multiple “other parents”, the enrollee is to attach a separate page for each “other parent”. Within 20 calendar days of accepting the Enrollment Form, the Title IV-D Office shall open the case in KAECSSES.⁵

3. Enrollment Fee

There is no charge to the participant to enroll in Title IV-D services in Kansas.

References

- [42 U.S.C. § 654](#): State plan for spousal and child support
- [45 C.F.R. § 302.15](#): Reports and maintenance of records
- [45 C.F.R. § 302.33](#): Services to individuals not receiving Title IV-A assistance
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records

¹ K.S.A. 39-756

² 45 C.F.R. § 303.2(a)(2)

³ 45 C.F.R. § 302.33(a)(1)(i)

⁴ 45 C.F.R. § 303.2(a)(3)

⁵ 45 C.F.R. § 303.2(b)

- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship.

Procedure

Providing and Recording a Request for a CSS Enrollment Form and IV-D Brochure

The Title IV-D Office must provide an Enrollment Form and IV-D Brochure the same day, when requested in person or if requested by phone or email, within five business days. If the requester prefers to obtain documents online, they can be referred to the DCF public website.

The Information Request Detail (INRD) screen must be completed to record the date of the request and the date the IV-D agency sends requested documents. The INRD must be completed the same day if the request is made in person or if requested phone or email, within five business days.

Note: The CSS IV-D Brochure must accompany a CSS Enrollment Form, and if appropriate, a cover letter with disclosure statement.

Receiving and Processing Enrollment Forms for Non-Public Assistance (NA) IV-D Services

A CSS Enrollment Form is considered “complete” if the form has been signed by the Custodial Party (CP). Upon receipt of a completed Enrollment Form, the caseworker must complete the following actions:

- The caseworker must accept the CSS Enrollment Form on the day it is received in the Title IV-D Office¹; and
 - CSS Enrollment Form must be date stamped on front side.

Within 20-business days of receipt² of the CSS Enrollment Form, the caseworker must:

- Open a case in KAECSSES from the INRD record (see Initiating IV-D Action, Composing an IV-D Case, and Matching Families section for direction on accurately assessing a case for proper roles and structure); and
- Download acknowledgment letter to inform the individual of the status of his/her CSS Enrollment Form or request additional information that may be needed; and
- Complete the initial case assessment; and
 - If the following box is marked “yes” on the Enrollment Form, then the caseworker will need to set FVI on the child(ren) and the CP. The caseworker will need to contact the CP to determine if the case should be closed or proceed with services and discuss options.

Do you believe that pursuing child support services may result in physical or emotional harm to you or your child(ren)?
☐ No ☐ Yes (If yes, a caseworker will contact you for additional information. If you have any additional questions in the meantime, call us at (888) 757-2445)
 - Determine if the CP has previously been in non-cooperation status. If so, determine if all necessary information or documents have been returned. Remove non-cooperation status, if applicable; and
 - Check Kansas Vitals Statistics to determine if a father is listed on the child(ren)’s birth certificates; and

¹45 C.F.R. § 303.2(a)(3)

²45 C.F.R. § 303.2(a)(3)

- Check Kansas Eligibility Enforcement System (KEES) to verify if case is Non-Public Assistance (NA) or Public Assistance (PA) related; and
- Complete search for possible existing court documents; and
- Input data from Enrollment Form to appropriate screens. (*See Intake Enrollment Form Checklist*); and
 - Intake Enrollment Form Checklist must accompany the case file.
- Establish a case plan for actions needed.
- Document all steps and actions taken on List Narrative (CSLN) screen.
 - If existing court order is known, court order number, county and state must be narrated.

If the Enrollment Form indicates Tribal affiliation, case must be opened as normal, and the Enrollment Form should be sent to CSS Administration Tribal Manager. The case should continue to be assigned to the proper Judicial District (JD), not the CSS Administration Tribal Manager.

Forms and Tools

- [CSS Enrollment Form \(5033\)](#)
- [CSS Modification/Paternity Enrollment Form \(5033.3\)](#)
- [CSS Handbook](#)
- [CSS Brochure](#)
- [Intake Enrollment Form Guide](#)
- [CSS Office Locations](#)
- [DCF Office Locations](#)
- [DCF Public Website](#)

Frequently Asked Questions

- ? Is the Title IV-D Office required to use the Kansas Child Support Services Enrollment Form (5033) or may the Title IV-D Office create an office specific *enrollment* form?
- ✓ The Title IV-D Office is required to use the Kansas Child Support Services Enrollment Form (5033).
- ? *The Enrollment Form only has space for information for one (1) "other parent". What if an enrollee is enrolling in services to establish paternity on a child and names more than one (1) alleged father?*
- ✓ The Title IV-D Office may provide the enrollee with multiple copies of the page where the information for the "other parent" is provided.

Related Information

- [Chapter 7: Inter-County Cases](#)
- [Business Practices 200](#): Information Request Management
- [Business Practices 300](#): Opening, Reopening, Changing, and Closing CSS Cases
- [Business Practices 400](#): Person Information Management
- [Business Practices 500](#): Location Information Management
- [OCSS-157 Child Support Services Annual Data Report Form and Instructions](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version



CHAPTER 3: CASE INITIATION

Section 3: Mandatory Cases

Version: 2	Effective Date: 1/1/2024
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Background

Recipients of mandatory services; Temporary Assistance for Needy Families (TANF) benefits, Child Care Assistance (CC), Food Assistance/SNAP (FA), and Medicaid (MA-CTM) are required to complete an assignment of child support rights and participate in the Title IV-D Program.¹ The Title IV-D Program is authorized to collect support payments under this assignment of rights.²

Policy

Enrolling in Services

Mandatory cases are automatically received through the IV-A/IV-D interface. All mandatory referrals must be reviewed for opening, processed, and initial case assessment completed within 20 calendar days of receipt of the referral and documented on the list narrative (CSLN) screen.³ The Title IV-D Office is required to provide services to a TANF, CC, FA, or MA-CTM recipient to establish parentage and establish and/or enforce child support orders.⁴ In the process of reopening a case, a participant with an existing child support order is not required to submit a Kansas Child Support Services Enrollment Form (5033) but one will be mailed to the recipient to gather additional information.⁵

A condition of receiving TANF is that the Custodial Party (CP) assigns his or her rights to child support and spousal support to the state.⁶ This requires the participant's cooperation with the Title IV-D Office to establish parentage, establish and/or enforce a child support order, establish and/or enforce a medical support order, and modification of a child support and/or medical support order.⁷

Title IV-D services continue when the enrollee stops receiving mandatory services. The enrollee does not need to fill out another Enrollment Form.⁸

Enrollment Fee.⁹

There is no enrollment fee in Kansas. The Kansas IV-D program currently absorbs this fee.

References

- [42 U.S.C. § 608](#): Prohibitions; requirements

¹ K.S.A. 39-709

² K.S.A. 39-755

³ 45 C.F.R. § 303.2(b)

⁴ 42 U.S.C. § 654(4)

⁵ 45 C.F.R. § 302.33(a)(2)

⁶ K.S.A. 39-709; K.S.A. 39-753(i); K.S.A. 39-755(a)

⁷ K.S.A. 39-709; K.S.A. 39-755

⁸ K.S.A. 39-756; 45 C.F.R. § 302.33(a)(1)(iii); OCSE-AT-88-03

⁹ 45 C.F.R. § 302.33(c)(1)(iv)(A)

- [42 U.S.C. § 654](#): State plan for spousal and child support
- [45 C.F.R. § 302.33](#): Services to individuals not receiving Title IV-A assistance
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations
- [K.S.A. 39-753\(i\)](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [K.S.A. 39-755](#): Actions by secretary to establish parentage and to enforce support rights; necessary parties to proceedings; counsel; orders; application of section
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship
- [OCSE-AT-88-03](#): Extension of Services to Medicaid-only and Former AFDC Recipients

Procedure

Kansas' Title IV-D Program must react equitably to both CSS Enrollment Forms for IV-D services and referrals from Public Assistance (PA), child welfare or intergovernmental sources.

When a family receives assistance from TANF, MA-CTM, CC, or FA, and that family has one or both parents residing outside the home, the Kansas Eligibility Enforcement System (KEES) sends an automatic referral for IV-D services to the IV-D statewide child support system (KAECSSES) with personal information about the Custodial Party (CP), Non-Custodial Parent (NCP), and child(ren).

In addition, when a Court places a child in the custody of DCF, the IV-E system makes a referral for IV-D services to KAECSSES.

Receiving and Processing Public Assistance (PA) Referrals for IV-D Services

All referrals must be reviewed, and the case opened or reopened within 5 business days of receipt of the referral.¹ In response to a referral, the caseworker will request additional information from the CP unless:

- Work on the case is in progress and no additional information is necessary; or
- A pending or granted good cause claim prohibits action.

Note: See Initiating IV-D Action, Composing an IV-D Case, and Matching Families section for direction on accurately assessing a case for proper roles and structure.

Prior to reopening a case, the following should be determined:

- Verify if Good Cause is pending (check CADS and/or KEES); and
- Verify if case was closed due to adoption with a name change through Kansas IV-E program (check CHDS); and
- Verify parties are still living together (check KEES, CHDS, APDS, ARDS); and
- Verify if the case is being actively worked by a tribe (check CSLN).

¹ 45 C.F.R. § 303.2(a)(2)

Within 20 business days of receipt¹, the caseworker must:

- Complete the initial case assessment; and

Do you believe that pursuing child support services may result in physical or emotional harm to you or your child(ren)?
☐ No ☐ Yes (If yes, a caseworker will contact you for additional information. If you have any additional questions in the meantime, call us at (888) 757-2445)

If the following box is marked “yes” on the Enrollment Form, then the caseworker will need to set FVI on the child(ren) and the CP. The caseworker will need to contact the CP to determine if the case should be closed or proceed with services and discuss options.

- Determine if the CP has previously been in non-cooperation status. If so, determine if all necessary information or documents have been returned. Remove non-cooperation status, if applicable; and
 - If a referral is received for another child in the home with same NCP and CP is currently in non-cooperation status, the case should be reopened to add the new child and paperwork sent to CP. Two contact attempts should be made (same day). If paperwork is not returned, the case will be set for closure using the ‘FC’ closure code. A non-cooperation memorandum will not be sent to EES as no new penalty will be applied.
 - If a referral is received for another child in the home with a different NCP and CP is currently in non-cooperation status, a new case should be created, and paperwork sent to CP. Two contact attempts should be made (same day). If paperwork is not returned, the case will be set for closure using the ‘FC’ closure code. A non-cooperation memorandum will not be sent to EES as no new penalty will be applied.
- Check Kansas Vitals Statistics to determine if a father is listed on the child(ren)’s birth certificates; and
- Check KEES to verify roles, household structure and proper program information; and
- Complete search for possible existing court documents; and
- Input data and update system with any additional pertinent information obtained. (*See Intake Enrollment Form guide*); and
- Establish a case plan for actions needed.
- Send the CSS Enrollment Form, Domestic Relations Affidavit, Entry of Appearance, Allegation of Paternity, Cost of Raising a Child, Childcare Verification Form, CSS IV-D Brochure and appropriate cover letter to the CP, following non-cooperation policy and procedure for return.
- Document all steps and actions taken on List Narrative (CSLN) screen. If existing court order is known, court order number, county and state must be narrated.

Note: Referrals received must never be printed to be worked at a later time. It is the expectation of the Title IV-D Program that all referrals are worked and linked to a new or existing case within 20 days of receipt as required by federal regulations.

If the CSS Enrollment Form comes back and indicates Tribal affiliation, the Enrollment Form should be sent to CSS Administration Tribal Manager. The case should continue to be assigned to the proper Judicial District (JD), not the CSS Administration Tribal Manager.

Reassigning a IV-D Referral

If a determination is made that a referral was received and assigned to the incorrect JD or caseworker, the following actions must take place:

1. Reassign the referral from PA Referral (PAR1) screen; and

¹ 45 C.F.R. § 303.2(b)

2. Email the intake specialist for new JD to make aware of situation and forward any documentation already received; and
3. If existing case, narrate actions taken on List Narrative (CSLN) screen.

Forms and Tools

- [CSS Enrollment Form \(5033\)](#)
- [CSS Modification/Paternity Enrollment Form \(5033.3\)](#)
- [CSS Handbook](#)
- [CSS Brochure](#)
- [Intake Enrollment Form Guide](#)
- [Processing Referrals and Enrollment Forms](#)
- [CSS Office Locations](#)
- [DCF Office Locations](#)

Frequently Asked Questions

- ? *Is the Title IV-D Office required to use the Kansas Child Support Services Enrollment Form (5033), or may the Title IV-D Office create an office specific enrollment form?*
- ✓ The Title IV-D Office is required to use the Kansas Child Support Services Enrollment Form (5033).
- ? *The Enrollment Form only has space for information for one (1) "other parent". What if an enrollee is enrolling in services to establish paternity on a child and names more than one (1) alleged father?*
- ✓ The Title IV-D Office may provide the enrollee with multiple copies of the page where the information for the "other parent" is provided.

Related Information

- [Chapter 7: Inter-County Cases](#)
- [Business Practices 200](#): Information Request Management
- [Business Practices 300](#): Opening, Reopening, Changing, and Closing CSS Cases
- [Business Practices 400](#): Person Information Management
- [Business Practices 500](#): Location Information Management
- [OCSS-157 Child Support Services Annual Data Report Form and Instructions](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version
Version 2	2/19/24	Updated reopen procedures

CHAPTER 3: CASE INITIATION

Section 4: Medicaid Cases (MA)

Version: 1	Effective Date: 1/1/2024
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Background

The Federal Office of Child Support Services (OCSS) provided direction to States indicating an understanding of challenges associated with automated mandatory Medicaid (MA) referrals to the Title IV-D child support program. Appropriate referrals are those where the Medical recipient is either the Custodial Party (CP) and child(ren), or only the child(ren).¹ Additionally, in an appropriate referral, medical support rights have been assigned to the State.² OCSS understands that once a medical case is referred, there is no good mechanism to close the case to Title IV-D services if the medical applicant is not interested in the services.³

Federal guidance states that medical cases do not have to be mandatory referrals to the Title IV-D agency. However, the guidance is also clear that any medical recipient who is interested in Title IV-D services must be provided these services at no cost.⁴

Policy

To be a medical case, at least one of the following must be true:

1. The Title IV-D enrollee is receiving medical.
2. The child(ren) for whom the enrollee is requesting Title IV-D services is receiving medical.

The Title IV-D Program will pursue medical support in all cases except for the following situations:

- A CP provides proof of current satisfactory health care coverage, that is not Medicaid related; and/or
- Case is open with emancipated children for arrears only; and/or
- When an individual submits an Enrollment Form to the Title IV-D Office and the individual or the child(ren) for whom Title IV-D services are being sought is currently a medical recipient.⁵

Title IV-D services continue, without an enrollment fee, when the enrollee stops receiving Medical Assistance.⁶

References

- [45 C.F.R. § 302.33](#): Services to individuals not receiving title IV-A assistance
- [45 C.F.R. § 303.31](#): Securing and enforcing medical support obligations
- [45 C.F.R. § 303.32](#): National Medical Support Notice
- [45 C.F.R. § 303.4](#): Establishment of support obligations
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders
- [K.S.A. 23-3005](#): Modification of child support

¹ OCSE-IM-08-03

² K.S.A. 39-709(g); OCSE-IM-08-03

³ OCSE-IM-08-03

⁴ 45 C.F.R. § 302.33(a)(2)

⁵ 45 C.F.R. § 302.33(a)(2)

⁶ 45 C.F.R. § 302.33(a)(1)(iii)

- [K.S.A. 23-3104](#): Payor's duties; cost recovery fee authorized; limit on amount withheld; violations by payor; penalties
- [K.S.A. 23-3114](#): Order; coverage under health benefit plan; limited power of attorney; enrollment by employer, sponsor, or administrator of health benefit plan; disenrollment
- [K.S.A. 39-709\(g\)](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations
- [OCSE-IM-08-03](#): Guidance on Referral of Medicaid cases to Title IV-D Child Support Enforcement Agencies

Procedure

Establishment:

When petitioning to establish a medical support order, CSS should request the CP be accountable for providing health insurance coverage, unless the NCP has steady employment/HIC being carried. CSS should request that the party providing health insurance/medical support is also given the tax adjustment. When a medical support order is obtained, add a HIC legal detail to the system with effective date, with an accompanying LOPS screen to reflect the responsible party and the supported person(s).

Enforcement:

Enforce whenever satisfactory insurance is not being provided and coverage is available and viable. When private health care coverage is secured by either parent, complete the applicable KAECSSES screens (HIPH, HICP, HICV). If the child has publicly provided coverage such as Medicaid or CHIP this information is not loaded on HIPH/HICP or HICV.

If a medical inquiry letter is sent to an NCP or a CP and he/she fails to respond, then it must be assumed that health care coverage is not in place. Therefore, medical enforcement must proceed.

When an NCP begins a new job and a New Hire alert is received, a National Medical Support Notice (NMSN) must be sent within 2 days.¹ The system will automatically issue the NMSN if there is an existing MWO with a filed date. If the NMSN does not result in successful enrollment in a health insurance plan, send an Employer HIC Letter (APEMPINS, from INCS) after 30 days following the NCP hire date. This allows time to ensure the NCP remains employed and any benefit waiting period has expired.

If it is not appropriate to send a NMSN, an employer does not respond to an NMSN or a CP/NCP does not respond to a medical inquiry letter, an Employer HIC Letter (APEMPINS, from INCS) should be sent to obtain the necessary information to determine availability and viability of coverage. (An employer has 40 days to respond to a NMSN and a CP/NCP has 10 days to respond to a medical inquiry letter.)

- If a determination is made that the health care coverage is available and viable, document the information on HICV and CSLN and refer the case for establishment or enforcement of a medical support order. The cost of insurance (the information on which the viability determination was made) should accompany the legal referral.
- If a determination is made that the health care coverage is not available, document this information on CSLN.
- If a determination is made that the health care coverage is available but not viable, document this information on CSLN and HICV.

¹ 45 C.F.R. § 303.32(c)(2)

When it is determined that health care coverage is not viable, documentation must be added to CSLN and HICV. On HICV, the 'Health Insurance Viable' field should be completed with an 'N'. The narrative on CSLN and Note line on HICV should include the following information: Health insurance determined not viable and the reason(s) this determination was made. If the reason is cost, the following information should be included: 'NCP earnings are \$xx. NCP has one child support order for \$xx/mo. Per employer, cost to add HIC is \$xx.'

When employment letters are returned, any medical insurance information included in the response must be documented on CSLN and the appropriate medical screens (HIPH, HICP, HICV, HIAV) completed.

Modification:

Whenever a modification is sought, the motion will always include a request for medical support if not already ordered.¹ The order sought will follow the guidelines under 'Establishment'. If the NCP is ordered to provide and is not doing so consistently, we should consider modifying the order for the CP to provide instead. Again, the tax adjustment should follow the party who is ordered to provide. However, if the case was filed as just an SRS/DCF v. the NCP support petition and the CP is not a party, then an order against the CP to provide support cannot be entered. The CP would need to be added as a party to a case before any orders can be entered against him/her.

When there is no other basis for modification and the existing order does not include medical support, a motion to establish medical support may be sought.² Once it is determined that health insurance is available and viable, the parties should be served, or the order should be modified to include medical within 90 calendar days.³ If service is unsuccessful, diligent efforts of service must be documented.⁴

Forms and Tools

- [Medical Support Training](#)
- [How to Avoid SA Medical Failures](#)
- [HIC Viability Calculator](#)

Frequently Asked Questions

? *Q. How can the Title IV-D Office determine if a case participant receives medical assistance?*

- ✓ Kansas Department of Health & Environment (KDHA) interfaces with KEES to provide information on public insurance coverage. Each month, the statewide child support system receives matches on Medicaid coverage from KDHE on child support cases that are active/open and have at least one (1) unemancipated child.

The statewide child support system will use information provided by KDHE'S Monthly Data Match to create or update a public medical insurance record on the Medicaid Insurance screen under the CP's MPI with the following:

- Policy number;
- Coverage type;
- Group number;

¹ K.S.A. 23-3114; 45 C.F.R. § 303.31

² K.S.A. 23-3005

³ 45 C.F.R. § 303.8

⁴ 45 C.F.R. § 303.4(d)

- Policy start date; and
- Policy end date.

Related Information

- [Chapter 3: Case Initiation, Section 1 and Section 2](#)
- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

CHAPTER 3: CASE INITIATION

Section 5: Foster Care and KDOC-JS

Version: 1	Effective Date: 1/1/2024
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Background

The Department for Children and Families (DCF) is responsible for determining eligibility for Foster Care (FC) funding. The Foster Care program is financed with state funds and federal Title IV-E funds. Eligibility for Title IV-E funding shall be determined by DCF staff on each child placed in the custody of the Secretary for out of home placement.¹ This determination is necessary to assess whether state or federal funds will be accessed for each foster child's care.

Types of Foster Care Cases

1. Title IV-E FC Funded cases: This child is in the custody of the Secretary of DCF and has a social services worker within DCF that has responsibility for the child's case. Direct services to the child and the family are provided by the child welfare contractor providing foster care services for the region. This child is in custody because the child has been adjudicated as a CINC. The state must share collections on these cases with Federal programs based on the Federal Medical Assistance Percentage (FMAP) rate. These cases are automatically received through the IV-E/IV-D interface. Within 20 calendar days of an appropriate referral, the case shall open in the statewide child support system (KAECSES).² There is no enrollment fee.³
2. Title IV-E Funded NF cases: This child is in the custody of the Secretary of DCF and has a social services worker within DCF that has responsibility for the child's case. Direct services to the child and the family are provided by the child welfare contractor providing foster care services for the region. This child is in custody because the child has been adjudicated as a CINC. These are considered state only and the state retains 100% of collections on these cases. These cases are automatically received through the IV-E/IV-D interface. Within 20 calendar days of an appropriate referral, the case shall open in KAECSES.⁴ There is no enrollment fee.⁵
3. Title IV-D Funded KDOC/JS cases: When a child is in the custody of the Kansas Department of Corrections-Juvenile Services (KDOC-JS) and has a case manager at the local KDOC-JS contractor within the community. KDOC-JS provides all services through community partners. This child is in custody because the child has been adjudicated a Juvenile offender (JO). Referrals may be received through the IV-E/IV-D interface for KDOC-JS cases. Within 20 calendar days of an appropriate referral, the case shall open in the KAECSES.⁶ There is no enrollment fee.⁷
4. PPS/KDOC- JS Contracts: Both Prevention and Protection Services (PPS) and KDOC- JS contract out Foster Care services to community providers. These services may include Family Preservation, Foster Care (foster home and group home) and Adoption. In addition, KDOC- JS also provides instructional placements in Juvenile Correction Facilities (JCF) and Juvenile Detention Facility (JDF). CSS obtains child support as a result of the services provided by the contracted community providers.

¹ 42 U.S.C. § 671

² 45 C.F.R. § 303.2(b)

³ 42 U.S.C. § 654(6)(B)(i)

⁴ 45 C.F.R. § 303.2(b)

⁵ 42 U.S.C. § 654(6)(B)(i)

⁶ 45 C.F.R. § 303.2(b)

⁷ 42 U.S.C. § 654(6)(B)(i)

Agency Placement Referrals

In situations where a child(ren) was placed in the custody of the State of Kansas, the IV-E agency is responsible for sending a referral to the IV-D agency. The Custodial Party (CP) is identified as the State of Kansas.

Policy

Automated Referrals will come thru REFM as either New, Change or Reopen referrals. The case worker responsible for opening cases will process the case on KAECSSES, complete the file, enter a narrative, and enters the case in the workflow. At the time the automated referral is received, the Title IV-D Office will receive the necessary forms from the PPS finance worker/KDOC-JS along with any other information they may have via the PPS/CSS mailbox. A CSS Administration staff person monitors this mailbox and forwards the emails from PPS to the appropriate Title IV-D Office. The caseworker will then pursue against both parents, unless otherwise directed by PPS.

If there is a minor mother/father who is open FC, and they have a child placed with the minor parent who is also open FC, the Title IV-D Office will not pursue against the minor parent for support. If the parent who does not have the child placed with them is also open FC, they can be pursued.

Case Assignment Rules:

Establishment: Cases are assigned based upon the county of commitment on the FC case (found on the KEES FC Case Summary screen- County of Jurisdiction).

Enforcement: Cases are to be worked based upon the judicial district of the existing order for support.

Combo Cases: A Title IV-D case with several children and one or some of the children are placed in FC or KDOC- JS, the case is called a combo case. A new case will have to be built for the child(ren) that has entered FC or KDOC- JS.

Blended Cases: The caseworker will file a Notice of Assignment (NOA) if there is an existing order that covers the FC child. NOTE: A BLENDED case is when there is an order for multiple children but only 1 child is in custody and the others are not open IV-D. The caseworker will need to follow procedures to have the case coded as Blended at the Kansas Payment Center (KPC) and file a Partial Term NOA. The e-mail address to notify KPC of a blended case is KPC-COE@ywcass.com. If the other children on the order are on an open IV-D case, it is not necessary to file a new NOA because KPC knows to send all support payments to DCF to disburse payments. If there is an order for the NCP to pay direct, the worker will notify the NCP to pay to KPC and have the order modified to pay the KPC.¹

Minimum Orders: When the Title IV-D Office is establishing a new order because a child is in foster care, CSS is now doing minimum orders (effective August 2015). The minimum orders will have a range of \$25-\$200, with most being at \$25 per month for those making around minimum wage. We do not plan on modifying orders of parents of foster children who had an order prior to the entry into foster care and reintegration is not part of the plan.

Relative Placement: When notified of a pending Temporary Assistance for Needy Families (TANF) referral for a relative placement, the CP remains the State of Kansas. No paperwork needs to be sent to the relative.

COBRA / ICPC: Children in foster care in another state can placed in a foster home in the State of Kansas via the Interstate Compact for The Placement of Children (ICPC). When this occurs, the child may receive a Kansas medical card

¹ K.S.A. 23-3004; K.S.A. 23-3103(a)

and will show open to FC and Medical programs with Economic and Employment Services (EES). Children that are placed via ICPC should not be referred to the Title IV-D Office, as the child is in the custody of another state and support for that child should be collected by the other state. If a referral is received that lists COBRA or ICPC on the note line of PAR2, the referral should be PF 22 deactivated. If a Title IV-D case is opened in error, it should be closed.

Assignment of Rights: Only current child support that accrues during the time that the child is in FC/KDOC- JS is assigned. Any arrears that accrued prior to the child entering FC should NOT be assigned to the state.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 671](#): State plan for foster care and adoption assistance
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [K.S.A. 23-3004](#): Child support payments paid through the central unit for collection and disbursement of support payments; exception for good cause shown
- [K.S.A. 23-3103\(a\)](#): Income withholding order; issuance; service of notice; agreements or alternative arrangements; ex parte interlocutory orders; medical support orders.
- [K.S.A. 39-709\(h\)](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations

Procedure

- N/A

Forms and Tools

- [FC KDOC-JS Handbook](#)
- [Foster Care](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 5: Prevention & Protection Services \(PPS\), Foster Care \(FC\), and Kansas Department of Corrections – Juvenile Services \(KDOC-JS\)](#)
- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 3: CASE INITIATION

Section 6: Non-IVD (NIVD) Cases

Version: 1	Effective Date: 1/1/2024
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Background

A Non-IVD (NIVD) case is any case concerning paternity, child support, or medical support that is not open for establishment or enforcement through the Title IV-D program and has no mandatory programs open. A NIVD case is typically a paternity or divorce case in which the parties have retained private attorneys. These cases are maintained by the Court Trustee¹ of the assigned county or private attorneys/parties if there is no Court Trustee.

Policy

A case may be a NIVD case when any of the following apply:

1. Neither party has enrolled in Title IV-D services for assistance in establishing parentage, establishing a child support or medical support order, or enforcing a child support or medical support order.
2. The case was previously a Title IV-D case that closed.

The Title IV-D Office does not have a role in NIVD cases.

When a new or modified child support order is issued, the Court Trustee or private attorney/party is responsible for entering the order information in the statewide child support system. The Court Trustee or private party is also responsible for updating the participant records.

References

- [K.S.A. 20-377](#): Court trustee; appointment

Procedure

When the Court Trustee receives a court order for a parent to pay child support, the Court Trustee verifies whether a case currently is a IV-D case by checking the Notice of Assignment (NOA).

If the case is not a IV-D case, the Court Trustee creates the case.

If the case is not a IV-D case, and the Court Trustee receives a court order modifying a support order or adjudicating an arrears balance, the Court Trustee updates the case record.

When the Court Trustee receives updated information about a participant in a case, the Court Trustee shall update the participant record. In counties that do not have a Court Trustee, the Court Clerk enters this information for the parties.

Forms and Tools

- N/A

¹ K.S.A. 20-377



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 3: CASE INITIATION

Section 7: Intergovernmental Cases

Version: 1	Effective Date: 1/1/2024
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Background

Federal regulations required states to adopt the Uniform Interstate Family Support Act (UIFSA).¹ UIFSA 2008 is the most recent uniform law and has been adopted by all states. UIFSA is a uniform law (i.e., the same law is in all jurisdictions) that permits jurisdictions to act in similar manners when establishing, modifying, or enforcing a support obligation. Tribes will often accept UIFSA forms, but tribes are not required to adopt UIFSA 2008.²

If more than one state is involved in establishing, enforcing, or modifying a child or maintenance support order, UIFSA is utilized to determine jurisdiction and identify the responsibilities of the initiating and responding states so there is uniformity in intergovernmental legal actions. UIFSA provides the legal framework for determining which jurisdiction retains continuing exclusive jurisdiction (CEJ), or when CEJ may move to a different jurisdiction based upon the unique facts of a case. CEJ determines which actions an initiating or responding jurisdiction may take.

Definitions

- Initiating agency** is the state or tribal IV-D agency or an agency in a country, in which an individual has applied for or is receiving services.
- Intergovernmental IV-D** is a IV-D case in which the noncustodial parent lives and/or works in a different jurisdiction than the Custodial Party (CP) and child(ren) and has been referred by an initiating agency to a responding agency for services. An intergovernmental IV-D case may include any combination of referrals between states, tribes, and countries. An intergovernmental IV-D case may also include cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.
- Responding agency** means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case.
- Uniform Interstate Family Support Act (UIFSA)** means the model act promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL), now called the Uniform Law Commission,³ and mandated by section 466(f) of the Act to be in effect in all states.⁴

Policy

- One party is in one tribunal (i.e., a State, tribe, or country) and the other party is located in another tribunal; or
- A state requests Kansas to enforce arrears owed to that state when the obligor is in Kansas.

When a CP is in Kansas and the other party is in another tribunal, the case initiation process as described in the other Sections of Chapter 3: Case Initiation is the same. However, if another tribunal sends a case to Kansas for establishment, enforcement, or modification, there are some differences.

¹ 45 C.F.R. § 303.7; K.S.A. 23-36,101 et seq.

² 45 C.F.R. § 309.120

³ Home - Uniform Law Commission (uniformlaws.org)

⁴ 42 U.S.C. § 466(f)

When another tribunal requests a Kansas jurisdiction to establish, enforce, or modify an order, the initial request is sent from that tribunal to the Kansas Central Registry (CR). The initiating tribunal sends a Transmittal #1 and supporting documents, to CR either by Electronic Document Exchange (EDE), fax, or mail.¹

Occasionally, the Title IV-D Office may receive these documents directly from the initiating tribunal. If so, the Title IV-D Office shall send the entire packet of documents to the CR through EDE or email as CR maintains an electronic copy of all initial requests.²

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [45 C.F.R. § 309.120](#): What intergovernmental procedures must a Tribe or Tribal organization include in a Tribal IV-D plan
- [K.S.A. 23-36,101 et seq.](#): Citation of act
- [42 U.S.C. § 466\(f\)](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation](#)
- [Chapter 15: Intergovernmental](#)
- [Uniform Law Commission \(uniformlaws.org\)](http://uniformlaws.org)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

¹ 45 C.F.R. § 303.7(a)(4)

² 45 C.F.R. § 303.7(b)(2)

CHAPTER 4: MANDATORY CASES

Section 1: History of TANF and Title IV-D

Version: 1	Effective Date: 1/1/2024
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Background

The Social Security Act of 1935 created the Aid to Families with Dependent Children (AFDC) program. It was a federal grant program that allowed states to provide money for dependent, low-income children who were not receiving adequate financial support or care due to the death, incapacity, unemployment, or continued absence from the home of one of their parents. The most significant recent changes to the AFDC program came in 1996 with passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This changed AFDC into a time-limited grant program and renamed it the Temporary Assistance for Needy Families (TANF) program.

The state agency administering the TANF program must specify the groups of individuals that will be included in the program and the conditions of eligibility that must be met by individuals in those groups.¹ The state may not provide more limited assistance than provided by the Social Security Act except where the Social Security Act or its legislative history authorized more limited service.² The conditions for eligibility may not be inconsistent with the provisions and purposes of the Social Security Act.³

Children under age 18, or age 18 if a full-time student in a secondary school and expected to complete said educational program before reaching age 19, who are deprived of parental support or care due to death, absence, physical or mental incapacity, or unemployment; are living in the home of a parent or relative; and meet certain financial criteria are eligible for TANF.⁴

The agency in Kansas administering the TANF program is the Department for Children and Families (DCF), Division of Economic and Employment Services (EES). There is an EES office in each county. It is through these offices that a person applies for TANF. EES is responsible for gathering information necessary to make a determination of TANF benefits and continued eligibility. Persons who receive TANF get monthly assistance in the form of money that is called the grant or award. EES is also responsible for enforcement of sanctions for failing to meet eligibility requirements.

When EES is gathering and updating information on TANF applicants and recipients, the EES worker enters this information into the Kansas Eligibility and Enforcement System (KEES). KEES and the statewide child support system (KAECSES) interface through the IV-A/IV-D interface to create or update the case in KAECSES for the Title IV-D Office.

Policy

- N/A

¹ 45 C.F.R. § 233.10(a)(1)

² 45 C.F.R. § 233.10(a)(1)(ii)(A)

³ 45 C.F.R. § 233.10(a)(1)(ii)(B)

⁴ K.S.A. 39-709

References

- [**K.S.A. 39-709**](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidies, and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations
- [**45 C.F.R. § 233.10**](#): General provisions regarding coverage and eligibility
- [**45 C.F.R. § 233.20**](#): Need and amount of assistance
- [**Personal Responsibility and Work Opportunity Reconciliation Act \(PRWORA\)**](#)
- [**The Social Security Act of 1935**](#)

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 2: Assignment of Rights

Version: 1	Effective Date: 1/1/2024
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Background

Federal and State law requires that as a condition of eligibility for Temporary Assistance for Needy Families (TANF), Child Care (CC), Food Assistance (FA) and/or Medicaid (MA-CTM) each applicant or recipient shall assign to the state any rights to child support from any other person, which accrues during the period the family receives. The state shall secure an assignment of rights for a child(ren) entering Foster Care (FC) or Kansas Department of Corrections-Juvenile Services (KDOC-JS).

The child support assignment shall not exceed the total amount of assistance paid to the family.¹ Therefore, as a condition of TANF, CC, FA and/or MA-CTM eligibility, all applicants and recipients shall assign their rights to accruing child support for children covered by the TANF grant during the assistance period to the Title IV-D Program.

Policy

An application for TANF, CC, FA and/or MA-CTM must contain a notice that if assistance is granted, the applicant assigns the applicant's right to child support payments to the Secretary of the Department for Children and Families (DCF), the state agency responsible for administering Title IV-D of the Social Security Act.² In order for the applicant to be eligible for assistance, if the applicant is entitled to child or spousal support, the applicant's rights to present and pending child and spousal support payments are assigned to the Title IV-D Program.³

The assignment of rights becomes effective when the applicant becomes eligible to receive benefits and is valid up to the amount of TANF assistance provided to the recipient that has not been reimbursed to the State.⁴ The assignment terminates, with respect to current child support, at the end of the benefit period and, with respect to accrued child support, when all assistance received by the recipient has been repaid.

When there has been an assignment of rights, the Title IV-D Office is required to establish the parentage of a child for whom parentage has not yet been established. The Title IV-D Office is also required to secure a child support order from any person legally liable to support the child.⁵ The assignment of rights creates the obligation that any child support paid pursuant to a court order be disbursed, not to the Custodial Party (CP), but to the state up to the amount of the TANF benefit.⁶

¹ 42 U.S.C. § 608(a)(3)

² K.S.A. 39-709; K.S.A. 39-753(i); K.S.A. 39-754; K.S.A. 39-756

³ K.S.A. 39-709, K.S.A. 39-754; K.S.A. 39-755, K.S.A. 39-756

⁴ 42 U.S.C. § 608(a)(3)

⁵ 45 C.F.R. § 302.31(a)

⁶ 45 C.F.R. § 302.50(a)

References

- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidies, and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [K.S.A. 39-754](#): Support rights assigned to secretary; secretary's rights; court record of support collected by secretary
- [K.S.A. 39-755](#): Actions by secretary to establish parentage and to enforce support rights; necessary parties to proceedings; counsel; orders; application of section
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship
- [42 U.S.C. § 608](#): Prohibitions; requirements
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support
- [45 C.F.R. § 302.50](#): Assignment of rights to support

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 3: Cooperation with the Title IV-D Office

Version: 1	Effective Date: 1/1/2024
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Background

Federal regulations require all mandatory program recipients to be referred to the Title 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.¹

Policy

Economic and Employment Services (EES) is required to refer to the Title IV-D Office “individuals in the family of a child, for whom parentage has not been established or for whom a child support order needs to be established, modified, or enforced”.² Individuals referred to the Title IV-D Office are required to cooperate in establishing parentage, or establishing, modifying, or enforcing a child support order.³

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

- Temporary Assistance for Needy Families (TANF);
- Child Care Assistance (CC);
- Food Assistance (FA), and/or
- Medicaid (MA-CTM)⁴

Case Head

A case head is the person to whom assistance benefits are directed on behalf of the family and/or child(ren). The case head can be either the Custodial Party (CP) or Non-Custodial Parent (NCP) or alleged parent on the Title IV-D case. There are several situations where the case head would not be the CP on the Title IV-D case. In those situations, the statewide child support system (KAECSSES) must be updated to reflect the legal parent in the appropriate role. KAECSSES should always reflect the legal parent as the CP, if the legal parent is in the household and is not a minor.

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.⁵

¹ 45 C.F.R. § 264.30; 42 U.S.C. § 654(29)

² 45 C.F.R. § 264.30(a)(1)

³ 45 C.F.R. § 264.30(a)(2)

⁴ K.S.A. 39-709

⁵ K.S.A. 39-709; K.S.A. 39-759(b)

Cooperation with the Title IV-D Office

The following actions demonstrate cooperation with the Title IV-D Office:

- Responding to calls, text messages, emails, and/or correspondence;
- Appearing at an appointment in person or by telephone;
- Appearing at a court hearing when necessary;
- Providing information; or
- Affirming that the information requested is not known.

If the child is residing with a non-parent caretaker, the non-parent caretaker shall make a good faith effort to cooperate with the Title IV-D Office in providing any information regarding the parentage of the child, establishing a child support order, or enforcing a child support order. Before determining that a non-parent caretaker is not making a good faith effort to cooperate, the Title IV-D Office shall consider one or more of the following:

- Whether the person could reasonably be expected to provide the information;
- The age of the child;
- The circumstances surrounding the conception of the child;
- The age and mental capacity of the non-parent;
- The time since the person last had contact with the alleged father of the child, a parent of the child, or a relative of the alleged father or parent of the child;
- Any credible information that demonstrates an inability to provide correct information about an alleged father or parent due to the deception of the alleged father or parent; or
- Any other credible information obtained by the Title IV-D Office that demonstrates the person has knowledge of information sought by the Title IV-D Office.

Requirements for Determining Non-Cooperation

- Assistance recipient has received at least 4 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.

Sanction for Non-Cooperation

The Title IV-D Office staff determine non-cooperation at the Title IV-D case level and will take a holistic view in processing a case to determine if the information is available from the CP. Several factors may affect a CP's ability to remember or provide information.

Title IV-D Office staff should consider:

- Previously obtained information and documentation
- The feasibility of the current information, and
- CP's demeanor in determining whether they are cooperative

Penalties can result in a temporary, or long-term hardship to a family without other alternatives of support. Penalties must be applied with much care and consideration. If the caseworker determines an individual is not cooperating, and the individual does not qualify for a Good Cause or other exception, then the caseworker must promptly notify EES of

the non-cooperation.¹ When an individual refuses to cooperate with the Title IV-D Office, the individual is subject to sanctions, revocation, or suspension of services.²

The IV-A or Medicaid program determines effective dates and penalties. Penalties for non-cooperation with the Title IV-D Office for CC and TANF are being separated and will be applied separately to each program. The tiered penalty period remains the same for both programs.

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 the Title IV-D Program 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 the Title IV-D Program 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 the Title IV-D Program 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 CC eligibility.
FA	Non-cooperative person removed from the case (benefits reduced). Non-cooperative person must gain compliance with the Title IV-D Program to effectively cure the penalty and restore eligibility for benefits.
Medicaid (MA-CTM)	Non-cooperative person removed from the case unless pregnant or two months postpartum. Non-cooperative person must gain compliance with the Title IV-D Program to effectively cure the penalty and restore eligibility for benefits.

CC penalties apply to the CP if the non-cooperation was regarding the NCP of the child(ren) receiving the CC benefit at the time non-cooperation occurred. It is possible that the CP receives CC benefits for one child and not another.

The caseworker must notify EES any time a recipient fails to cooperate with establishing parentage or establishing, enforcing, or modifying a child support order. The caseworker will prepare the Non-Cooperation Memorandum for EES and email to the EES Office where the participant receives services. The caseworker then proceeds by setting the case to close using the Failure to Cooperate (FC) closure code, follows the case closure guide and narrates all actions taken in

¹ 45 C.F.R. § 264.30(b)

² 42 U.S.C. § 608(a)(2); 45 C.F.R. § 264.30(c); K.S.A. 39-709(b)(10); K.S.A. 39-709(b)(11)

KAECSES. After the required 60 days has passed, the caseworker will review KEES to ensure the participant's benefit household has been sanctioned and closes the case.¹

Non-cooperation with the Title IV-D Program is considered to have ceased when the caseworker determines the individual is now cooperating. The caseworker shall notify EES that the individual is now cooperating.

References

- [42 U.S.C. § 608](#): Prohibitions; requirements
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 264.30](#): What procedures exist to ensure cooperation with the child support enforcement requirements
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support
- [45 C.F.R. § 303.11](#): Case closure criteria
- [K.S.A. 39-709](#): Eligibility requirements for TANF, FA, CC subsidies, and medical assistance; prohibition of medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations
- [K.S.A. 39-759](#): Unlawful acts relating to information concerning absent parents; penalty

Procedure

Requesting Information or Documentation

When attempting to obtain forms or necessary information from the CP or NCP, a minimum of four attempts to contact the person must be made, utilizing all necessary means of possible contact. Multiple attempts can and should be made same day.

1. First/Second/Third Contact Attempt (may all occur same day – must be three different of the following. **Written notice must be sent during first attempt.**)
 - a. Initial written notice (via email) for information or documentation, providing a due date that allows 14 calendar days for response:
 - b. Initial written notice (via postal mail) for information or documentation, providing a due date that allows 14 calendar days for response:
 - c. Initiate phone call to CP or NCP indicating request for information or documentation is being sent; and
 1. It is acceptable to leave a specific voicemail message if voicemail identifies as the party.
 2. It is acceptable to leave a general voicemail message if voicemail does not identify as the party. State your name and that you are with the Title IV-D Office and an enrollment packet is being sent in the mail, with a due date.
 - d. Initiate text message to CP or NCP indicating request for information or documentation is being sent;
 - e. Document all efforts on CSLN.

If no response is received after 14 calendar day due date, proceed with:

¹ 45 C.F.R. § 303.11

2. Final Contact Attempt – Must be any of the following:

- a. A written notice (via email) and/or;
- b. A written notice (via postal mail) and/or;
- c. Phone call and/or;
- d. Text message; indicating the need for cooperation of returning documentation or providing information by 14 calendar day due date.
 1. If phone call and/or text message attempts are unsuccessful, a written notice must be sent by postal mail or email.
- e. Document all efforts on CSLN.

If no response is received after 14 calendar day due date:

3. Verify on KEES the following:

- a. Child(ren) on Title IV-D case are still listed in the household of the CP on the public assistance case;
- b. If child(ren) are no longer listed in the household of any CP's public assistance case, then cooperation is no longer mandatory, and direction of case needs reassessed at that time.
- c. If the CP changes and child(ren) are listed in a household on a public assistance case with this new CP, then a new series of contacts with first attempt would start with the new CP.
- d. NCP on the case is not listed in the household on the public assistance case, and
- e. If NCP is listed in the household on the public assistance case, then cooperation is no longer mandatory, as this is considered, and in-tact household and case should be reviewed for case closure.
- f. Individual which we are requesting cooperation from is not a Refugee.¹

If CP makes contact with the Title IV-D Office at any point in time during the above process stating they did not receive the request for documentation or information, lost it, moved, was thrown away, or they already turned it into a DCF or Title IV-D office, then the caseworker must resend documentation or request for information and give an extension of 14 calendar days for CP to receive and return the needed information or documentation.

Missed Interview Appointments

For any interview appointment being scheduled, the same process of notifying the CP or NCP must take place before an individual can be placed in non-cooperation status.

Missed Genetic Testing Appointments

If parties have failed to appear for at least two previously scheduled genetic testing appointments and:

- There is a court order for testing; or
 - Work with legal department to file motion to appear and show cause for failing to appear for genetic testing.
 - If CP or NCP does not appear for genetic testing after Order to Show Cause hearing has taken place and judge orders party to appear for testing, one additional chance must be provided. If party still fails to appear, then the caseworker can proceed with non-cooperation.
- There is not a court order for testing to be completed.

¹ K.S.A. 39-709(b)(2)(E)

- Proceed with filing proper motion to have order for genetic testing granted.

Processing Non-Cooperation

A series of processes must take place on KAECSSES once non-cooperation has been determined.

1. Check FACTS to determine if Prevention and Protection Services (PPS) case is open. If so, contact PPS to confirm whether they approve the penalty;
2. Enter date (current) of non-cooperation on CADS;
3. Prepare a Non-Cooperation Memo for EES, even if CP or NCP is already in non-cooperation on another CSS case and send via email to the appropriate EES office mailbox;
4. Set case for closure using the FC code;
5. Document determination of non-cooperation on CLSN, linking to non-coop HIST record;
6. Monitor for 60 days to close case; and
7. Prior to closure taking place, check KEES to ensure benefits have been discontinued.¹
 - a. If benefits have not been discontinued, the caseworker should initiate contact with EES to inquire on status.
 1. CC benefits may remain open as cooperation will only be reviewed when the CC case is reviewed for eligibility at the end of a 12 month eligibility period.

Placing Back into Cooperation Status

Placing CP or NCP back into cooperation status must be treated as a high priority and processed within 1 business day of receipt of necessary documentation or information. If CP or NCP contacts the Title IV-D Office in efforts to get into cooperation status after non-cooperation has been imposed, paperwork can be resent, if needed, but no changes are made to the case until the necessary documentation or information is received by the Title IV-D Office.

Upon receipt of necessary documentation or information the following steps must be followed:

1. If Case is Still Open
 - a. Review documents or information for completeness.
 1. If documents are not completed accurately or in a manner where next case action can take place and the Title IV-D Office is unable to move forward with the case, then phone contact must be made with CP or NCP to advise of what is still needed in order to be placed back into cooperation status; or
 2. If phone contact is not available or attempts are unsuccessful, a written notice indicating the need for remaining documentation or information must be sent by postal mail or email.
 - b. Review all cases that CP is associated with to verify cooperation.
 1. If CP is in non-cooperation status on any additional cases, then phone contact must be made to advise of what is still needed in order to be placed back into cooperation status; or
 2. If phone contact is not available or attempts are unsuccessful, a written notice indicating the need for remaining documentation or information must be sent by postal mail or email.
 - c. Enter date CP placed back in cooperation on CADS;

¹ 45 C.F.R. § 303.11(b)(11)

1. CP must be in cooperation status on all cases prior to updating CADS.
- d. Document determination for cooperation on CSLN; and
- e. Proceed with next action in case.
2. If Case is Closed
 - a. Review documents or information for completeness; and
 1. If documents are not completed accurately or in a manner where next case action can take place and the Title IV-D Office is unable to move forward with the case, then phone contact must be made with CP or NCP to advise of what is still needed in order to placed back into cooperation status; or
 2. If phone contact is not available or attempts are unsuccessful, a written notice indicating the need for remaining documentation or information must be sent by postal mail or email.
 - b. Enter date documents or information were received in office on CADS;
 - c. Document determination of cooperation on CLSN; and
 - d. Proceed with re-opening the case and next action necessary to move case forward.

Documentation of Contact Attempts

Each attempt to contact the CP or NCP must be narrated in detail on KAECSSES (including street name of address written contact was sent to, email address used and last four digits of phone number for any calls made, or text messages sent).

Additional Information

As a general rule of thumb, if paperwork is no longer needed then non-cooperation can be lifted.

1. If the Enrollment Form is received back but is not fully completed, the following must be initiated:
 - a. Review and determine if the case can move forward without the missing information.
 1. If so, no further action is needed and proceed with processing the case.
 2. If not, proceed to second contact of non-cooperation procedures above.

Information can be obtained over the phone or by text message and may be entered on the Enrollment Form by staff with their initials to indicate who filled in the information.

2. If legal documents are received back and have not been signed by the necessary party, actions to obtain a signature must be initiated. These actions include but are not limited to:
 - a. Call and/or text message to party indicating need for signature to remain in cooperation status with the Title IV-D Office; or
 - b. Written notice sent to party with specific instructions on what is needed to remain in cooperation. The original legal documents previously returned must be included with this written notice with a due date that allows 14 calendar days for compliance.
3. If any Title IV-D Office document is received and is not dated by the CP or NCP, then the caseworker must utilize the date stamp of document received in the office as the official date. A missing date is not a reason to place a CP or NCP in non-cooperation status.

4. If any Title IV-D Office legal document is received that has signature but did not have a printed name in any location, the name may be written in and is not a reason for non-cooperation.
5. If at any time a single document is missing, it must be reviewed to confirm that the missing document is needed to proceed and only the missing document must be re-sent to the CP or NCP.
6. If Child Support Services Paternity Questionnaire and/or Allegation of Paternity are not returned from birth parent, then the Title IV-D Office will proceed with non-cooperation.
7. Not returning a Domestic Relations Affidavit (DRA) and/or Entry of Appearance (EOA) is not a reason for non-cooperation unless there is a locate on the other parent and case is ready to be referred for petition or motion to be filed.
8. Upon re-opening a case, if documentation is not stale dated, non-cooperation is not appropriate until such time as new information is needed and not returned.
 - a. DRA and EOA are valid for filing for 6 months from date signed (if no date was provided, then date received in office can be utilized); and
 - b. Allegation of Paternity (also known as Allegation of Parentage) never expire.

Change of Circumstances

When a CP or NCP contacts the Title IV-D Office in efforts to get into cooperation status after non-cooperation has been imposed, and one of the following circumstances have occurred:

1. Change of custody or child(ren) no longer residing with CP

If case is closed:

- a. Review program status on KEES to determine if child(ren) have been removed from CP's case; also determine if child(ren) are receiving benefits with NCP.
 1. If child(ren) are receiving mandatory benefits with NCP, determine if Title IV-D referral has been received.
 2. Place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
 3. Document determination of cooperation on CSLN.

If case is open:

1. Review program status on KEES to determine if child(ren) have been removed from CP's case; also determine if children are receiving benefits with NCP.
 - i. If child(ren) are receiving mandatory benefits with NCP, determine if Title IV-D referral has been received.
2. If change of custody has been established through a court order, request copy of order.
3. If the Title IV-D Office is unable to move forward with the case, place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
4. Document determination of cooperation on CSLN.

2. Child(ren) on case have emancipated:

If case is closed:

- a. Review child(ren)'s emancipation field on the Child Detail screen (CHDS).

1. If child(ren) has/have emancipated and no longer in school, place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
2. Document determination of cooperation on CSLN.

If case is open and remaining child(ren) on case have not emancipated, CP will still be required to participate with the Title IV-D Office by completing all necessary paperwork.

b. CP and NCP are now residing together:

If case is closed:

1. Review program status on KEES to determine if NCP has been included in the household.
2. Place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
3. Document determination of cooperation on CSLN.

If case is open:

1. Review program status on KEES to determine if NCP has been included in the household.
2. Review Child Paternity Maintenance screen (CPAT) to determine if parentage has been established.
 - i. If paternity has not been established, determine if expedited parentage is warranted.
3. Review case for any URA reimbursement.
4. If the Title IV-D Office is unable to move forward with the case, place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
5. Document determination of cooperation on CSLN.

3. NCP is deceased:

If case is closed:

- a. Search for obituary or confirmation of NCP's death by utilizing locate tools.
 1. If unable to locate, request documentation from CP.
- b. Once verified, place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
- c. Document determination of cooperation on CSLN.

If case is open:

- a. Search for obituary or confirmation of NCP's death by utilizing locate tools.
 1. If unable to locate, request documentation from CP.
- b. Review case to determine if parentage has been established and if any other alleged fathers exist.
- c. If no additional fathers named and the Title IV-D Office is unable to move forward with the case, place CP back in cooperation status on CADS; enter date CP contacted the Title IV-D Office on CADS as cooperation date.
- d. Document determination of cooperation on CSLN.



Forms and Tools

- [EES Email Addresses by Office Location](#)
- [Non-Cooperation Memorandum to EES](#)
- [Closure Checklist](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 4: Non-Parent Custodial Parties

Version: 1	Effective Date: 1/1/2024
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Background

This policy aims to clarify that:

1. If a person is referred to the Title IV-D Office for Title IV-D services through the IV-A/IV-D interface; and
2. The person does not have legal guardianship of the child, but the Division of Economic and Employment Services (EES) found the person to be a relative caregiver of the child for the purpose of approving Temporary Assistance for Needy Families (TANF), Food Assistance (FA), Child Care (CC), or Medicaid (MA-CTM) assistance then;
3. The Title IV-D Office shall consider the person to be the Custodial Party (CP) and proceed with case.

Policy

1. Persons Eligible to Receive TANF, FA, CC, and/or MA-CTM.
Assistance shall be awarded only to an eligible dependent child and the following eligible person with whom the child resides:

- a. Parent of the dependent child;
- b. The dependent child's other caretaker relative who requested assistance.¹

A caretaker relative is defined as the specified relative exercising care and control of the child.²

2. Persons Eligible to Receive Child Support Payments

The Title IV-D state plan is required to provide that any payments made to a family be made to either "the resident parent, legal guardian, or caretaker relative having custody of, or responsibility for, the child or children."³

Further, the court may order child support payments be made to any third party who has not been awarded legal custody upon agreement of the parties and approved by the court or who has been appointed by the court to receive payments. These third parties may include:

- a. A trustee;
- b. The guardian of the child's estate;
- c. Any third person;
- d. The Department of Prevention and Protection Services (PPS);
- e. Any appropriate social service agency;

Thus, it follows that if:

¹ 45 C.F.R. § 233.10(b)(ii); K.S.A. 39-709

² 45 C.F.R. § 233.80(b)(v)(B); K.S.A. 39-709

³ 42 U.S.C. § 654(11); 45 C.F.R. § 302.38

1. A person is eligible to receive TANF, FA, CC and/or MA-CTM if that person is found to be a caretaker relative exercising care and control of a child and who did not obtain physical custody for the purposes of qualifying for assistance;
2. PPS is required to make payments to a caretaker relative having custody of or responsibility for the child; and
3. The court may order child support payments to any third person;

Then a caretaker relative is eligible for Title IV-D services and should not be denied the services of the Title IV-D Program in establishing parentage, establishing a child support order, modifying a child support order, or enforcing a child support order as required for the person's TANF eligibility.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 233.10](#): General provisions regarding coverage and eligibility
- [45 C.F.R. § 233.80](#): Disability
- [45 C.F.R. § 302.33](#): Services to individuals not receiving title IV–A assistance
- [45 C.F.R. § 302.38](#): Payments to the family
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, childcare subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations
- [K.S.A. 39-718b](#): Liability of parent or guardian for assistance provided child, exceptions
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [K.S.A. 39-754](#): Support rights assigned to secretary; secretary's rights; court record of support collected by secretary
- [K.S.A. 39-755](#): Actions by secretary to establish parentage and to enforce support rights; necessary parties to proceedings; counsel; orders; application of section
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship

Procedure

The duty of parents to support their children is a common law duty which exists apart from any court order or statute. This duty to support a child does not cease simply when the parent's child goes to live with a third party. Because a child is living with a non-parent without legal custody or guardianship, that child is no less deserving of the financial support of his or her parent(s).

In fact, a petition for child support may be filed by any person entitled to receive support for a child. The court may order one or both parents to pay support to a person other than the person awarded legal custody.

Upon receiving notice of the referral through the IV-A/IV-D interface, the Title IV-D Office should review the case to determine whether parentage needs to be established; a child support order needs to be established, modified, or enforced; and/or whether a medical support order needs to be established or enforced. During this review, the Title IV-D Office may determine additional information is needed and is strongly encouraged to contact the CP for this information.

When a family is no longer receiving TANF, FA, CC, MA-CTM, Foster Care (FC) and Kansas Department of Corrections – Juvenile Services (KDOC-JS) the Title IV-D case continues.¹ When the CP, who did not have legal custody or legal guardianship at the time of the Public Assistance (PA) referral, and child(ren) are no longer on TANF, the Title IV-D Office is to proceed in working the case.²

An application for, or receipt of, TANF, FA, CC, MA-CTM or placed in care of the Secretary of the Department for Children and Families (DCF) shall constitute an assignment of support rights and Limited Power of Attorney to the Secretary of the DCF.³

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 FC recipient may have in their own behalf or on behalf of any family member for whom the recipient receives assistance.⁴ 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.⁵ The assignment of support rights and limited POA will automatically become effective on the date that TANF benefits or FC and/or KDOC-JS placements are approved without the requirement that any document be signed by the customer.⁶

Under the terms of the support assignment, the active Public Assistance or FC recipient agrees to turn over to the Title IV-D Program all support payments received.⁷ The assignment remains in effect if the TANF or FC case is open, even if no TANF or FC grant is issued, or the CP no longer has physical custody of the child.⁸ Any support obligations that accrued during the time frame TANF or FC was open remain due and owing to the Title IV-D Program upon TANF closure or child(ren) being released from FC placement. The Title IV-D Program will not keep more than the TANF grant, or FC placement grant spent.⁹

Support obligations which accrued prior to the receipt of TANF or FC placement could remain due and owing at TANF closure or FC release date as conditionally assigned to the Title IV-D Program. This will be based on the time frame in which the arrears accrued, due to changes in Federal Distribution Policies. After the TANF or FC case closes, the assignment remains in effect until the CP provides a written statement to the Title IV-D Office that services are no longer desired.¹⁰ The assignment could also end at the discretion of the Title IV-D Office.

Continued Services

When families lose eligibility for and/or are no longer involved with TANF, FA, CC, MA-CTM, FC and KDOC-JS, the Title IV-D Program is federally required to notify families that IV-D services will be continued unless the CP notifies the program

¹ 42 U.S.C. § 654(25); K.S.A. 39-756(b)

² K.S.A. 39-753; K.S.A. 39-754; K.S.A. 39-755; K.S.A. 39-756; K.S.A. 39-756a

³ K.S.A. 39-709

⁴ K.S.A. 39-709(d); K.S.A. 39-709(g); K.S.A. 39-709(h)

⁵ K.S.A. 39-709(d); K.S.A. 39-709(g); K.S.A. 39-709(h)

⁶ K.S.A. 39-709(d); K.S.A. 39-709(g); K.S.A. 39-709(h)

⁷ K.S.A. 39-709(d)

⁸ K.S.A. 39-756

⁹ K.S.A. 39-709(h); K.S.A. 39-718b; K.S.A. 39-756a

¹⁰ K.S.A. 39-756



that they wish to stop receiving services.¹ A continued services letter is sent to the CP by the Title IV-D Office within 5 business days of mandatory program closure.²

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 302.33
² 45 C.F.R. 302.33(4)

CHAPTER 4: MANDATORY CASES

Section 5: Child Support Paid Directly to the Mandatory Assistance Recipient

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

If a Custodial Party (CP) is receiving Temporary Assistance for Needy Families (TANF), Food Assistance (FA), Child Care (CC) and/or Medicaid (MA-CTM), the CP should be reminded that the court has ordered that all payments are to be paid through the Kansas Payment Center (KPC) as they are not to accept direct child support payments from the Non-Custodial Parent (NCP). If the order is a Non-Kansas order, the CP should advise local Economic and Employment Services (EES) so that payments may be budgeted.

If the Title IV-D Office discovers that the CP has been receiving child support payments directly from the NCP and the CP has kept these payments, the Title IV-D Office is to notify the local EES handling the TANF case. The IV-D Office will need to verify if the child support payment was budgeted.

The IV-D Office uses the KPC or other state's pay history as the official payment record. Any payments made outside of a court order that designates the KPC or other state's designation 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 Office 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.

References

- N/A

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 6: Calculating the Amount of Support Retained as a Result of the Assignment

Version: 1	Effective Date: 1/1/2024
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Background

The amount of support retained as a result of an assignment of child support is calculated when a family is receiving Temporary Assistance for Needy Families (TANF).

Policy

When there is an assignment of the family's support rights, the amount of child support or child and spousal support assigned may not exceed the total amount of assistance paid to the family.¹ The amount of the assignment is the lesser of the child and spousal support owed, pursuant to court order, during the period of the TANF grant or the amount of the TANF grant during the period the Non-Custodial Parent (NCP) was under a court order to pay child support or child and spousal support.

In certain situations, a household receiving TANF assistance may have more than one NCP ordered to pay child support. In these situations, any incoming child support and/or spousal support is first paid to the state, regardless of which NCP makes the payment.

When the total amount of TANF assistance is less than the total child support or child and spousal support obligation for all NCPs, child support or child and spousal support collected is first paid to the state up to the amount of the Unreimbursed Assistance (URA) balance listed in the statewide child support system (KAECSSES).² Once the URA is zero, any additional child support or child and spousal support collected in that month is held until the beginning of the following month when it is disbursed to the Custodial Party (CP).³ This payment is known as an excess over URA disbursement, and can be found by looking at the CURA screen in KAECSSES.

When the total amount of TANF assistance is greater than the total child support or child and spousal support obligation for all NCPs, child support or child and spousal support collected is first paid to the state up to the amount of each individual NCP's child support or child and spousal support obligation.⁴

When a CP and child(ren) are no longer receiving TANF, once the current month's child support or child and spousal support obligation is fulfilled, any additional amounts are applied first to arrearage owed to the CP and then to arrearage owed to the state, with the exception of collections from federal tax intercepts which are applied to arrearage owed to the state.⁵

References

- [42 U.S.C. § 608](#): Prohibitions; requirements

¹ 42 U.S.C. § 608(a)(3)

² 42 U.S.C. § 657(a)(3)

³ 42 U.S.C. § 657(a)(1)

⁴ 42 U.S.C. § 657(a)(3)

⁵ 45 C.F.R. § 302.51(a)(1); K.S.A. 39-756; K.S.A. 39-756a

- [42 U.S.C. § 657](#): Distribution of collected support
- [45 C.F.R. § 302.50](#): Assignment of rights to support
- [45 C.F.R. § 302.51](#): Distribution of support collections
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 7: Updating Mandatory Cases

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

When a change in a Temporary Assistance for Needy Families (TANF), Food Assistance (FA), Medicaid (MA-CTM), Foster Care (FC), Kansas Department of Corrections-Juvenile Services (KDOC-JS), and/or Child Care (CC) case occurs, the Title IV-D Office receives updated information from the Economic and Employment Services (EES) division via the IV-A/IV-D interface. This will include, but is not limited to, demographic updates, address changes, and good cause determinations.

References

- N/A

Procedure

EES transmits case update information and changes in participant data to the Title IV-D Office via the IV-A/IV-D interface. Where possible, the statewide child support system (KAECSES) automatically updates this information. Automatic updates generally occur when demographic information or address changes are sent. KAECSES generates events to document the actions taken by the IV-A/IV-D interface.

Addition of a Child to a Public Assistance Case

- If any children are added to an existing TANF, FA, MA-CTM and/or CC case, the Title IV-D Office will receive this information via the IV-A/IV-D interface.

Case Transfer

- If a Custodial Party (CP) is approved for TANF, FA, MA-CTM and/or CC in County A and then moves to County B and there is not an existing child support order, the Title IV-D Office will transfer the case to County B. If the case transfer requires movement from one Title IV-D Office to another, an email will be sent to the new assigned case worker.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation](#)



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 4: MANDATORY CASES

Section 8: When the Custodial Party Is No Longer Receiving Mandatory Assistance

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Economic and Employment Services (EES) notifies the Title IV-D Office via the IV-A/IV-D interface when the Temporary Assistance for Needy Families (TANF), Food Assistance (FA), Medicaid (MA-CTM) and/or Child Care (CC) recipient is no longer receiving assistance. EES sends a notice to the former recipient notifying the individual that Title IV-D services will continue.¹ The Title IV-D case remains open, and the Title IV-D Office remains responsible for the child support case unless the case closes under one of the federal case closure reasons.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.33](#): Services to individuals not receiving title IV-A assistance
- [K.S.A. 39-756a](#): Time assignment of support rights under K.S.A. 39-709 remains in effect; assignment of rights to payment for medical care unaffected

Procedure

When a family's public assistance is discontinued, EES notifies the Title IV-D Office via the IV-A/IV-D interface. The statewide child support system (KAECSSES) will automatically change the case type to Non-Public Assistance (NA) to reflect the termination. The Title IV-D Office shall continue the child support services unless the Custodial Party (CP) sends a written request to terminate services.

If the CP is no longer receiving any mandatory assistance, the CP may sign and submit a request to close the Title IV-D case. If there is an arrearage owed to the State due to the TANF case, the Title IV-D Office will keep the case open. The Title IV-D Office is only responsible for enforcing the case up to the arrearage owed to the state.²

When families lose eligibility for and/or are no longer involved with any mandatory programs, the Title IV-D program is federally required to notify families that Title IV-D services will be continued unless the CP notifies the program that they wish to stop receiving Title IV-D services. A continued services letter is sent to the CP by the caseworker within 5 business days of mandatory program closure.

Forms and Tools

- N/A

¹ 42 U.S.C. § 654(25); 45 C.F.R. § 302.33(a)(4)

² K.S.A. 39-756a



Related Information

- [Chapter 16: Case Closure](#)

Frequently Asked Questions

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 1: Definitions

Version: 1	Effective Date: 1/1/2024
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Definitions

The Department for Children and Families (DCF) administers both the child support and Foster Care (FC) programs in Kansas.

1. **“IV-E”** refers to the Title of the Social Security Act addressing federal payments for foster care and adoption assistance.
2. **Child in Need of Care (CINC):** This child is in the custody of the Secretary of DCF and has a Social Services Worker within DCF that has responsibility for the child’s case. Direct services to the child and the family are provided by the Child Welfare Contractor providing foster care services for the region. This child is in custody because the child has been adjudicated a Child In Need Of Care (CINC). ¹
3. **KDOC-JS** This child is in the custody of the Kansas Department of Corrections- Juvenile Services (KDOC- JS) and has a case manager at the local KDOC- JS contractor within the community. KDOC- JS provides all services through community partners. This child is in custody because the child has been adjudicated a Juvenile offender (JO). ²
4. **Title IV-D child Foster Care Case** is any case that either:
 - a. Has been referred to the Title IV-D Office through the IV-E/IV-D interface because the child is in a Title IV-E funded placement; or
 - b. The county DCF Child Welfare office has requested Title IV-D services because the child is in a non-Title IV-E funded placement.
5. **Title IV-E Funded FC:**
The state must share collections on these cases with the feds based on the FMAP rate. These cases are automatically received through the IV-E/IV-D interface.³
6. **Title IV-E Funded NF:**
These are considered state only and the state retains 100% of collections on these cases. These cases are automatically received through the IV-E/IV-D interface.⁴
7. **Title IV-E Funded NC:**
When a child is in the custody of the Kansas Department of Corrections-Juvenile Services (KDOC-JS) and has a case manager at the local KDOC-JS contractor within the community. KDOC-JS provides all services through community partners. ⁵
8. **PPS/KDOC- JS Contracts:**
Both Prevention and Protection Services (PPS) and KDOC- JS contract out Foster Care (FC) services to community providers. These services may include Family Preservation, Foster Care (foster home and group home) and Adoption. In addition, KDOC- JS also provides instructional placements in Juvenile Correction Facilities (JCF) and Juvenile

¹ K.S.A. 38-2202(d)

² K.S.A. 38-2302(s)

³ 42 U.S.C. § 670; 45 C.F.R. § 1355

⁴ 42 U.S.C. § 670; 45 C.F.R. § 1355

⁵ 42 U.S.C. § 670; 45 C.F.R. § 1355

Detention Facility (JDF). CSS obtains child support because of the services provided by the contracted community providers.¹

Policy

- N/A

References

- [42 U.S.C. § 670](#): Congressional declaration of purpose; authorization of appropriations
- [45 C.F.R. § 1355](#): General
- [K.S.A. 38-2201](#): Citation; construction of code; policy of state
- [K.S.A. 38-2202](#): Definitions
- [K.S.A. 38-2301](#): Citation; goals of the code; policy development
- [K.S.A. 39-709\(h\)](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations

Procedure

- N/A

Forms and Tools

- [Foster Care and KDOC-JS Handbook](#)
- [FACTS Desk Guide](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation, Section 5: Foster Care and KDOC-JS](#)

Revision History

Version	Date	Description of Revision
Version 1	1/01/2024	Final Approved Version.

¹ K.S.A. 38-2301, K.S.A. 38-2201, K.S.A. 39-709(h)

CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 2: Locate

Version: 1	Effective Date: 1/1/2024
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Background

Kansas Title IV-D Program operates the State Parent Locator Service (SPLS) and receives and transmits information to the Federal Parent Locator Service (FPLS).¹ This information is highly confidential, and confidentiality must be maintained at all times.

Prior to 2010, SPLS and FPLS could only be used by the Title IV-D Program for purposes related to the establishment of paternity and the establishment, modification, or enforcement of child support obligations.

In 2010, the Federal Office of Child Support Services (OCSS) issued revised regulations permitting and encouraging CSS to share certain SPLS and FPLS information with the Department for Children and Families (DCF) Prevention and Protection Services (PPS) staff about parents and relatives of children involved in foster care (FC) cases. This was the result of the Fostering Connections to Success and Increasing Adoptions Act requiring child welfare agencies to identify and send notification to all grandparents and adult relatives notifying them of the removal of a child from the custody of the parents. Therefore, CSS assists PPS staff, using SPLS and FPLS, in locating children, Non-Custodial Parents (NCPs), grandparents, and relatives. This locate assistance is provided through access that PPS staff have been given to the FPLS State Services Portal (SSP).²

Policy

DCF PPS staff may receive locate services on an as needed basis throughout the life of a Title IV-D case.³

DCF PPS staff are entitled to receive the following locate information concerning the NCP(s):

- Person's name;
- Person's Social Security Number;
- Person's address;
- Employer's name;
- Employer's address;
- Employer's Identification Number;
- Wages, income, and benefits of employment, including health care coverage.
- Type, status, location, and amount of assets or debts owed by or to the individual.⁴

¹ 42 U.S.C. § 653; 45 C.F.R. § 302.35; OCSS-IM-12-02; K.S.A. 39-758

² 42 U.S.C. § 653(a)(2); 42 U.S.C. § 653(c)(4); 42 U.S.C. § 653(j)(3); 42 U.S.C. § 671(a)(29); 45 C.F.R. § 302.35(a)(2); 45 C.F.R. § 302.35(d); OCSE-IM-12-02

³ 45 C.F.R. § 302.35(a)(1)

⁴ 42 U.S.C. § 653(a)(2); 45 C.F.R. § 302.35(d)(1)

DCF PPS staff are entitled to receive the following locate information concerning non-parent relatives of a child receiving Title IV-B or Title IV-E services:

- Person's name;
- Person's Social Security Number;
- Person's address;
- Employer's name;
- Employer's address; and
- Employer's Identification Number.¹

Locate information obtained through Financial Institution Data Match (FIDM) or the Internal Revenue Service (IRS) will not be disclosed to DCF PPS unless the information is independently verified.²

References

- [K.S.A. 39-758](#): Location of absent parents or their assets; cooperation of governmental units with secretary; availability of information
- [42 U.S.C. § 653](#): Federal Parent Locator Service
- [42 U.S.C. § 671](#): State Plan for Foster Care and Adoption Assistance
- [45 C.F.R. § 302.35](#): State Parent Locator Service
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997
- [OCSE-IM-12-02](#): Requests for Locate Services, Referrals, and Electronic Interface between Child Welfare and Child Support Systems
- [Fostering Connections to Success and Increasing Adoptions Act \(P. L. 110-351\)](#)

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 8: Parent Locate](#)

Revision History

Version	Date	Description of Revision
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¹ 42 U.S.C. § 653(c); 45 C.F.R. § 302.35(d)(2)

² 45 C.F.R. § 303.21(d)(3); 45 C.F.R. § 307.13(a)



Version 1	1/1/2024	Final Approved Version
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CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 3: Parentage Establishment

Version: 1	Effective Date: 1/1/2024
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Background

Many of the tasks associated with establishing parentage may be undertaken by either the Kansas Child Support Services (CSS) IV-D attorney or the District Attorney's Office. The CSS attorney and District Attorney's office coordinate their efforts in establishing parentage. The Title IV-D office is strongly encouraged to become familiar with the local rules and practice in his or her county relating to the division of responsibilities between the Title IV-D Program and District Attorney's office.

Policy

When the Juvenile court orders genetic testing, Prevention and Protection Services (PPS) will send a copy of the Order for Genetic Testing and address information for the mother, father, and placement of child to the PPS/CSS mailboxes monitored by CSS Administration. This information will be forwarded to the appropriate field office.

References

- [42 U.S.C. § 654](#): State plan for spousal and child support
- [45 C.F.R. § 303.5](#): Establishment of Parentage
- [K.S.A. 23-2201](#) et seq., Kansas Parentage Act
- [K.S.A. 38-2201](#) et seq., Citation; construction of code; policy of state
- [K.S.A. 38-2301](#) et seq., Revised Kansas Juvenile Justice Code
- [K.S.A. 39-755](#): Actions by Secretary of Children and Families to Establish Parentage
- [K.S.A. 39-756](#): Support Enforcement Services Available
- [In re Marriage of Ross](#), 245 Kan. 591, 783 P.2d 331 (1989)

Procedure

Parentage

In order to establish parentage, ¹ the attorney will need one of the following:

- The 5410A (Foster Care (FC) referral from PPS)
- Order for genetic testing from juvenile court. Be wary of *Ross* issues and the juvenile court not addressing the issue before moving forward with the genetic testing.
- Birth certificate
- Paternity Affidavit
- Child Support Questionnaire ²

¹ K.S.A. 39-755; K.S.A 39-756; 42 U.S.C. § 654(4)(A); K.S.A. 23-2201 et seq.; K.S.A. 38-2220; K.S.A. 38-2318; 45 C.F.R. § 303.5

² K.S.A. 23-2201 et seq, *In re Marriage of Ross*, 245 Kan. 591, 783 P.2d 331 (1989)

Orders for Genetic Testing¹

When the Juvenile court orders genetic testing, PPS will send a copy of the Order for Genetic Testing and address information for the mother, alleged father and placement of child to the PPS/CSS mailboxes monitored by CSS Administration. This information will be forwarded to the appropriate field staff.

When receiving an Order for Genetic testing from the juvenile court, review the system to ensure there is not already an order establishing parentage, a name listed on the birth certificate, or a father presumed by marriage and check for all necessary referral documents. If the child already has a presumed parent, a *Ross* hearing must be held before conducting genetic tests. It is our responsibility to ensure that a *Ross* hearing occurred, and we may need to inquire. If it has not occurred, the issue should be brought to the attention of the CSS attorney to address in the juvenile court before scheduling testing.²

After determining genetic testing is appropriate:

- The caseworker will submit an appointment request through the approved vendor for the Non-Custodial Parent (NCP), Mother, and child(ren).
- Motherless tests are an option if the mother is not available for testing.

Once genetic testing has been completed, the caseworker will notify PPS of the results. These must not be provided over the phone; email would be appropriate.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation, Section 5: Foster Care and KDOC-JS](#)
- [Chapter 9: Establishing Parentage, Section 4: Genetic Testing](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version.

¹ K.S.A. 23-2212; K.S.A. 38-2318; K.S.A. 38-2220; 45 C.F.R. § 303.5(c)-(e); 42 U.S.C. § 654(29)(C); (D)

² In re Marriage of Ross, 245 Kan. 591, 783 P.2d 331 (1989)

CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 4: Establishment and Enforcement

Version: 1	Effective Date: 1/1/2024
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Background

Many of the tasks associated with obtaining a child support order may be undertaken by either the District Attorney's Office or the Title IV-D Office.

While the District Attorney's Office may take the lead in establishing the child support order, the Title IV-D Office is charged with the enforcement of the child support order in the Title IV-D case. If the District Attorney's Office does not establish a child support order, the Title IV-D Office may elect to establish a child support order.¹

If PPS decides that either or both parents paying child support would hinder reintegration and be contrary to the best interests of the child, they can request the Title IV-D Office not pursue current support or enforcement of the current support obligation. The Title IV-D Office will defer to their determination as what is in the best interests of the child and take no action that will hinder reintegration.

It is important to note that child support orders are separate from reimbursement orders. For further discussion of reimbursement orders, see Chapter 5: Prevention & Protection Services (PPS) Child Welfare, Foster Care (FC), and Kansas Department of Corrections – Juvenile Services (KDOC-JS), Section 7: Reimbursement Orders.²

Policy

Upon the receipt of a foster care case, the Title IVD caseworker should determine if a child support order exists for the child. This determination will result in one of the three scenarios.

1. No Existing Child Support Order

The case will be monitored and if appropriate, will be referred to the Title IV-D Attorney for establishment of a child support obligation including medical support. When the Title IV-D Office is establishing a new order because a child is in FC, minimum orders are now done (effective August 2015). The minimum orders will have a range of \$25.00-\$200.00, with most being at \$25.00 per month for those making around minimum wage. The court may deviate from the Child Support Obligation Worksheet and is required to specify the reason for the deviation. The court may determine that a child support order of \$0.00 is appropriate for one or both parents. Any child support order that is expressed in a numeric value, which includes an order of \$0.00, is to be entered into the statewide child support system (KAECSES) as a child support order.

Child in Need of Care (CINC) courts establish a child support order for a parent within the CINC case. The Title IV-D staff should work with their local CINC court to set up a procedure to domesticate the orders in District Court

¹ K.S.A. 38-2277 through K.S.A. 38-2280; K.S.A. 38-2319 through K.S.A. 38-2322; K.S.A. 39-755 through K.S.A. 39-756; K.S.A. 23-3101 et seq.; K.S.A. 23-3001 et seq.; 45 C.F.R. § 303.6; 45 C.F.R. § 303.4

² K.S.A. 39-718b, K.S.A. 38-2216; K.S.A. 39-709(h); K.S.A. 39-755; K.S.A. 38-2315

2. Existing Child Support Order for this Child Only

If an existing child support order is in effect, the caseworker will review the Notice of Assignment (NOA) on file, the accuracy of the obligation, and the Income Withholding Order (IWO) for any changes that may be needed.

a. Existing Child Support Order for Multiple Children (Combo Cases and Blended Cases)

1. Combo cases: When there is an existing child support order for multiple children, already with an open Title IV-D case, and not all the children have been removed from the home, the Title IV-D Office shall open a new separate case for the child(ren) that have entered FC or KDOC-JS.
2. Blended cases: The caseworker will file a NOA if there is an existing order that covers the FC child.
NOTE: A blended case is when there is an order for multiple children but only one child is in custody and the others are not open Title IV-D. The caseworker will need to follow procedures to have the case coded as blended at the Kansas Payment Center (KPC) and file a Partial Term NOA. The e-mail address to notify KPC of a blended case is kpc-coe@ywcss.com and should include:
 - i. The full court order number.
 - ii. A request that KPC status be set as “BLND” or “Blended”
 - iii. The amount of monthly (NIVD) current child support due, and
 - iv. If there is a maintenance order, the amount of (NIVD) current maintenance due.
3. If there is an order for the Non-Custodial Parent (NCP) to pay direct, the caseworker will notify the NCP to make payments through KPC and have the order modified for payments to be made through the KPC.

References

- [45 C.F.R. § 303.4](#): Establishment of Support Obligations
- [45 C.F.R. § 303.6](#): Enforcement of Support Obligations
- [K.S.A. 23-3001 et seq.](#): Minor children; support and education
- [K.S.A. 23-3101 et seq.](#): Title and purpose of act; severability
- [K.S.A. 38-2216](#): Expense of care and custody of child
- [K.S.A. 38-2277 through K.S.A. 38-2280](#): Child support establishment/enforcement under revised Kansas code for care of children
- [K.S.A. 38-2315](#): Expense of care and custody of juvenile
- [K.S.A. 38-2319 through K.S.A. 38-2322](#): Child Support establishment/enforcement under revised Kansas juvenile justice code
- [K.S.A. 39-709\(h\)](#): Assignment of Support Rights for Children in Custody of the Secretary
- [K.S.A. 39-718b](#): Liability of parent or guardian for assistance provided child, exceptions
- [K.S.A. 39-755](#): Actions by secretary to establish parentage and to enforce support rights; necessary parties to proceedings; counsel; orders; application of section
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship
- [Kansas Child Support Guidelines and Worksheet](#)

Procedure

When establishing a child support obligation, the Child Support Worksheet is completed as usual to determine each parent’s proposed support obligation. This amount for each parent is the presumptive amount each parent should pay

the Title IV-D Program. The Court may deviate from these amounts based on the child's best interest and other necessary obligations of the child's family.

When a child support order is issued by the Juvenile Court, and there was not a previous child support order in effect, the Title IV-D Office will ensure the following is completed in the statewide child support system (KAECSSES):

1. Registration of the Juvenile Court order as a civil order.
2. Verify the current child support obligation for each parent is correctly entered in KAECSSES; and
3. Verify any ordered child support arrears are correctly entered in KAECSSES.
4. Verify that the correct NOA is on file with the State Disbursement Unit (SDU).
5. Verify that an IWO is filed.

When there is an existing child support order the Title IV-D Office ensures the following is completed in the KAECSSES:

1. Verify the arrearage owed from the NCP to the previous Custodial Parent (CP) is correct.
2. Verify the child support order on the case with the NCP and the Title IV-D Office is correctly entered; and
3. Verify any new child support order on the case with the previous CP and the Title IV-D Office is correctly entered.
4. Verify that the correct NOA is on file with the SDU.
5. Verify that the IWO is set for the correct amount.

When there was an existing child support order for multiple children in the home and not all the children were removed from the home, the Title IV-D Office will ensure the following is completed in KAECSSES:

1. Verify the current child support obligation for the child(ren) is correctly entered in KAECSSES.
2. Verify the arrears balance is correctly entered in the KAECSSES.
3. Verify any ordered child support arrears for the child(ren) are correctly entered in KAECSSES.
4. Verify that the correct NOA is on file with the SDU.
5. Verify the IWO is set for the correct amount.

Forms and Tools

- [Foster Care PowerPoint](#)
- [Foster Care/KDOC-JS Handbook](#)
- [Facts Desk Guide](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3: Case Initiation](#)
- [Chapter 5: Prevention & Protection Services \(PPS\), Foster Care \(FC\), and Kansas Department of Corrections – Juvenile Services \(KDOC-JS\)](#)
- [Chapter 10: Child Support Order Establishment](#)
- [Chapter 11: Enforcement](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version.



CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 5: Distribution of Child Support Collections

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

In a Title IV-D Foster Care (FC) case in which the child is in a Title IV-E funded placement, monies collected through child support payments are distributed, per federal regulation, as follows:¹

- Any amount collected in a month which represents payment on the required support obligation for that month shall be paid to the Department for Children and Families (DCF) to repay Title IV-E maintenance payments.

If the amount collected in the month is greater than the current support obligation for the month and there is a child support arrearage, this amount will be paid in accordance with Distribution 2009 rules.

- If an amount is collected for payment of child support in a future month, the amount shall be applied to that future month. However, no amount shall be applied to a future month unless the child support obligation for the current month and all arrearage has been paid in full.
- When the state ceases making payments under the Title IV-E state plan, the assignment of support rights terminates except for any unpaid support that accrued during the assignment. The Title IV-D Program shall attempt to collect this unpaid support.

For all amounts collected on cases in which the child is in Title IV-E funded placement, monies collected through child support payments are distributed to DCF Child Support Services (CSS) for the appropriate share to be paid to the federal government to reimburse the Title IV-E funds. In a Title IV-D child welfare case in which the child is not in a Title IV-E funded placement, monies collected through child support payments are distributed to DCF CSS with no federal share payment.

References

- [42 U.S.C. § 657](#): Distribution of collected support.
- [45 C.F.R. § 302.52](#): Distribution of support collected in Title IV-E foster care maintenance cases.

Procedure

- N/A

Forms and Tools

- N/A

¹ 42 U.S.C § 657(e); 45 C.F.R. § 302.52(b); 45 C.F.R. § 302.52(c)



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version.

CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 6: When the Child in Need of Care Case Is Terminated

Version: 2

Effective Date: 5/14/2024

Background

The possible outcomes at the termination of a Child in Need of Care (CINC) action in the JC Court are that the child returns to the home, another relative is awarded guardianship of the child, or parental rights are terminated. The Juvenile Court's jurisdiction is terminated when the CINC action is terminated. Any paternity order issued as part of the CINC action remains in effect. Depending on the child custody result, the child support order of the Juvenile Court may remain in effect or terminate, and any previous child support order may be reinstated.

Policy

Home Placement

When a child is placed home, including a 30-day trial or majority of the week, the caseworker will be notified by Prevention and Protections Services (PPS)/Kansas Department of Corrections-Juvenile Services (KDOC-JS) or the Juvenile Court. Because the child is in the home, the custodial parent is no longer obligated to pay child support to the State of Kansas. If the parents are separated, and a child is placed home, the Non-Custodial Parent (NCP) has an obligation for child support. This obligation is owed to the Custodial Party (CP), not the State of Kansas, because the child is not out of the home. The Title IV-D Office will mail a continued services letter to the custodian informing them services will continue unless they contact the Title IV-D Office requesting case closure.

Permanent Custodianship (PC)

Children may be considered for Permanent Custodianship (PC) if they are age 14 or older, are part of a sibling group that has one child aged 14 or older and are being placed together or have other extenuating circumstances that do not make adoption a reasonable option. PC ends when a child is 18 unless still in high school; the child emancipates, dies, or otherwise ceases to need support; the child is no longer with the permanent custodian; or the permanent custodian fails to complete and return the annual review for PPS.

When parental rights have not been terminated, current support should be re-assigned to the Permanent Custodian. The Title IV-D program will continue to enforce any remaining arrears. The caseworker should confirm with PPS whether rights were terminated, or permanent custodianship was granted with no parental rights terminated (PRT). Only when parent's rights are terminated/relinquished does current child support stop. As with other placements, the Foster Care Continued Services Letter would go to the permanent custodian and child support will continue unless a request to close the NA portion of the case is received in writing.

Parental Rights Termination (PRT) and Relinquishment

If a parent's rights are terminated or relinquished, the current child support obligation must be shut down. Parents will continue to be responsible to pay the arrears accrued prior to the termination or relinquishment.

1. The termination is effective on the date ordered (file stamped date of the order). For the relinquishment to be effective, the relinquishment must be: In writing;
2. In substantial conformity with the relinquishment form set forth by the Kansas Judicial Council;
3. Executed (signed) by the parent; and
4. Acknowledged before a judge or notary.¹

Of note, K.S.A. 38-2268(b) does not require the DCF Secretary to accept the relinquishment in writing for the relinquishment to be effective.²

After parental rights are terminated or relinquished, a current support order cannot be established. If the child was in foster care (FC) prior to the termination or relinquishment, the parent(s) can be pursued for FC arrears and/or 718b judgments for prior Temporary Assistance for Needy Families (TANF) (if paternity is not an issue). If the judgment amount would be less than \$500, the Title IV-D Office will not pursue, and will proceed with closing the case with the CC closure code.³

References

[K.S.A. 23-3001](#): Minor children; support and education [K.S.A. 38-2201 et seq.](#): Revised Kansas Code for Care of Children
[K.S.A. 38-2268](#): Voluntary relinquishment; voluntary permanent custodianship; consent to adoption
[K.S.A. 38-2301 et seq.](#): Revised Kansas Juvenile Justice Code
[In re P.R., 312 Kan. 767, 480 P.3d 778 \(2021\)](#)

Procedure

Home Placement

If one or both parents were ordered to pay child support to the IV-D Program, then upon termination of the CINC action, the Title IV-D Office ensures the following is completed in the statewide child support system (KAECSSES):

1. Determine whom the child was returned home to.
2. Notify finance to end date FC on PEPR with the day prior to the home placement date and add an NA time frame the date of the home placement, change the CP on the case from State of Kansas to the CP so that ROLE matches PEPR, request the current accrual of the child support order for the parent the child returned home to (if not returned to an intact household); be end dated.
3. Review the child support arrearage owed to the Title IV-D Program. Any child support obligation that accrued (e.g., arrearage) before the termination of the CINC action, is not affected by the termination the CINC action.
4. Adjust the Income Withholding Order (IWO), if appropriate.
5. Terminate the Notice of Assignment (NOA), if appropriate.
 - a. If the child(ren) is returned to an intact household with both parents, the above actions should be taken on both parent's cases.
6. Confirm continued services letter is mailed to the party the child returned home to, if appropriate.
7. Close the case, if appropriate.

¹ K.S.A. 38-2268(b)

² In re P.R., 312 Kan. 767, 480 P.3d 778 (2021)

³ K.S.A. 38-2201 et seq.; K.S.A. 38-2301 et seq.

Permanent Custodianship

If a permanent custodianship is created, the Foster Care Continued Services Letter should go to the permanent custodian and child support will continue unless a request to close the NA portion of the case is received. The Title IV-D Office ensures the following is completed in the KAECSSES:

1. Notify finance to end date FC on PEPR with the day prior to the home placement date and add an NA time frame with the date of the home placement, change the CP on the case from State of Kansas to the CP so that ROLE matches PEPR.
 - a. Caseworker should make request to change the CP role on both parents' cases, if appropriate.
2. Verify the IWO is set correctly.
3. Confirm continued services letter is mailed to the custodian.

Parent Rights Termination and Relinquishment

If a parent's rights are terminated or relinquished, the current child support obligation must be shut down. Parents will still be responsible to pay the arrears accrued prior to the termination or relinquishment. The termination is effective on the date ordered (file stamped date of the order). The relinquishment is effective on the date the relinquishment is fully executed (see Parental Rights Termination (PRT) and Relinquishment section above for more detail). Upon receiving the PRT or relinquishment, the Title IV-D Office should ensure the following is completed in KAECSSES:

1. Updating the rights severed line on CHDS with B (Both), M (Mother), or F (Father)
2. Add a note line on CADS with the filed date of the PRT or date the relinquishment is fully executed.
3. Notify finance to stop accrual of the current support obligation. (Finance shall document the PRT/REL information on the OACC screen).
4. Update the IWO, if appropriate.
5. Cases where the child was in care for 3 months or less, no order was ever established, the arrears judgment (based on the hypothetical child support amount) would be less than \$500, and the custodial parent does not want Title IV-D services, can be closed. If an order was already established, the case should remain open for enforcement of all arrears.

After parental rights are terminated or relinquished, a current support order cannot be established. If the child was in FC prior to the termination or relinquishment, the parent(s) can be pursued for FC arrears judgments and/or 718bs for prior TANF (if paternity is not an issue). If the judgment amount would be less than \$500, the Title IV-D Office will not pursue, and will proceed with closing the case with the CC closure code.

Emancipation

If there is no order, paternity is an issue, and the child has turned 18, the case can be closed. If the child is 18 at the time FC closes and paternity is NOT an issue, the Title IV-D Office may attempt to establish an order to repay the state.

If a child is in either KDOC-JS or DCF custody and turns 18 years old after July 1st but is working on a GED or enrolled in High School, the Title IV-D Office can continue to enforce the child support until June 30th of the following year.¹ The Title IV-D caseworker should attempt to obtain emancipation information from PPS or the child's custodian.

SSI/SSA/SSD

For FC cases (child is in DCF custody) it is PPS's responsibility to reroute all types of benefits for FC child(ren) to the local DCF WARDS account. This includes SSI benefits due for a disabled child and for SSA or SSD benefits received by the child based on a parent's disability or death.

When the Title IV-D Office becomes aware that a child is receiving benefits based on a parent's disability, the caseworker should notify social services financial worker for that case. The financial worker will set up the case in the WARDS Account. The caseworker should send all requests to have SSA benefits redirected through the Title IV-D Program to the WARDS Account Clerk by using the following method.

The caseworker will e-mail the WARDS Account Clerk, DCF.WARDS@ks.gov with the following information:

- Child's name and Social Security Number (SSN);
- SSN of Parent who was ordered to pay child support + the child's person number;
- Parent's name;
- Parent's person number;
- Court Order number;
- Assignment of the court order – this is the date the money started going to the Title IV-D Program;
- Termination of the assignment of the court order – this is the date to stop sending the money;
- Monthly support order amount; and
- The Title IV-D case number.

If the WARDS Account Clerk has questions about the information, they will first contact the caseworker by e-mail. If further questions exist that caseworker is unable to answer the WARDS Account Clerk will e-mail the WARDS expert in the region the child's case resides.

The WARDS Account Clerk will enter the information into WARDS and then reply to the caseworker along with a copy to the regional office WARDS expert that information has been entered into WARDS. On a monthly basis, the WARDS Account Clerk sends the payment information for FC children to CSS Central Receivables unit (CRU), who then receipts in the payments on the system as MISC payments.

When the child returns home, PPS is responsible for redirecting the support back to the home.

WARDS Account Clerk – (785) 368-7153

If a child is in KDOC-JS custody and gets a benefit based on the parent's disability, the caseworker needs to notify KDOC-JS so that the disability payment can be redirected to KDOC-JS. The child support order should be modified accordingly. The Title IV-D case can then be closed if no arrears are owed, and current support is less than the child's auxiliary benefit.

¹ K.S.A. 23-3001

Debt Set Off

Please see Chapter 11: Enforcement, Section 7 for information on federal tax offset criteria for FC arrears.

Unreimbursed Assistance (URA)

Due to a problem with the FC URA batch, URA does not get added to the system for the first month of FC in some cases. The problem will only occur on cases where there is an existing NA or TANF case with an accruing obligation on KAECSSES at the time FC opens. The Title IV-D Office's finance department is responsible for resolving this when it has been ordered by the court.

Non-IV-D Arrears

If a child comes into FC and there is a divorce decree which orders child support for the child but the payee is non-IV-D, there is no way for KPC to set up the court order type on their system to direct current support to DCF and arrears to a non-IV-D payee. The non-IV-D payee could apply for IV-D services. If the non-IV-D payee does not want IV-D services, the only way to handle the problem is that if DCF receives money that suspends because the current obligation and arrears owed to DCF are paid in full, the caseworker can request CRU to forward the money in suspense to the non-IV-D payee. For this request to be processed, CRU must have the approval of the caseworker's supervisor.

Continued Services

When FC closes, services continue to the parent or relative where the child has been placed unless the parent or relative requests the NA portion of the case be closed in writing. The Foster Care Continued Services Letter (downloadable from the COMP screen) must be sent to the parent or relative within 5 days of FC closure. The parent or relative does not have to complete a child support enrollment form for this child unless additional information is necessary to establish an order. If the CP requests services for additional children previously not IV-D, the caseworker will provide the CP with the Child Support Enrollment Form (5033) and CSS Brochure to complete for the additional children.

Forms and Tools

[Continued Services Letter](#)
[Foster Care Closures](#)
[Case Closure Guides](#)
[183 Relinquishment Minor Child to Agency \(5-2013\)](#)

Frequently Asked Questions

N/A

Related Information

[Chapter 11 Enforcement, Section 7 – Federal Debt Setoff \(FDSO\)](#)
[Business practice 600-21](#) - Creating AF/FC & Medical Grants and Time Frames

Revision History

Version	Date	Description of Revision
Version 1	01/01/2024	Final Approved Version.



Kansas Child Support Services Title IV-D Policy Manual

Version 2	05/14/2024	PRT and Relinquishment section updated to include elements of relinquishment; effective date; K.S.A. 38-2268(b) does not require the DCF Secretary to accept the relinquishment in writing for the relinquishment to be effective
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CHAPTER 5: PREVENTION & PROTECTION SERVICES (PPS), FOSTER CARE (FC), AND KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES (KDOC-JS)

Section 7: Reimbursement Orders

Version: 1	Effective Date: 1/1/2024
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Background

Calculating the “hypothetical obligation” for the Non-Custodial Parent (NCP) gives an objective way to assess the fairness of the Department for Children and Families (DCF’s) claim for 718b, Foster Care (FC) or Kansas Department of Corrections-Juvenile Services (KDOC-JS) judgments for reimbursement. A “hypothetical obligation” means the total amount the NCP would have owed under the Child Support Guidelines if a support order had been entered at the time the child(ren) began receiving Temporary Assistance for Needy Families (TANF) or went into DCF or KDOC-JS custody. Reimbursement orders are most commonly issued at the conclusion of the CINC action.¹

Policy

The Kansas Title IV-D Program will seek judgments from one or both legally responsible parents for 100% of Unreimbursed Cash Assistance (URA/TANF), Foster Care (FC) 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. The Title IV-D Program only seeks reimbursement for over \$1000.00 on FC and or KDOC-JS cases.²

References

- [K.S.A. 39-718b](#): Liability of parent or guardian for assistance provided child, exceptions
- [Kansas Child Support Guidelines](#)

Procedure

Establishing an Obligation

Kansas is a judicial state, so action by a court is necessary to establish a court order for reimbursement which is enforceable. When appropriate, attempts should be made to secure a court order. Cases should be reviewed to determine if Kansas has jurisdiction to establish an order for the parties. If not, an intergovernmental action may be necessary.

Legal Referrals

Prior to referring a case to legal, the IV-D caseworker shall

- Review CPAT and update if needed.
- Enter mother role if appropriate.
- Enter father role (if parentage established).

¹ K.S.A. 39-718b; Kansas Child Support Guidelines

² K.S.A. 39-718b; Kansas Child Support Guidelines

- Check with the court where the previous Custodial Party (CP) resided for existing court orders.
- Refer both parent's cases at the same time, if possible.

The following, if applicable, should accompany the legal referral.

- Completed legal request (LGRQ) screen with appropriate referral reason.
- Prevention and Protection Services (PPS) documentation of the time frame child(ren) were in FC or KDOC-JS custody.
- Income for the Non-Custodial Parent (NCP) (i.e.: Employer Letter, Work Number Verification)
- Birth certificate or parentage acknowledgement document.
- Serviceable locate for the NCP.
- Any court orders- divorce decree, custody order, guardianship/conservatorship, Child in Need of Care (CINC), Juvenile, Protection from Abuse (PFA).
- Genetic Testing (GT), if completed through the CINC action.

The legal department will review and complete an assessment of the referral and will proceed with the judicial process of establishing an order for reimbursement or will make the determination to not proceed and will return the case for next steps.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 10: Child Support Order Establishment](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version.

CHAPTER 7: INTER-COUNTY CASES

Section 1: Inter-County Case Initiation and Processing

Version: 1	Effective Date: 1/1/2024
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Background

Procedures were created to address the scenario in which an individual enrolls in Title IV-D Services in a county other than the Order County.

Definitions

1. **“Enrollment County”** is the county where the Kansas Child Support Services Enrollment (5033) for Title IV-D services or referral from the IV-A interface is received.
2. **“Inter-County Case”** is a case in which the county where the participant has been referred to or enrolls in Title IV-D services is different from where the child support order was issued.
3. **“Order County”** is the county where a court order already exists for the case or petitions have been filed but no order has been issued.

Policy

An individual may enroll in Title IV-D services in any county and is not required to be a resident of Kansas or of a particular county to enroll in that county.¹

If the Custodial Party (CP) 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 now resides. The Title IV-D Office will not initiate a change of venue solely upon relocation of one party.²

For Foster Care (FC)³, when placement with a relative in another county results in a new Temporary Assistance for Needy Families (TANF) case opening, usually the case would continue to be worked in the open FC assistance county. If an order already exists for the case, it will remain in the office handling the judicial district for that order.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV–D cases
- [K.S.A. 23-2103](#): Governance by Kansas code of civil procedure
- [K.S.A. 23-2210](#): Jurisdiction; venue; precedence of certain other orders
- [K.S.A. 23-36,101 et seq.](#): Kansas UIFSA
- [K.S.A. 38-2203](#): Jurisdiction; application of the Indian child welfare act; age of child, presumptions; precedence of certain orders
- [K.S.A. 38-2204](#): Venue

¹ 42 U.S.C. § 654(6)(A)

² K.S.A. 23-2103, K.S.A. Chapter 60; Kansas Code of Civil Procedure; K.S.A. 23-2210, K.S.A. 39-7,140

³ K.S.A. 38-2203; K.S.A. 38-2204

- [K.S.A. 39-7,140](#): Jurisdiction; service; notice
- [K.S.A. Chapter 60](#): Kansas Code of Civil Procedure

Forms and Tools

When an Enrollment Form or referral from the Title IV-A interface is received, the Title IV-D

Office shall investigate to determine whether a child support order exists, or a child support related court case is open in any other county in Kansas.

The Title IV-D Office shall do the following:

- Search the statewide child support system (KAECSSES);
- Review the Enrollment Form; and
- Ask the enrollee if he or she has enrolled in Title IV-D services in another county or has an open child support case in a court in another county.

If there is no Order County and no open child support case, the Title IV-D Office shall accept the Enrollment Form and proceed with case initiation within the county the CP resides.

If there is an Order, the case should be assigned to the Order County. The Enrollment County shall send the Enrollment Form and any documents provided by the enrollee to the Order County;

- An automated letter is generated to notify the enrollee that the case was been reassigned to the Order County; and
- The Order County proceeds to take any appropriate action on the case.

For Intergovernmental¹ Responding (Incoming) Cases in which the Non-Custodial Parent (NCP) has moved within Kansas:

- If a Kansas order exists or any court action has begun, including registration of a foreign support order, the case should remain in the county where the order exists, or the court action has begun.
- If no Kansas order exists or no court action has begun, and no foreign support order has been registered, the case in KAECSSES should be transferred to the NCP's county of residence.

For Intergovernmental Initiating (outgoing) Cases in which there is an order in Kansas and a participant enrolls in a county other than where the original order resides, the case should be handled per the inter-county case processing procedures above. Outgoing cases with a non – Kansas order will be worked through the enrollment county.

If a determination is made that a referral was received and assigned to the incorrect judicial district or caseworker, the following actions must take place:

- Reassign the referral from PA Referral (PAR1) screen; and
- Email the intake specialist for new JD to make aware of situation and forward any documentation already received; and
- If existing case, narrate actions taken on List Narrative (CSLN) screen.

Forms and Tools

- [List of Kansas Counties/Count Seats](#)

¹ K.S.A. 23-36,101 et seq.; 45 C.F.R. § 303.7



Related Information

- [Chapter 3: Case Initiation](#)
- [Chapter 15: Intergovernmental](#)
- [Business Practice 800-14](#) - Reassigning a Business Object

Frequently Asked Questions

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 8: PARENT LOCATE

Section 1: Parent Locate

Version: 1	Effective Date: 1/1/2024
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Background

Under the Title IV-D Program, “locate” means searching for and obtaining information on the physical whereabouts of case participants to establish parentage, as well as to establish, modify, and enforce child support orders.¹ Locate efforts can be automatic or manual.

Federal regulations require Title IV-D agencies to maintain a State Parent Locator Service (SPLS) to provide locate information for authorized purposes.² The SPLS accesses automated data matches with the Federal Parent Locator Service (FPLS) and other relevant sources of information and records available within the state, as well as from other states when appropriate.³

Definitions

1. **“Federal Case Registry (FCR)”** is a national database implemented on October 1, 1998 that contains basic participant and case information from each of the State Case Registries for all Title IV-D cases, as well as for Non-Title IV-D (NIVD) cases with child support orders established or modified on or after October 1, 1998.⁴ The FCR also assists Title IV-D Offices in locating case participants living in different states to establish, modify, and enforce child support orders.⁵
2. **“Federal Parent Locator Service (FPLS)”** is an assembly of systems operated by the Federal Office of Child Support Services (OCSS) that assists Title IV-D child support offices in locating case participants living in different states to establish parentage, as well as to establish, modify, and enforce child support orders.⁶ Some of the databases included in the FPLS are the FCR and the National Directory of New Hires (NDNH).⁷
3. **“State Parent Locator Service (SPLS)”** is operated at the state level by Title IV-D agencies and is part of individual states’ statewide child support systems. The SPLS accesses a variety of automated data matches with the FPLS and other state and private sources.⁸ The SPLS consists of multiple systems and interfaces with states’

statewide child support systems that may include each states’ State Directory of New Hires, State Case Registry, and State Disbursement Unit (SDU).⁹

¹ 42 U.S.C. § 653(a)(2)

² 45 C.F.R. § 302.35(a); K.S.A. 39-753(b)

³ 45 C.F.R. § 302.35(a)(1)

⁴ 42 U.S.C. § 654a(f); 45 C.F.R. § 307.11(f)(1)

⁵ OCSS: Federal Case Registry Overview

⁶ 42 U.S.C. § 653(a)(2); OCSS: Overview of Federal Parent Locator Service

⁷ OCSS: Overview of Federal Parent Locator Service

⁸ NCSL Child Support 101: An Introductory Course for Legislators

⁹ NCSL Child Support 101: An Introductory Course for Legislators; 42 U.S.C. § 653(c); 45 C.F.R. § 302.35

Policy

The Kansas Title IV-D Program operates Kansas' SPLS and receives and transmits information to the FPLS. The SPLS shall make all necessary locate requests to the FPLS and may also request locate information and assistance from the parent locator services of other Title IV-D agencies.¹

The SPLS shall only accept requests for locate information from the following authorized persons:

1. An agent or attorney of a state or tribal Title IV-D Program who has the duty or authority under the Title IV-D Program to collect amounts owed for child or spousal support;
2. The court having authority to issue, or initiate the issuing of, an order for child support;
3. A state agency administering a program under Title IV-B, subparts 1 or 2, or Title IV-E;
4. An entity designated as a Central Authority for child support in a foreign country.²

The Title IV-D Office is authorized to request locate information on a non-custodial parent (NCP) in a Title IV-D case.³ Requests for locate information must be for the purpose of:

1. Establishing parentage;
2. Establishing, setting the amount of, modifying, or enforcing child support obligations; or
3. Determining who has or may have parental rights with respect to a child.⁴

Within 75 calendar days of determining that locate is necessary, the Title IV-D Office shall access all appropriate locate sources and ensure that locate information is sufficient to take the next appropriate action in a case.⁵ If initial locate attempts are unsuccessful, the Title IV-D Office must repeat locate attempts no less frequently than on a quarterly basis, provided that adequate identifying information for the NCP (e.g., date of birth, Social Security number) exists that meet the locate submission requirements.⁶ If new information is received to assist in the location of the NCP, the Title IV-D Office must immediately attempt to verify the new information in order to proceed with the next appropriate action in the case.⁷

Federal regulations prohibit the Title IV-D Program and Title IV-D Offices from disclosing any confidential information obtained through the SPLS or FPLS, except to the extent necessary to fulfill a statutory duty. Upon request from an authorized person, as defined by federal regulations, the Title IV-D agency may disclose confidential information for an authorized purpose.⁸ This information is highly confidential, and the confidentiality of this information must be safeguarded and maintained at all times.

References

- [K.S.A. 39-758](#): Location of absent parents or their assets; cooperation of governmental units with secretary; availability of information
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations

¹ K.S.A. 39-758

² 45 C.F.R. § 302.35

³ 45 C.F.R. § 302.35(c)(1)

⁴ 45 C.F.R. § 303.70(e)(1)(i)

⁵ 45 C.F.R. § 303.3(b)(3)

⁶ 45 C.F.R. § 303.3(b)(5)

⁷ 45 C.F.R. § 303.3(b)(5)

⁸ OCSS: AT-08-11 Final Rule: State Parent Locator Service; Safeguarding Child Support Information.

- [K.S.A. 75-5742](#): State directory of new hires; collection, deletion, confidentiality and transmission of information
- [42 U.S.C. § 653](#): Federal Parent Locator Service
- [42 U.S.C. § 654a](#): Automated data processing
- [45 C.F.R. § 302.35](#): State parent locator service
- [45 C.F.R. § 303.3](#): Location of noncustodial parents in IV-D cases.
- [45 C.F.R. § 303.70](#): Procedures for submissions to the State Parent Locator Service (State PLS) or the Federal Parent Locator Service (Federal PLS)
- [45 C.F.R. § 307.11](#): Functional requirements for computerized support enforcement systems in operation by October 1, 2000
- [OCSS: Federal Case Registry Overview](#)
- [OCSS: Overview of Federal Parent Locator Service](#)
- [OCSS: Final Rule: State Parent Locator Service; Safeguarding Child Support Information](#) aka AT-08-11
- [NCSL Child Support 101: An Introductory Course for Legislators](#)
- [IRS Publication 1075](#)
- [DCL-22-01 IRS Releases Revised Publication 1075](#)
- [OCSS Federal Case Registry Interface Guidance Document - Version 12.0](#)
- [Public Law 104-193](#) the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
- [Public Law 105-200](#) Child Support Performance and Incentive Act of 1998
- [Child Support Tutorial](#)

Procedure

Data Collection

The location and verification process begins with information provided by the Custodial Party (CP). If the CP can provide verifiable location and employer information; additional information may not be necessary.

It is the expectation of the Title IV-D Office that all applicable locate resources are exhausted, at any point in a case life cycle. During initial set-up of a case, much of this information is obtained from the Child Support Services Enrollment Form completed by the CP. If necessary, the information from the form should be combined with a personal interview (face-to-face or telephone) with the CP.

Note: Exhausting all resources does not mean that every locate resource must be used every time. It merely means, that if someone cannot be located, Title IV-D Office must continue using every applicable resource available before it is determined there is no further locate that can be completed. Applicable resources will depend on the specifics of the case and individual.

Title IV-D Office adheres to a strict confidentiality policy in accordance with federal and state requirements outlined in IRS Publication 1075.

Federal Timeframes

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

- 45 CFR §303.3(b)(3)- Within no more than 75-calendar days of determining that location is necessary, access all appropriate location sources and ensure that location information is sufficient to take the next appropriate action in a case;
- 45 CFR §303.3(b)(5)- Either quarterly or immediately upon receipt of new information which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources but must include accessing state workforce files.

Sources Of Information

Custodial Party (CP)

The CP is usually the best source of information. In many cases (s)he can supply the Social Security Number (SSN) or the name of a current or past employer. Date of birth (DOB), place of birth (POB) and a physical description may also be obtained. SSNs must be verified by several other resources to determine accuracy.

General Review Letter

If locate is needed on an NCP and the CP is unable to be reached by a phone call, then a General Review Letter is a good source of information. General Review Letters are required to be sent prior to closing a case for no locate. A due date that allows for 14 days for return is required.

Kansas Economic and Eligibility System (KEES)

KEES is used by Economic and Employment Services (EES) staff and Medicaid staff to house information for recipients of public assistance within the state. Prevention and Protection Services (PPS) staff use this system to house information for families who are receiving Foster Care (FC) services within the state. This can be a good source of locate for information on a CP or NCP to obtain address, phone number(s), household status, etc. KEES is limited to authorized Title IV-D staff.

Child Support Services Portal (CSP, SSP)

The Child Support Services Portal (CSP, SSP) offers an array of applications and services provided by OCSS to assist authorized users in locating NCPs, putative fathers, and CPs for the establishment of parentage, and child support obligations, as well as the enforcement and modification of orders for child support. It also identifies support orders or support cases involving the same parties in different states. The SSP also helps federal and state agencies identify over-payments and fraud and assists with assessing benefits. States elect to participate in applications based on need and/or resources and determine users' access to specific applications.

The locate application enables the user to initiate a locate request in near real time and gives you direct access to the following FPLS locate sources:

National Directory of New Hires (NDNH)-response received in real time

- Department of Defense (DoD)
- Federal Bureau of Investigation (FBI)
- Internal Revenue Service (IRS)
- Social Security Administration (SSA)
- Department of Veterans Affairs (VA)

Query Interstate Cases for Kids (QUICK)

QUICK provides access to other states' case information. Automated processes from state to state have been mandated by federal policy for a computer exchange of information. You can view real-time case data, financial information and actions taken in another state.

Department of Defense (DOD) Entitlement

You can request and receive detailed military entitlement information for active military and reservist participants in IV-D cases.

State Verification Exchange System (SVES)

Title IV-D staff can access the SVES to see if an NCP is receiving Social Security. This includes Supplemental Security Income (SSI), Social Security Disability Income (SSDI), Social Security Retirement (SSR) or to look up prison information.

Prison information is not updated if a prisoner changes location. SVES can have an address available for the NCP. SVES information is also available for the child and the CP.

Kansas Automated Eligibility And Child Support Enforcement System (KAECSSES) Resources

There are different locate tools in KAECSSES which can be used to try to locate an NCP.

- ADDR (Address)
- BASI (Kansas Employment)
- BARI (Kansas Unemployment)
- JAIL (Incarceration)
- QLRQ (Quick Locate Requests)
- FPLS (Federal Parent Locator Services)
- FCRP (FCR - Proactive Match Response)
- INCL (Income Source List)
- FIDM (Financial Institution Data Match)
- MILI (Person Military History)
- IREQ (Interstate Request History)

Address (ADDR) Screen

The ADDR screen stores address information for an NCP and/or CP. This screen must be updated appropriately each time a new address is provided to the Title IV-D Office. If the end field is blank, it is considered an active address. Default display for this screen is the NCP.

There should only be one verified active address for an NCP or CP at any given time unless there is both a residential and mailing address for the individual. At that time, there should only be one “R” (residential) and one “M” (mailing) type.

Note: If address was obtained through the IRS, it is considered FTI and must be verified through at least one other source before adding to the ADDR screen.

Kansas Department of Labor (KDOL)

BARI provides information regarding unemployment benefits, and BASI provides information regarding previous and current wages. This information must never be printed, scanned, copied, emailed, or shared with anyone; failure to comply will result in immediate termination of the staff member and possibly their supervisor. Any information obtained from within these screens must be independently verified by another source.

Quick Locate Request (QLRQ) Screen

The QLRQ screen sends an automatic request to another state to gather information on an NCP who may be living in that state.

Federal Parent Locator Service (FPLS) Screen

The FPLS screen in KAECSSES supports various programs and initiatives associated to the location of participants in child support orders and communication between states.

The caseworker will receive alerts regarding FPLS information. The following is a list of codes that will appear on the ALRT screen:

Locate Source Response Department Codes

(These codes display on the FPLS screen and in the FPLS alerts)

- A01 – Response from Dept of Defense/Office of Personnel Mgt (DOD)
- A02 – Response from Federal Bureau of Investigation (FBI)
- B01 – Response from a Federal Agency (other than NDNH data)
- C01 – Response from Internal Revenue Service (IRS)
- E01 – Response from Social Security Administration (SSA)
- E03 – Response from Social Security Administration/MBR
- F01 – Response from Department of Veteran’s Affairs (VA)
- H01 – NDNH data not available
- H97 – NDNH Unemployment Insurance
- H98 – NDNH Quarterly Wage
- H99 – NDNH W-4

Due to Federal Tax Information (FTI) being displayed on this screen, any information obtained from this screen must be verified through at least one other source before being added to ADDR.

Federal Case Registry (FCR)-Proactive Match Response - FCRP Screen

The FCRP screen is based off the FCR, which is a national registry containing state IV-D and NIVD case data that also serves as a pointer system to help locate persons across state lines.

Personal data in KAECSSES is matched daily against employment data in the NDNH. The information is then generated to the appropriate states. The FCR process will run on daily for matches and will run weekly for errors.

FCR requests are automatically processed based on details entered on the AP Details (APDS) screen; therefore, it is imperative that the information be entered accurately.

The Place of Birth (POB) fields should be populated with city and state of birth. If the city is not known, but the state where the Non-Custodial Parent (NCP) was born is known, leave the city field blank. Do not enter any punctuation in the city field. For example, Ft. Hood should be entered as Ft Hood or Fort Hood. If the Non-Custodial Parent’s place of birth is a foreign country, it must be recorded in the POB Foreign Country field.

If date of death information is received from the FCR through a proactive match, an alert will be sent to the caseworker. The date of death field will be populated on the AP Details (APDS), AR Details (ARDS) or Child Details (CHDS) screens, as appropriate, with the date that the information was received from SSA. This date must be verified by the caseworker (i.e. check newspapers from that area, contact vital statistics department in that state, attempt to verify through Custodial Party (CP) or family members, etc.). If the date of death field is already populated on APDS, ARDS or CHDS, no alert will be sent but a history will be created with the SSA date of death information on the History (HIST) screen.

If the FCR sends a date of death that is incorrect, a correction will be sent by the FCR through a proactive match, and an alert will be sent to the caseworker. The date of death field will be cleared on APDS, ARDS or CHDS and a history record will be created indicating this error on the HIST screen.

New Hire Directories

Kansas Department of Labor (KDOL) electronically transmits information daily regarding Kansas New Hires Directory (KNHD). Employers report their new hires to the directory which initiates a computer interface with the CSS system. When information from KNHD corresponds with a person known to the system, a match occurs. The initial match transmits prior history and current information. Future transmissions only contain updates. Caseworkers will be notified via an ALRT screen.

The NDNH is a national directory of employment and unemployment insurance from state and federal agencies.

When employer information is received through the KDOL and NDNH, the employer information will be created and displayed automatically on the INCL screen.

Financial Institution Data Match (FIDM)

Federal legislation allows financial institutions to provide information concerning open accounts held by delinquent NCPs.

The following financial institutions can participate in FIDM:

- Banks;
- Savings and Loans;
- Federal and State Credit Unions;
- Benefit Associations;
- Insurance Companies;
- Safe Deposit Companies;
- Money Market Mutual Funds.

Multi-State Financial Institution Data Match (MSFIDM)

OCSS sends a file of delinquent payor's to participating multi-state financial institutions quarterly. Resulting matches with open accounts are returned to the states for enforcement. The information received may include current/past address for the payor.

MSFIDM sends a file, which uses the FDSO certification file of delinquent payors, to OCSS on a quarterly basis. OCSS then sends the file to participating financial institutions that do business in multiple states. The financial institution matches the file of delinquent payors against their open accounts and returns the matched file to OCSS.

The matched file is then sent to Kansas from OCSS in the FCR locate batch, which is transmitted daily. When a matched record is received for a delinquent payor, the caseworker receives an electronic alert to notify them a match was found. A history record will also be created on the HIST screen.

Once an account match is returned, there is no need for further verification of this information. The lien, levy or garnishment procedure will provide verification of the matched accounts. The information received may include current/past address for the payor. Before issuing a garnishment, lien or levy, the caseworker will verify that the payor has a balance due and is not in a bankruptcy status, etc.

The Financial Institution Data List (FIDL) screen will display any matched records for a particular payor. The Financial Institution Data Match (FIDM) screen will display more specific bank account information.

MSFIDM and FIDM records are purged 3 months after the date it was received in the system. This process will occur daily, and the deleted records are not recoverable on the system.

State Resources

State and Federal Parent Locator Service

The function of the Parent Locator Service (PLS) is to obtain and transmit to authorized persons the most recent home address and/or employment information. This is conducted by CSS Administration staff only. This is to be requested by Economic and Employment Services (EES) and Prevention and Protection Services (PPS).

Kansas Bureau of Vital Statistics

The Vital Statistics search can be used to access birth records for children born in the State of Kansas. This may provide identifying information for the father and/or mother, such as an SSN. VRBweb to access birth records is available to select staff who have been granted access.

Kansas Department of Revenue (KDOR) – Kansas DMV Driver Search

The Department of Motor Vehicle (DMV) system can be used to search for an NCPs Kansas driver's license or state identification card. Information such as a NCPs address, physical description, DOB, or SSN could be identified. Access to Kansas DMV Driver Search is available to all IV-D staff who have been granted access.

Kansas Bureau of Investigations (KBI)

Sexual and violent offenders are required to register their current address with KBI. A search for offenders registered in Kansas can be conducted to find last reported address and other personal identifiable information on an offender.

Incarceration

Jail, Parole and Probation

Phone calls may be made, and parole and probation letters may be sent if the address for NCP is unknown, and it is determined they are on probation or parole.

All jail, probation and/or parole information must be recorded on JAIL screen. If a party is no longer in jail, on probation and/or parole, then information must be end-dated to reflect accurate information as soon as Title IV-D Office is aware of the status.

Address street, city, state, and zip code flow over to the ADDR screen. However, CP or NCP inmate numbers must be added to the address 2 line on ADDR screen.

County Jails

If the NCP is known or believed to have been incarcerated in a county jail, contact either the records department of the institution or visit their website for an inmate roster.

KASPER (KDOC)

If the NCP is known or believed to have been incarcerated in a State of Kansas prison, the information can be found on the Kansas Department of Corrections' (KDOC's) Public website, Kansas Adult Supervised Population Electronic Repository (KASPER). This site will also provide a list of KDOC Work Release Centers and other facilities.

Out of State Prisons

If the NCP is known to another state besides Kansas, the caseworker will need to check that state's Department of Corrections to see if the NCP is currently incarcerated and/or the following websites.

CLEAR-RTIA (Real Time Incarceration and Arrest Records)

CLEAR-RTIA is used to check other states to see if the NCP is incarcerated. This will provide real time data on incarceration and arrest records. There are a limited number of licenses for this feature.

Federal Bureau of Prisons (BOP)

If an NCP is currently incarcerated in federal prison, BOP will provide which federal prison the NCP is currently incarcerated in.

Other Federal Resources

Child Support Services Network (CSENet)

CSENet is a nationwide communications network that transfers child support case data among all states. CSENet is designed to support state follow-up on FCR data matches. A CSENet to the initiating state is sent from the Incoming Interstate Outgoing Information (IIOI) screen. CSENet messages being sent to the responding state are sent from the Outgoing Interstate Information (OINR) screen. CSENet messages are viewed from the Interstate Request History (IREQ) screen in KAECSSES.

Military Services, Past Service, Veterans Administration

Department of Defense (DoD) submits new hire information within 20 days of hire and wage data each quarter to the NDNH. This information is automatically matched with the cases in the FCR. Resulting matches are returned to KAECSSES via alerts for processing by the caseworker.

DOD provides information on:

- Active duty (including Coast Guard)
- Reserve (including Coast Guard)
- Civilian employees
- Retired military (beginning August 2003)
- An automatic FCR/NDNH match is verification of employment and quarterly wages.

If a caseworker receives an alert that a match has occurred, additional verification of employment is not necessary.

Military address entered on MILI screen will automatically populate the ADDR screen by completing the “Effective Date” field.

The base station name and address are entered on MILI. Changes made on the MILI screen will populate the ADDR screen through an update (i.e. verified date on unit/address or end date of unit/address). Changes are made to the base station name and address on an update will carry to the ADDR screen.

When a MILI address is mapped to ADDR, the system will not end the previous address. The caseworker must do this manually. Military addresses put on the ADDR screen will not populate to the MILI screen.

United States Department of Justice – National Sex Offenders

Sexual and violent offenders that are not in Kansas may be listed on a national directory. This will show both Kansas offenders and offenders registered in other states.

U.S. Immigration and Customs Enforcement (ICE) Detainee

ICE can be used to determine if a CP or NCP has been detained by immigration and possibly deported back to their home country.

Post Office

The U.S. Postal Service is a source for verifying a current address or the lack of an address. Postmaster letters can be used as last resort when an address cannot be verified by any other method.

Other Resources

CLEAR

CLEAR is an online webtool available to select Title IV-D Office staff.

ACCURINT

Accurint is an online webtool available to select Title IV-D Office staff.

The Work Number/Equifax

The Work Number/Equifax is an online webtool available to select Title IV-D Office staff.

Real Estate, Insurance and Bank Accounts

To use these sources, it may be necessary to have specific details. Often, the CP may have documents that contain identifying NCP information.

The following guidelines are important for utilizing these sources:

- As many details of ownership as possible should be secured (i.e. account number, policies, etc.).
- If an NCP is a property owner, City Hall, the County Register of Deeds may have information regarding possible transfers of property. If the property is in the same county as the child support order, the lien is automatic when a Notice of Assignment (NOA) is on file. If the property is in a different county, legal action will need to be taken to place a lien on the property.
- The County Treasurer may have additional information.
- Some insurance companies will provide information. The Kansas Department of Insurance can assist in obtaining insurance information if the name of the insurance company and the name of the insured person are known. A toll-free number is available for contacting the Kansas Department of Insurance (800.432.2484).
- Banking records may indicate a change of address.
- Loan companies or loan departments of banks where a loan is unpaid may cooperate and provide information regarding the NCP.
- If an NCP is involved in any pending legal estate matters, information may be available with the probate court, etc.

Trade Associations and Unions

Information may be obtained from the union or association to which an NCP belongs. The exact local number may be required to obtain information. In large unions, the national office may not have a record of the membership.

Limited information is available regarding current and/or former railroad employees through the

U.S. Railroad Retirement Board (RRB). They may supply the name of the railroad company that employed the NCP and the last date of the employment.

The RRB has information on all employees who have worked for any railroad company in the United States. To access this information, the SSN of the NCP must be known. The RRB will supply the information over the telephone or respond to a written request.

Other Online Resources

The following are other useful online resources that could be useful.

- Social media (such as Facebook, Instagram, etc.); and
- Google Search for obituary; and
- Yearbooks online; and
- Ancestry; and
- Telephone Directory Information.
- Whitepages.com - some features are available with no charge.

Forms and Tools

- [Locate Training](#)
- [Child Support Portal Training](#)
- [FPLS State Services Portal](#)
- [FPLS State Services Portal: Federal Case Registry and Using the Portal](#)
- [Referring Cases to the State Parent Locate Service Unit \(SPLS\)](#)
- [Quick Locate in Other States through CSENet](#)
- [Kansas VRVWeb \(Vitals/Birth Certificates\)](#)
- [DMV Driver Search](#)
- [KBI Registered Sex Offender Search](#)
- [National Sex Offender Search](#)
- [KDOC Inmate Search](#)
- [Federal Bureau of Prisons](#)
- [U.S. Immigration and Customs Enforcement](#)
- [CLEAR](#)
- [LexisNexis/ACCURINT](#)
- [Work Number/Equifax](#)
- [Kansas County Treasurers Association](#)
- [Kansas Insurance Department](#)
- [U.S. Railroad Retirement Board](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 16: Case Closure](#)
- [Chapter 17: Confidentiality and Security, Section 8: Disclosure of Confidential Information](#)
- [Chapter 19: Other Child Support Related Topics, Section 5: State and Federal Case Registry](#)
- [OCSS Federal Case Registry Interface Guidance Document Version 12.0](#)
- [Business Practice 400-3](#) (Updating AP/AR/CH Details)
- [Business Practice 500-1](#) (Adding/Updating an Address For a CSS Person)
- [Business Practice 500-3](#) (Adding/Updating a Person's Employment Income Source) 500-3a (Adding a Person's Self-Employment Income Source) 500-3b (Adding/Updating Other Unearned Income Sources)
- [Business Practice 500-18](#) (Adding/Updating a Prison/Jail or Parole/Probation Record)
- [Business Practice 500-25](#) (Adding and Viewing responses to FPLS Requests)
- [Business Practice 500-32](#) (Viewing Federal Case Registry Response Information)
- [Business Practice 500-33](#) (Financial Institution Data Match)
- [Business Practice 1300-14](#) (Sending an Outgoing Interstate Case and Sending Subsequent CSENet Transactions on the Case (To State Using CSENet))
- [Business Practice 1300-15](#) (Sending an Outgoing Transaction on an Incoming Interstate Case)
- [Business Practice 1300-16](#) (Sending Quick Locate Requests)
- [Business Practice 1300-17](#) (Viewing CSENet) Transaction History and Resending CSENet Transactions)
- [Business Practice 1300-18](#) (Accessing Quick Locate Responses From Other States)



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 9: ESTABLISHING PARENTAGE

Section 1: Federal Time Frames

Version: 1	Effective Date: 1/1/2024
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Background

Federal regulations require the Title IV-D Office to initiate actions for establishing parentage in all Title IV-D cases in which a child was born outside of marriage and parentage has not already been established.¹ Parentage may be established administratively by executing a voluntary acknowledgment of paternity or by judicial action.²

Policy

Within 75 calendar days of the Title IV-D Office determining that it is necessary to locate the alleged father or Non-Custodial Parent (NCP), the Title IV-D Office must access all appropriate locate sources.³ Repeat locate attempts must be made either quarterly or upon receipt of new information.⁴

Within 90 calendar days of locating the alleged father or NCP, a child support order must be established, or service of process completed in order to commence proceedings to establish a child support order and, if necessary, establish parentage.⁵

Unsuccessful attempts to serve an alleged father or NCP shall be documented in the statewide child support system (KAECSES).⁶

Parentage Establishment Time Frames

Service of Process must be completed to establish parentage within 60 days of receipt of an appropriate and complete legal referral request. Federal regulation requires service be obtained within 60 days in 90% of such cases and within 90 days in 100% of such cases.⁷ If the service of process necessary to commence parentage proceedings cannot be obtained within the above time frames, unsuccessful attempts must be documented in accordance with the diligent effort's standards.

The Title IV-D Office may refer the case to the State Parent Locator Service (SPLS) in order to locate an alleged father or NCP in order to obtain good service for a court hearing to establish parentage.

References

- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.3](#): Location of noncustodial parents in IV-D cases
- [45 C.F.R. § 303.4](#): Establishment of support obligations

¹ 45 C.F.R. § 303.5(a); K.S.A. 39-753(g)

² K.S.A. 23-2203; K.S.A. 23-2201 et seq.

³ 45 C.F.R. § 303.3(b)(3)

⁴ 45 C.F.R. § 303.3(b)(5)

⁵ 45 C.F.R. § 303.4(d)

⁶ 45 C.F.R. § 303.2(c)

⁷ 45 C.F.R. § 303.101(b)(i)

- [45 C.F.R. § 303.5](#): Establishment of paternity
- [45 C.F.R. 303.101](#): Expedited processes
- [K.S.A. 23-36,101 et seq.](#): Uniform Interstate Family Support Act
- [K.S.A. 23-2201 et seq.](#): Kansas Parentage Act
- [K.S.A. 23-2203](#): Hospital based program for voluntary acknowledgment of paternity
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 8: Parent Locate](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 9: ESTABLISHING PARENTAGE

Section 2: Administrative Establishment of Parentage

Version: 1	Effective Date: 1/1/2024
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Background

The two methods for establishing parentage in Kansas are by signing an acknowledgment of paternity and by court order.¹ Federal regulations require an expedited administrative process to establish paternity.² In Kansas, the Voluntary Acknowledgement of Paternity satisfies this requirement. A Paternity Acknowledgement may be executed through a hospital in time to permit it's filing within 5 days of the child's birth as required by statute.³

Policy

The valid execution of a Paternity Affidavit conclusively establishes parentage which can only be ended by court order. No further legal action is necessary. The Paternity Affidavit gives rise to the right of the Custodial Party (CP), Non-Custodial Parent (NCP), or the Title IV-D agency to obtain a child support order including provisions for health insurance.⁴

A person who wants to revoke an Acknowledgment of Paternity must file the request with the court before the child is one year old, unless the person was under age 18 when the Acknowledgment of Paternity was signed. A person under age 18 when the acknowledgment was signed has until one year after his or her 18th birthday to file a request. If the request is filed within 60 days of signing the acknowledgment there are no additional requirements for the Court to hear the matter. If the request is filed after 60 days of signing the acknowledgment the person will have to show that the acknowledgement was based on fraud, duress (threat) or an important mistake of fact.⁵

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [K.S.A. 23-2201 et seq.](#): Kansas Parentage Act
- [K.S.A. 23-2203](#): Hospital based program for voluntary acknowledgment of paternity
- [K.S.A. 23-2204](#): Acknowledgment of paternity forms
- [K.S.A. 23-2209](#): Determination of father and child relationship; who may bring action; when action may be brought; revocation of acknowledgment
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations

¹ K.S.A. 23-2203; K.S.A. 23-2201 et seq.; K.S.A. 65-2409a

² 42 U.S.C. § 666(a)(2); 42 U.S.C. § 666(a)(5)(C); K.S.A. 23-2204(b)(2)

³ K.S.A. 23-2204(b)(1); K.S.A. 23-2209(e)

⁴ K.S.A. 23-2209(b)

⁵ K.S.A. 23-2209(e)

- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship
- [K.S.A. 65-2409a](#): Certificate of birth; requirements; filing; fee for certificate of live birth; parent's social security number

Procedure

When the Title IV-D Office initiates a case in which the child is born out of wedlock, the Title IV-D Office should check VRVWeb through the Kansas Department of Health and Environment (KDHE) to determine whether a Paternity Affidavit has been executed. If the enrollee states that a Paternity Affidavit was executed but a Paternity Affidavit is not found in either system, the Title IV-D Office may need to request a copy from the Office of Vital Statistics in the state where the child was born. For children born in Kansas, the Voluntary Acknowledgment of Parentage (VAP) may be requested from the Kansas Department of Vital Statistics. This document may be needed to prove parentage in a court case. This is done by sending a signed "Request for Certified Copy of Paternity Acknowledgment". The form is downloadable from the statewide child support system (KAECSES). If one is available, the certified copy will be returned to the Title IV-D Office. Copies of this may be used for evidence in court. The certified copy (original) is to be retained by the Title IV-D Office in the permanent file.

The Title IV-D Office may also need to obtain certified copies of a non-Kansas birth certificate to determine and/or document parentage of a child for IV-D purposes. This is when there is no other documentation of parentage available including a request for Voluntary Acknowledgment of Parentage in another state. There may or may not be a charge for a IV-D Agency. Kansas Department for Children and Families reimburses the cost for these expenses to the Title IV-D Office. Any certified copies (original) are to be retained by the Title IV-D Office in the permanent file.

When unable to access a child's birth record through the KDHE VRVWeb or if the child was born out of state, the Title IV-D Office shall make the following attempts prior to mailing a request to the Vital Statistics Office for a registered copy of a birth record:

- Contact the CP to request a copy.
- Contact Sarah Delgado to request a search of EES Imaging.

Do not confuse the Voluntary Acknowledgment of Parentage, KDHE VRVWeb verification, and state-issued birth certificates with unofficial birth documents hospitals often give to new parents. These unofficial certificates may show a name of a parent at the request of the mother, even if there is not a parent on the KDHE birth registration. These unofficial certificates do not establish legal parentage.

In any Title IV-D case in which the child was born out of wedlock and parentage has not been established by a Paternity Acknowledgement Affidavit, the Title IV-D Office will file a petition to establish parentage with the court.¹

Forms and Tools

- [VRVWeb](#) through the Kansas Department of Health and Environment (KDHE)

¹ K.S.A. 39-709; K.S.A. 39-756; K.S.A. 23-2201 et seq.



Frequently Asked Questions

- N/A

Related Information

- [Chapter 9: Establishing Parentage, Section 3: Judicial Establishment of Paternity](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

CHAPTER 9: ESTABLISHING PARENTAGE

Section 3: Judicial Establishment of Parentage

Version: 1	Effective Date: 1/1/2024
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Background

Parentage may be established by an order of the Court.¹ In order for a case to be filed in a particular Court, the Court must have jurisdiction over the parties and the venue must be proper.²

Policy

Jurisdiction³

A Court has personal jurisdiction if the party:

- Files a parentage action;
- Joins a parentage action;
- Is served a summons in Kansas⁴;
- Voluntarily enters appearance:

The proper venue for a parentage action brought under the Kansas Parentage Act is the county where the child, the mother, or the presumed or alleged father resides or is found. If a parent or an alleged or presumed parent is deceased, an action may be brought in the county in which proceedings for probate of the estate of the parent or alleged or presumed parent have been or could be commenced.⁵

Jurisdiction and venue for non-resident parties is governed by the Uniform Interstate Family Support Act.⁶

Parties to a Parentage Action

The child, the child's mother, and each alleged father are necessary parties and shall be joined to each parentage action.⁷

If parentage is not already established, the Title IV-D Office shall file a parentage action upon the request of the child, the mother or alleged or presumed father.

References

- [42 U.S.C. § 654](#): State plan for spousal and child support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve the effectiveness of child support enforcement
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support

¹ 42 U.S.C. § 666(a)(2); 45 C.F.R. § 303.5(a)(2); K.S.A. 23-2201

² K.S.A. 23-2210

³ K.S.A. 23-2210; K.S.A. 60-308; 42 U.S.C. § 666(a)(2); 45 C.F.R. § 303.5(a)(2);

⁴ K.S.A. 60-303

⁵ K.S.A. 23-2210(c)

⁶ K.S.A. 23-3601 et seq.

⁷ K.S.A. 23-2211

- [45 C.F.R. § 302.33](#): Services to individuals not receiving Title IV-A assistance
- [45 C.F.R. § 303.5](#): Establishment of paternity
- [45 C.F.R. § 303.11](#): Case closure criteria
- [K.S.A. 23-2201 et seq.](#): Kansas Parentage Act
- [K.S.A. 23-2208](#): Presumption of paternity
- [K.S.A. 23-2210](#): Jurisdiction; venue; precedence of certain other orders
- [K.S.A. 23-2211](#): Parties
- [K.S.A. 23-3001](#): Minor children; support and education
- [K.S.A. 23-3601](#): International reciprocity for enforcement of support orders
- [K.S.A. 60-242](#): Multicounty and multidistrict litigation
- [K.S.A. 60-303](#): Methods of service of process
- [K.S.A. 60-304](#): Services of process, on whom made
- [K.S.A. 60-308](#): Service outside state

Procedure

Securing Background Information

The Title IV-D Office will receive certain basic information about a prospective parentage case via the IV-A/IV-D interface, the IV-E/IV-D interface, the Kansas Child Support Services Enrollment Form (5033), or a Uniform Interstate Family Support Act (UIFSA) transmittal. The Title IV-D Office may wish to conduct an in-person interview with the enrollee to obtain additional information about the alleged parent. If the enrollee is unable to come to the Title IV-D Office due to distance or an intergovernmental case, additional information may be obtained via telephone, mail, or email.

Determining Not to File a Petition to Establish Parentage

The Title IV-D Office is strongly encouraged to check VRVWeb through Kansas Department of Health and Environment (KDHE) to determine whether a Paternity Affidavit has been executed for the child or if parentage has already been established by the Court. Because the execution of a Paternity Affidavit establishes parentage without further order of the Court, the Title IV-D Office need not file a petition to establish parentage, but instead files a petition to establish a child support order.¹ Similarly, if a Court has already established parentage, the Title IV-D Office files a petition to establish a child support order and not a petition to establish parentage.

The Title IV-D Office does not need to attempt to establish parentage in any case involving incest or forcible rape or in any case in which legal proceedings for adoption are pending, if, in the opinion of the Title IV-D Office, it would not be in the best interests of the child to establish parentage.² If the Title IV-D Office determines it is not in the child's best interest to establish parentage in those situations, the Title IV-D Office may close the case and must document the circumstances appropriately.³

The Kansas IV-A or IV-E program may determine that a Temporary Assistance for Needy Families (TANF) applicant has provided good cause to not cooperate with the Title IV-D Office in establishing parentage or a child support order because the physical health or safety of the mother or child would be jeopardized. The Title IV-D Office shall not proceed

¹ K.S.A. 23-3001 et. seq.

² 45 C.F.R. § 303.5(b)

³ 45 C.F.R. § 303.11(b)(6)(iii); 45 C.F.R. § 302.31(c)

on a case in which there has been a finding of good cause by the IV-A or IV-E program unless there has been a determination that support enforcement may proceed without the participation of the enrollee.¹

Filing the Parentage Action

In all Title IV-D cases, the Title IV-D Office shall file the parentage action pursuant to local court rules. Once parentage is established for all children with the same Custodial Party (CP) and Non-Custodial Parent (NCP) in common, the Court shall consolidate all of the cases into a single case, usually the earliest court case number.²

Serving the Summons

The summons and a copy of the petition shall be served, upon the alleged or presumed father(s) by:³

- Registered or certified mail;⁴
- Personal service;⁵
- Residencial service;⁶ or
- Serving the party's agent as provided by rule, statute, or agreement.

If using registered or certified mail, a return receipt should be requested and returned showing receipt of the summons and petition.

A copy of the Petition should be mailed by regular mail to the CP. Service can be done by Sheriff or Special Process Server⁷.

Dismissal of Parentage Action⁸

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 CSS 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).

Minor NCP

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.⁹

¹ 45 C.F.R. § 302.31(c)

² K.S.A. 60-242(a)

³ K.S.A. 60-303

⁴ K.S.A. 60-303(c)

⁵ K.S.A. 60-303(d); K.S.A. 60-303(d)(1)(A)

⁶ K.S.A. 60-303(d)(1)(B)

⁷ K.S.A. 60-303(d)(3)

⁸ K.S.A. 60-241

⁹ K.S.A. 23-2211(a)

If the legal parent or alleged parent on the case is a minor, the Title IV-D Office can pursue to establish parentage and a support order. The minor CP and the minor CP's parents need to be included in the case caption and they need to sign the affidavit. The parent or guardian of the minor NCP will need to be served.¹ The Title IV-D Office may need to file a motion to appoint guardian ad litem to represent the minor parent.

Presumption of Parentage When a Sperm Donor is Used

If a parent used a sperm donor for conception of a child, the statute should be reviewed, and the CSS attorney must be involved at a very early stage.²

Forms and Tools

- [Enrollment Form](#)
- [UIFSA Transmittal](#)
- [VRVWeb](#)

Frequently Asked Questions

- ? *May the Title IV-D Office file a petition to establish parentage if the alleged father submitted the Enrollment Form?*
- ✓ Yes. Anyone may apply for services.³ If parentage has not been legally established for the child with any father, the Title IV-D Office shall file a petition to establish parentage on behalf of the alleged father.
- ? *May the Title IV-D Office file a parentage action when a child is born during an intact marriage where the alleged father is not the husband?*
- ✓ Yes, so long as there is no one listed on the birth certificate. There is a presumption that the husband is the child's father.⁴ However, upon receipt of an Enrollment Form, the Title IV-D Office can file an action at the request of the child, mother, or a man alleging to be the father so long as the facts require it.

Related Information

- [Chapter 3: Case Initiation](#)
- [Chapter 4: Mandatory Cases](#)
- [Chapter 10: Child Support Order Establishment](#)
- [Chapter 15: Intergovernmental](#)
- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

¹ K.S.A. 60-304

² K.S.A. 23-2208(f)

³ 42 U.S.C. § 654(4); 45 C.F.R. § 302.33(a)(1)(i)

⁴ K.S.A. 23-2208(a)(1)

CHAPTER 9: ESTABLISHING PARENTAGE

Section 4: Genetic Testing

Version: 1	Effective Date: 1/1/2024
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Background

Federal regulations require states to identify and use genetic testing laboratories through competitive procurement process.¹ The Department for Children and Families (DCF) coordinates periodic competitive procurements and maintains a contract with a vendor who offers low-cost genetic testing services for Title IV-D cases in Kansas. The Title IV-D Program pays for genetic testing in Title IV-D cases.²

Policy

The Title IV-D Office shall provide genetic testing services in a Title IV-D case when parentage is not established, and genetic testing is appropriate or ordered by the Court.

The Title IV-D Office shall enlist the services of an agency approved vendor. The Title IV-D Program will not pay any vendor that is not under contract. The Title IV-D Program will pay the approved vendor the cost of genetic testing for Title IV-D cases and an order should not be sought for one or both of the parties to reimburse the program for these fees.

If genetic testing is ordered by the Court or requested by a party on a non-IV-D (NIVD) case, one of the parties must apply for Title IV-D services prior to the genetic test samples being taken.

When parentage is already established in a Title IV-D case via a Paternity Affidavit or court order, it is not appropriate to use the genetic testing service provided by the Title IV-D Program.

References

- [45 C.F.R. § 303.5](#): Establishment of paternity
- [K.S.A. 23-2204](#): Acknowledgment of paternity forms
- [K.S.A. 23-2208](#): Presumption of paternity
- [K.S.A. 23-2212](#): Genetic tests to determine paternity; order of court; refusal to submit to tests; expert witnesses
- [K.S.A. 23-2224](#): Court orders; interlocutory orders; ex parte, when; notice and hearing; temporary support
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [State v. Manson](#), 56 Kan.App.2d 1241, 446 P.3d 1074 (2019)
- [In re Marriage of Ross](#), 45 Kan 591, 783 P.2d 331 (1989)

¹ 45 C.F.R. § 303.5(c)

² K.S.A. 39-753(a); K.S.A. 23-2224

Procedure

Genetic Testing Vendor Designation

It is the policy of the Kansas Title IV-D Program to offer genetic testing only when there is not a legally presumed parent or by order of the Court. In Kansas the Title IV-D Program contracts with LabCorp. The genetic sample can be collected by a LabCorp representative or by certified Title IV-D onsite staff. Once collected, the samples are sent to LabCorp for processing. These tests will either identify the father or exclude the alleged father. Federal law states the IV-D agency shall require all parties to submit to genetic tests with few exceptions.¹ Results are usually received within four to six weeks.

Under Kansas case law the signing of a Voluntary Acknowledgement of Parentage (VAP) within one year of a child's birth creates a permanent father and child relationship and cannot be rebutted by genetic testing.² The father does have a way to revoke the VAP so long as it's done within one year of the child's birth.³ In cases where there is no signing of the VAP but there is a presumption of parentage,⁴ the Court would proceed with a Best Interest and/or Ross Hearing to determine if it's in the best interest of the child to proceed with genetic testing.⁵

If genetic testing is ordered, the parties will be given two chances to submit to genetic testing. If the Non-Custodial Parent (NCP) fails to follow through with the genetic testing or submits to genetic testing and is determined to be the father but then fails to follow through with an Agreed Order, the case should proceed to Court for an order establishing parentage and support.

If there are multiple NCPs, and none are presumed, Title IV-D staff can arrange for genetic testing on all the NCPs and proceed with an Agreed Order if one is found to be the biological father.

The Title IV-D Program will cover the costs of genetic testing. If there is a presumed and alleged father, the case must be referred as legal will need to bring all parties into the legal proceedings. Genetic testing cannot be completed in these cases until a Ross hearing has been held to determine if it is in the child's best interest to conduct testing.⁶

Scheduling the Test

The genetic sample can be collected by a LabCorp representative or by certified Title IV-D onsite staff. If the Title IV-D Office chooses to obtain buccal swab samples and send them to the vendor for testing, the Title IV-D Office shall establish chain of custody through appropriate verified documentation.⁷

Genetic Testing Vendor

The genetic testing vendor sends statement(s) to Child Support Services (CSS) Administration for payment. The results of the genetic tests are sent to the Title IV-D Office who authorized the test. CSS Administration pays the genetic testing vendor directly.

¹ 45 C.F.R. § 303.5(d)(1)

² State v. Manson, 56 Kan.App.2d 1241, 446 P.3d 1074 (2019)

³ K.S.A. 23-2204

⁴ K.S.A. 23-2208

⁵ In re Marriage of Ross, 45 Kan 591, 783 P.2d 331 (1989)

⁶ In re Marriage of Ross, 45 Kan 591, 783 P.2d 331 (1989)

⁷ K.S.A. 23-2212

Genetic Test Results

The verified written report shall be stipulated to by all parties unless written notice of intent to challenge the validity of the report is given to all parties not more than 20 days after receipt of a copy of the report but in no event less than 10 days before any hearing at which the genetic test results may be introduced into evidence. If such notice is given, the experts shall be called by the Court as witnesses to testify as to their findings and shall be subject to cross-examination by the parties. Any party may demand that other experts, qualified as genetic examiners, perform independent tests under order of the Court, the results of which may be offered in evidence. The number and qualification of the other experts shall be determined by the Court. If no challenge is made, the genetic test results shall be admissible as evidence of parentage without the need for foundation testimony or other proof of authenticity or accuracy.¹

The alleged father has 30 days to contest the results of the genetic test. If the alleged father requests a 2nd test, he will be responsible for paying any costs associated with retesting.

Forms and Tools

- N/A

Frequently Asked Questions

- ? *Should the Title IV-D Office request an order for a party to repay the cost of the genetic testing?*
- ✓ No. CSS Administration pays the genetic testing fee. The parties are no longer required to repay the cost of the genetic testing. The one exception is that the alleged father must pay for any costs associated with retesting, if he requests retesting.

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

¹ K.S.A. 23-2212(c)

CHAPTER 10: CHILD SUPPORT ORDER ESTABLISHMENT

Section 1: Federal Time Frames for Establishment of Support Obligation

Version: 1	Effective Date: 1/1/2024
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Background

Each State with a Title IV-D program is required to have a state plan indicating that the state will provide services for the establishment of support.¹ This policy specifically concerns the establishment of child support obligations.

Policy

The Kansas Title IV-D Program may only file legal proceedings to establish parentage or an ongoing support obligation on behalf of a minor child(ren).²

Within 90 calendar days of locating the alleged father or Non-Custodial Parent (NCP), regardless of whether parentage has been established, the Title IV-D Office must establish an order for child support or complete service of process necessary to commence proceedings to establish a child support order, and if necessary, parentage.³

Legal actions must be initiated and completed timely with 75% of actions completed within 6 months and 90% within 12 months from date of Service of Process.⁴

The Title IV-D Office is to complete Service of Process to establish parentage within 90 days of receipt of an appropriate and complete legal action request. Federal regulation requires service be obtained within 180 days in 75% of such cases and within 365 days in 90% of such cases.⁵

Unsuccessful attempts to serve an alleged father or NCP must be documented in the statewide child support system (KAECSES).⁶ Diligent efforts to obtain good service must be periodically conducted when adequate location and identifying information is available.⁷

References

- [K.S.A. 23-2209](#): Determination of father and child relationship; who may bring action; when action may be brought; revocation of acknowledgment
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, childcare subsidies, and medical assistance; prohibition of medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations
- [K.S.A. 39-755](#): Actions by secretary to establish parentage and to enforce support rights; necessary parties to proceedings; counsel; orders; application of section

¹ 42 U.S.C. § 652(a); 42 U.S.C. § 654(4)

² K.S.A. 23-2209(b)

³ 45 C.F.R. § 303.4(d)

⁴ 45 C.F.R. § 303.4(d); 45 CFR § 308.2(b)

⁵ 45 C.F.R. § 303.101(b)(i)

⁶ 45 C.F.R. § 303.4(d); 45 CFR § 308.2(b)

⁷ 45 C.F.R. § 303.3(c); 45 C.F.R. § 303.4(d)

- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas Department for Children and Families; attorney-client relationship
- [42 U.S.C. § 652](#): Duties of Secretary
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.3](#): Location of noncustodial parents in IV-D cases
- [45 C.F.R. § 303.4](#): Establishment of support obligations
- [45 C.F.R. § 303.101](#): Expedited processes
- [45 C.F.R. § 308.2](#): Required program compliance criteria

Procedure

The Title IV-D Office may refer the case to the State and Federal Parent Locator Service (SPLS/FPLS) in order to locate an alleged father or NCP after diligent efforts to obtain good service for the establishment of a child support order.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 8: Parent Locate](#)
- [Chapter 14: Medical Support](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 10: CHILD SUPPORT ORDER ESTABLISHMENT

Section 2: Elements of a Child Support Order

Version: 1	Effective Date: 1/1/2024
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Background

In an action for the dissolution of marriage, legal separation, child support, or establishment of parentage, the Court may order either parent or both parents to pay any amount reasonable for support of a child.¹

Action by a Court is necessary to establish a child support obligation which is enforceable. Every attempt should be made to secure a court order.² Cases should be reviewed to determine if Kansas has jurisdiction to establish an order for the parties.³ If not, an intergovernmental action may be necessary.⁴

Policy

In Title IV-D cases, the Title IV-D Office shall petition the Court to establish an order for child support when an order does not already exist.⁵ Age of either parent does not stop the processing of a case.⁶ Exceptions may be granted for extraordinary circumstances by Child Support Services (CSS) Administration.⁷

The Title IV-D Office shall not participate in proceedings to establish a spousal support order.⁸ Spousal support may be collected along with a child support order when the spousal support is for the Custodial Party (CP) of the child(ren) for whom support is ordered.

In Kansas, the Kansas Child Support Guidelines provide the direction for calculating child support obligations to provide consistency in judgments between Courts and jurisdictions.⁹ The Child Support Worksheet (CSW) is prepared pursuant to the Guidelines and in all cases filed with the Court when child support is established.¹⁰ There is a rebuttable presumption that the amount of child support ordered based upon the Guidelines is the correct amount.¹¹

The Court may deviate from the CSW and is required to specify the reason for the deviation.¹² The Court may determine that a child support order of \$0.00 is appropriate for one or both parents. Any child support order that is expressed in a numeric value, which includes an order of \$0.00, is to be entered into KAECSSES as a child support order.

¹ K.S.A. 23-2101 et seq., Kansas Family Law Code; 42 U.S.C. § 654(4)(A)

² K.S.A. 39-753

³ K.S.A. 23-2211

⁴ K.S.A. 23-3601

⁵ K.S.A. 23-3002; K.S.A. 39-753(g)

⁶ K.S.A. 23-2211

⁷ Kansas Child Support Guidelines Appendix I; K.S.A. 23-2215(f)(3)

⁸ 42 U.S.C. § 654(4)(B)(ii)

⁹ Kansas Child Support Guidelines

¹⁰ Kansas Child Support Guidelines Section III.A. Documentation; K.S.A. 23-3002

¹¹ Kansas Child Support Guidelines Section I Use of Guidelines

¹² Kansas Child Support Guidelines Section IV.F. Deviation(s) From Rebuttable Presumption Amount

The child support order shall include a provision for immediate income withholding unless a stay has been granted by the Court.¹ The Kansas Title IV-D Program utilizes Income Withholding Orders (IWO) to attach income for child support.² The Kansas Title IV-D Office is required to use the Federal Office of Child Support Services (OCSS) forms titled either "Order/Notice to Withhold Income for Child Support" or "Notice of an Order to Withhold Income for Child Support".³ In Kansas, employers must not exceed 50% of the payor's disposable income.⁴

All cases in the Title IV-D Program must have an IWO on file subject to any exceptions allowed by statute.⁵ If an exception is appropriate, the IV-D attorneys must narrate on List Narrative screen (CSLN) the exception and findings. The payment location on IV-D IWOs must be the Kansas Payment Center (KPC).⁶ Kansas uses pro rata for payments on multiple IWOs.⁷

A child support order must require either one or both parents to provide medical support for the child(ren) through health insurance coverage if the health insurance coverage is available to the parent at a reasonable cost.⁸ Is it the policy of the Kansas Title IV-D Program to default to the CP to provide medical coverage for the child(ren). However, if there is insurance available and viable from the Non-Custodial Parent (NCP), the Title IV-D Office will require the NCP to provide the insurance. Documentation of coverage information and viability will be recorded in the statewide child support system (KAECSSES).

A child support order should specify which parent of a child may claim the child as a dependent for purposes of federal and state taxes.⁹ It is the policy of the Kansas Title IV-D Program for every order to include a written finding of who shall claim the child(ren) for taxes.

In foster care (FC) cases, the following provision is expected to be in the Journal Entry:

The child currently has health care coverage through the State of Kansas. If the child returns to the home of the Respondent, the Respondent shall then provide health care coverage for the child. If the child returns to the Respondent's home, the Respondent would then be entitled to the dependency exemption. The Court retains jurisdiction over the dependency exemption for possible modification in the future.

Judgment for Child's Share of Temporary Assistance for Needy Families (TANF) and/or Foster Care (FC) Reimbursement

The Title IV-D Office will seek judgments from one or both legally responsible parents for 100% of unreimbursed cash assistance (URA/TANF), FC or Kansas Department of Corrections-Juvenile Services (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 less¹⁰. CSS Administration must approve and narrate on CSLN any exceptions.

¹ K.S.A. 23-3103(b)

² 45 CFR § 303.100

³ 45 CFR 303-100(e)(1); K.S.A. 23-3103(e)

⁴ K.S.A. 23-3104

⁵ K.S.A. 23-3101 et seq., Income Withholding Act

⁶ K.S.A. 39-7,135; K.S.A. 23-3004

⁷ K.S.A. 23-3105

⁸ K.S.A. 39-753; 42 U.S.C. 666(a)(19)(218)

⁹ Kansas Child Support Guidelines IV.E.3. Income Tax Considerations; K.S.A. 23-3002

¹⁰ K.S.A. 39-709(h); 39-718(b)

Cost of Raising Child Judgement (CRCH)

Kansas will only pursue a judgment for past due support in parentage actions for a maximum of 60 months at the hypothetical child support amount, excluding any months where TANF was received.¹ The CP is responsible for pursuing any time period not covered by the 60 months. The CRCH judgment must be established at the date of the initial order.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 CFR § 303.100](#): Procedures for income withholding
- [K.S.A. 23-2101](#) et seq.: Kansas Family Law Code
- [K.S.A. 23-2211](#): Parties
- [K.S.A. 23-2215](#): Judgment or order; other authorized orders
- [K.S.A. 23-3101](#) et seq.: Income Withholding Act
- [K.S.A. 23-3002](#): Determining amount of child support
- [K.S.A. 23-3004](#): Child support payments paid through the central unit for collection and disbursement of support payments; exception for good cause shown
- [K.S.A. 23-3005](#): Modification of child support
- [K.S.A. 23-3103](#): Income withholding order; issuance; service of notice; agreements or alternative arrangements; ex parte interlocutory orders; medical support orders
- [K.S.A. 23-3104](#): Payor's duties; cost recovery fee authorized; limit on amount withheld; violations by payor; penalties
- [K.S.A. 23-3105](#): Priority of withholding order; application of limitations imposed by other laws; multiple withholding orders, single obligor
- [K.S.A. 23-3601](#): International reciprocity for enforcement of support orders
- [K.S.A. 39-7,135](#): Title IV-D agency designated; maintenance of Kansas payment center for collection and disbursement of support payments; contracts for administration and operation; disposition of certain payments under unclaimed property act
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, child care subsidy and medical assistance; prohibition of medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations
- [K.S.A. 39-718b](#): Liability of parent or guardian for assistance provided child, exceptions
- [K.S.A. 39-753](#): Title IV-D child support enforcement services; duties of secretary; rules and regulations
- [Kansas Child Support Guidelines](#)

Procedure

When preparing and filing a petition to establish child support, the Title IV-D Office should follow local rules as well as the statutory requirements governing the type of action (e.g. parentage, child support, medical support, arrears judgment, etc.) under which the petition is filed. Each action in which we are asking for current support requires a Domestic Relations Affidavit (DRA) and a proposed Child Support Worksheet (CSW) also be filed.²

¹ K.S.A. 23-2215(f)

² K.S.A. 23-3002(b)

Most child support obligations are effective 30 days after the Petition or Motion is filed.¹ In a parentage action the child support will be effective 30 days after the Petition is filed but do allow some reimbursement back to the date of birth.² The state can also seek reimbursement of TANF payments for the child's portion of the grant in both child support and parentage cases.³

To determine the arrearage amount, the amount of current support ordered is multiplied by the number of months between the effective date of support and the date payments are ordered to begin. This periodic repayment amount is to be paid in addition to the ongoing support obligation.

Forms and Tools

- N/A

Frequently Asked Questions

- ? *When a divorce or legal separation case is open and pending, may a party enroll in Title IV-D services to establish a child support order?*
 - ✓ Yes. When a divorce or legal separation is pending, the Title IV-D Office shall file a petition to establish a child support order if a party enrolls in Title IV-D services.
- ? *When parties are married and separated, but there is no divorce or legal separation case pending, may a party enroll in Title IV-D services to establish a child support order?*
 - ✓ Yes. When parties are married and separated, but no petition for dissolution or legal separation has been filed, the Title IV-D Office shall file a petition to establish a child support order if a party enrolls in Title IV-D services.
- ? *May the Title IV-D Office file a petition to establish a child support order when the parents have equal physical custody pursuant to the divorce decree? Must a parent first obtain a court order to be the primary custodian before pursuing child support?*
 - ✓ Yes, the Title IV-D Office may file a petition to establish or modify a child support order at the request of any party in a Title IV-D case. Primary physical custody is not prerequisite to seeking or obtaining a child support order. The Court will consider, using the CSW, the financial resources of each parent and the standard of living the child would have enjoyed in a home with both parents. The CSW does not consider physical custody of a child, but the number of overnights each parent has with the child and who pays the expenses in its calculation of who pays child support to whom and the amount.⁴

Related Information

- [Chapter 3: Case Initiation, Section 1: Enrollees and Case Types](#)
- [Chapter 11: Enforcement, Section 2.1: Income Withholding Orders](#)
- [Chapter 14: Medical Support, Section 2: Establishing Medical Support Order](#)
- [Chapter 19: Other Child Support Related Topics, Section 4: Spousal Support Only Cases](#)

¹ K.S.A. 23-3005

² K.S.A. 23-2215(f)

³ K.S.A. 39-718b

⁴ Kansas Child Support Guidelines



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 10: CHILD SUPPORT ORDER ESTABLISHMENT

Section 3: Kansas Child Support Guidelines

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that states must establish one set of child support guidelines for setting and modifying child support order amounts within the state.¹ In Kansas, the Kansas Child Support Guidelines provide the direction for calculating child support obligations to provide consistency in judgments between Courts and jurisdictions.²

The Kansas Child Support Guidelines are to be applied in every instance in which child support is established including, but not limited to, dissolutions of marriage, legal separations, parentage actions, juvenile proceedings, petitions to establish support, and Title IV-D proceedings.

Policy

Kansas Child Support Rules

Adoption of the Child Support Rules and Guidelines

The Kansas Supreme Court adopts guidelines as drafted by the Advisory Committee who are individuals with experience in child support including judges, attorneys, law professors, accountants, legislators, and parents. They also use an independent economist to provide the advisory committee an analysis of economic changes in the state and nation regarding costs and expenditures associated with raising children.³ The current guidelines went into effect January 1, 2024.⁴

Presumption

In any proceeding for the award of child support, there must be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the correct amount of child support to be awarded. Any deviation must be explained in the child support order.⁵

Deviation from the Guideline Amount

If the Court concludes from the evidence in a particular case that the amount of the child support reached through the application of the guidelines would be unjust and a different amount should be ordered, the Court must enter a written finding articulating the factual circumstances supporting that conclusion.⁶

¹ 45 C.F.R. § 302.56(a)

² Kansas Child Support Guidelines

³ K.S.A. 20-165

⁴ 45 C.F.R. § 302.56(f); Kansas Child Support Guidelines

⁵ Child Support Guidelines I.B.2. Rebuttable Presumption

⁶ Kansas Child Support Guidelines VI. Deviations From Rebuttable Presumptive Amount; 45 C.F.R. § 302.56(g)

Kansas Child Support Guidelines

Guideline Objectives

- To establish as state policy an appropriate standard of support for children, subject to the ability of parents to financially contribute to that support;
- To make awards more equitable by ensuring more consistent treatment of people in similar circumstances; and
- To improve the efficiency of the Court process by promoting settlements and giving the Courts and the parties guidelines in settling the level of awards.

Income Shares Model

Kansas uses the Income Shares Model which is predicated on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together.¹ While Kansas started with this premise, many adjustments have been applied to the guidelines over the years modifying the original Income Shares Model formula to include the number of children in the family, the ages of the children, current economic data, deductions for social security, federal and state income taxes, etc. Although the schedules use combined gross monthly income as an index that identifies values in the child support schedules, the entries in the schedules used to calculate the actual child support obligation are based upon either consumption spending or after-tax income, whichever is lower. The schedules also include a built-in reduction from average expenditures per child because of the financial impact on the family of maintaining two households instead of one.² The calculated amount establishes the level of child support for both the Custodial Party (CP) and Non-Custodial Parent (NCP).

Guidelines Schedule

The guidelines utilize a schedule for monthly support payments to determine the total amount of expected contribution based on the parties' combined gross monthly income.³ Each party's relative contribution will be further adjusted based on the payment of child care expenses, medical support expenses, and existence of other biological or adopted children.

Basic Subsistence Needs

The guidelines require the court to take into consideration the basic subsistence needs of the NCP and at the court's discretion, the CP, and children. This is done by considering the current federal poverty guidelines for a household of one. To calculate this adjustment, the court must subtract the federal poverty guidelines for a household of one from the child support income. This amount is the income available for support. If the income available for support is less than the child support owed by the NCP, the court must set a child support obligation based on the best interest of the child.⁴

Income Determination

When a IV-D Attorney is calculating the child support obligation, gross income for each party is to be used on the Child Support Worksheet (CSW). Gross income is the total amount of income before deductions. Determine gross income for each parent by using the Domestic Relations Affidavit (DRA) and any other source of current income information, as appropriate.

¹ 45 C.F.R. § 302.56(c)(4)

² Kansas Child Support Guidelines IV.D. Gross Child Support Obligation

³ Kansas Child Support Guidelines II.C.1. Domestic Gross Income

⁴ 45 C.F.R. § 302.56(c)(1)(ii); Kansas Child Support Guidelines VI.D.1. Deviations from Rebuttable Presumptive Amount, Use; 45 C.F.R. § 303.4(b)(3); 45 C.F.R. § 302.56(c)(1)(iii); 45 C.F.R. § 303.4(b)(2)

If a parent does not return the DRA, use other verified sources (such as tax returns, copies of pay stubs or employer letters) to determine income. If no other source supplies current financial information, follow the Child Support Guidelines to determine what should be used.¹

▪ **Gross Income:**

Gross income is set as actual monthly gross income of the parent if employed to full capacity, potential income if unemployed or underemployed, and the value of “in-kind” benefits received by the parent. Monthly gross income of each parent includes income from any source, and includes, but is not limited to income from:

- Salaries;
- Wages;
- Commissions;
- Bonuses;
- Overtime;
- Partnership distributions;
- Dividends;
- Severance pay;
- Pensions;
- VA Disability payments;
- Military Basic Allowance for Housing (BAH);
- Military Basic Allowance for Subsistence (BAS);
- Interest;
- Trust income;
- Annuities;
- Structured settlements;
- Capital gains;
- Social Security Disability Insurance (SSDI);
- Social Security Retirement payments;
- Worker’s compensation benefits;
- Unemployment insurance benefits;
- Disability insurance benefits;
- Gifts;
- Inheritance;
- Prizes and Lottery winnings; and
- Spousal maintenance.²

Exclusions from income include public assistance programs including, but not limited to:³

- Temporary Assistance for Needy Families (TANF);
- Supplemental Security Income (SSI);
- Earned Income Credit (EIC);
- General Assistance (GA);
- Medicaid;
- Low Income Energy Assistance Program (LIEAP); and

¹ Kansas Child Support Guidelines II. Income Computations

² Kansas Child Support Guidelines II. Income Computations; III. Adjustments to Domestic Gross Income

³ Kansas Child Support Guidelines II.C.1.b. Public Assistance

- Section 8 and other forms of public housing assistance
- Federal Work Study grants.

Also not included as income are:

- Income of a guardian or caretaker who is not the child(ren)'s parent
- Income of the child(ren)'s siblings
- Income of the child(ren)'s stepparent

Bonuses and other supplemental income¹:

The 2024 Guidelines moved bonuses into its own section and now has several ways to apply it to child support.

- Averaged into monthly gross income;
- Paid as a percentage upon receipt; and
- As the Court decides.

If the bonus is averaged, it must be paid through the Kansas Payment Center (KPC). If there is not an order to have the bonus income paid through the KPC the IV-D Attorney should file a Motion to direct the payments through the KPC.

- Self-Employment

Self-employment gross income is income from self-employment and all other income including that which is regularly and periodically received from any source excluding public assistance and child support received for other children in the residency of either parent. In cases of self-employed persons, reasonable business expenses are those actual expenditures reasonably necessary for the production of income. Depreciation must be included only if it is shown that it is reasonably necessary for the production of income. Reasonable business expenses must include the additional self-employment tax paid over and above the FICA rate. The qualified business income (QBI) deduction is not considered a reasonable business expense for child support purposes. Tax deductible expenses that qualify as deductions for federal or state income tax purposes may not necessarily be considered reasonable business expenses to be deducted from gross income for child support purposes.²

- Ability to Earn Income³

Income may be imputed to either parent in appropriate circumstances. If the Court, within its discretion, decides to impute income in a particular case, the Court must take into consideration the specific circumstances of the NCP and the CP, to the extent known. Such factors include:

- The NCP and CP's assets;
- Residence;
- Employment and earnings history;
- Job skills;
- Educational attainment;
- Literacy;
- Age;
- Health;

¹ Child Support Guidelines II.C.1.c. Bonuses and Other Supplemental Income

² Kansas Child Support Guidelines II.D. Self-Employment Domestic Gross Income

³ Kansas Child Support Guidelines II.B. Ability to Earn Income; 45 C.F.R. § 302.56(e); 45 C.F.R. § 302.56(c)(1)(iii); 45 C.F.R. § 303.4(b)(2)

- Criminal record and other employment barriers;
- Record of seeking work;
- The local job market;
- The availability of employers willing to hire the parent;
- Prevailing earnings level in the local community;
- Incarceration; and
- Other relevant background factors in the case.

If the Court imputes income based off of the evidence presented, they must make a written finding in support of imputing income.¹

The Court may find that a parent is able to earn at least the federal minimum wage and to work 40 hours a week.² If the parent is deliberately unemployed or under employed³ income may be imputed. If the parent was terminated from employment for misconduct rather than a layoff, their previous wage may be imputed.⁴

■ Incarceration

A Court may not consider the incarceration of a parent as voluntary unemployment for purposes of establishing or modifying child support. However, circumstances surrounding the incarceration of the NCP, along with all other factors and circumstances related to the incarcerated NCP's ability to pay support and any other equitable considerations relevant to the specific circumstances of the case, may be considered.⁵

It is policy of the Title IV-D Program that once it is known that a NCP will be incarcerated with at least 180 calendar days remaining a modification review will be initiated.

■ In-Kind Benefits

When a parent receives significant in-kind payment or reimbursement that reduces personal living expenses as a result of employment, such as a company car, free housing, or reimbursed meals, the value of such in-kind payment or reimbursement should be added to gross income.⁶

Also, the marriage of a parent to a spouse which does not necessitate that parent to maintain employment may give rise to a situation where either potential income or the value of in-kind benefits, or both, should be considered when determining the parent's monthly gross income.

CHILD SUPPORT WORKSHEET (CSW)

After the IV-D Attorney has completed the Bradley Child Support Worksheet, the information will be entered on the WORK screen. The WORK screen is not designed to give tax adjustments; therefore, it is important that the worksheet is completed on Bradley to determine the correct amount of the child support obligations.

In all cases, a copy of the worksheet prepared pursuant to the guidelines must be completed and filed with the Court when the Court is asked to order support⁷. The Kansas Child Support Guidelines have general instructions regarding:

¹ Kansas Child Support Guidelines II.B.2. Written Findings

² Kansas Child Support Guidelines II.B.2. Written Findings

³ Kansas Child Support Guidelines II.B.3. Deliberate Unemployment or Under Employment

⁴ Kansas Child Support Guidelines II.B.4. Termination for Misconduct

⁵ Kansas Child Support Guidelines II.B.6. Incarceration; 45 C.F.R. § 302.56(c)(3)

⁶ Kansas Child Support Guidelines II.B.5. In-Kind or Reimbursed Living Expenses

⁷ K.S.A. 23-3002; Kansas Child Support Guidelines I.D. Required Documentation

1. Rounding – Calculations should be rounded to the nearest tenth for percentages and to the nearest dollar in all instances.¹
2. Age – In determining the age of a child use the age on the child's nearest birthday.²
3. Income Beyond the Child Support Schedule – The Court should exercise its discretion by considering what amount of child support should be set in addition to the highest amount on the child support schedule.³
4. More than Six Children – If the parties share legal responsibility for more than six children, support should be based upon the established needs of the children and be greater than the amount of child support on the six child families' schedule.⁴
5. Divided Residency Situations – Two child support worksheets need to be prepared.⁵
6. Combination of primary and shared residency is complicated, and the Child Support Guidelines should be closely reviewed if this is the situation.⁶
7. Multiple Family Adjustment – May be used to adjust the child support obligation of the NCP when the NCP has legal financial responsibility for the support of other children who reside with the NCP. The multiple family adjustment may be used by the NCP when establishing an original order of child support or an increase in support is sought by the CP. However, the court has discretion to allow use of the multiple family adjustment regardless of who files a motion to modify child support. The multiple family adjustment must not be used for children who are already part of another court order.⁷
8. Shared Expense Formula is complicated, and the Child Support Guidelines should be closely reviewed if this is the situation.⁸
9. Equal Parenting Time Formula is complicated, and the Child Support Guidelines should be closely reviewed if this is the situation.⁹
10. Residence with a Third Party – Both parents must be ordered to pay child support to the third-party caretaker.¹⁰
11. Cost of Living Differential – There is a formula to follow if the parent lives in a different location such as Alaska or Hawaii.¹¹
12. Birth Expenses - If a judgment for birth expenses is awarded, the presumed amount is the parent's proportionate share as reflected in Line D.2 of the Worksheet. If a parent's proportionate share of the birth expenses is more than 5% of the parent's current gross annual income projected over five years, the parent may request deviation from the presumed amount.¹²
13. Parenting Time Adjustment.¹³

The parenting time adjustment is prospective and assumes that parenting time will occur, so the court may consider the historical exercise or historical non-exercise of parenting time as a factor in denying, limiting, or granting an adjustment under this section. Adjustments under this section may be prorated over twelve months unless the parent having primary residency requests otherwise. It is IV-D policy to request that adjustments be prorated due to the difficulty it causes in collecting support. The IV-D Attorney should file a motion to prorate if necessary. If the shared expense formula

¹ Kansas Child Support Guidelines VI.G.2. Rounding

² Kansas Child Support Guidelines IV.D.1. Age

³ Kansas Child Support Guidelines IV.G. Extended Formula for Income Beyond the Child Support Calculations

⁴ Kansas Child Support Guidelines IV.D.2. More than Six Children

⁵ Kansas Child Support Guidelines IV.D.3. Divided Residency Situations

⁶ Child Support Guidelines IV.D.4. Combination of Primary and Shared Residency

⁷ Kansas Child Support Guidelines IV.F. Multiple Family Application

⁸ Kansas Child Support Guidelines VI.C. Shared Expense Formula

⁹ Kansas Child Support Guidelines VI.B. Equal Parenting Time Obligation

¹⁰ Kansas Child Support Guidelines I.F. Residence with a Third Party

¹¹ Kansas Child Support Guidelines IV.E. Cost of Living Differential

¹² K.S.A. 23-2215(f); Kansas Child Support Guidelines VII.B. Birth Expenses

¹³ Kansas Child Support Guidelines IV.H. Parenting Time Adjustment

or the equal parenting time formula applies in shared residency situations, no parenting time adjustment may be made under this section. There are several parenting time adjustments that can be used:

1. Actual Cost Adjustment.
2. Parenting Time Formula Adjustment.
3. Extended Parenting Time Adjustment.
4. Non-Exercise of Parenting Time Adjustment.

Once the Child Support Income is determined, each parent's proportionate shares of combined income must be calculated.¹ This is done by dividing each parent's income by the combined income. The basic parental child support obligation is the parental child support obligation minus the adjustment for health, dental, orthodontic, and vision premiums and work-related child care costs paid by each party.

Work-Related Child Care Costs²

Actual, reasonable, and necessary child care costs paid to permit employment or job search of a parent should be added to the support obligation. "Paid" means the net amount after deducting any third-party reimbursements. The Court has the discretion to determine whether proposed or actual child care costs are reasonable, taking into consideration the income and circumstances of each of the parties. The monthly figure is the average annual amount, including variations for school breaks. Projected child care expenses should be reduced by the anticipated or available tax credit for child care before an amount is entered on the worksheet. Bradley Software will also calculate this adjustment. The adjusted amount should be entered on the WORK screen.

Health, Dental, Orthodontic, and Vision Expenses³

The cost to the parent or parent's household to provide for the costs of physical health, mental health, dental, orthodontic, and vision premiums for the minor child or children is to be added to the gross child support obligation. If coverage is provided without cost to the parent or parent's household, then zero should be entered as the amount. If there is a cost, the amount to be used is the actual cost for the child or children. Unreimbursed Medical Expenses must be assessed to the parties in accordance with the parties' proportional share as shown on line D.2 of the worksheet⁴ There are details and time limits as to how the parties are to notify each other in order to seek reimbursement, so these should be discussed with the parties.

As a general rule, the IV-D Program does not obtain judgments for unreimbursed medical expenses. An exception to this general rule is when the IV-D Office files a paternity action and, as part of that action, seeks a judgment for the NCP's portion of the out-of-pocket medical expenses paid by the CP. Further, if unreimbursed medical expenses have been reduced to a judgment, the Title IV-D Office will add the judgment amount to the arrears and collect that amount.

Child Support Adjustments⁵

Child Support Adjustments apply only when requested by a party in writing prior to the hearing. All requested adjustments are discretionary with the Court and based upon the best interest of the child. The allowed adjustment

¹ Kansas Child Support Guidelines IV.C. Proportionate Shares of Combined Income

² Kansas Child Support Guidelines IV.J. Work-Related Child-Care Costs

³ Kansas Child Support Guidelines IV.I. Health and Dental Insurance Premium

⁴ Kansas Child Support Guidelines I.H. Unreimbursed Medical Expenses

⁵ Kansas Child Support Guidelines V. Adjustments

should be annualized to a monthly amount. The Court must make written findings regarding deviations to the child support guideline amount and include a justification of why the deviation is in the best interest of the child. ¹

- Long Distance Parenting Time Costs²

Any substantial and reasonable long-distance transportation or communication costs directly associated with parenting time must be considered by the Court. In making the calculation, the Court should divide the total amount by two so that the NCP is only given a credit for the other parent's portion of the costs. The Court is not required to use federal mileage costs. The Court may consider the circumstances that created the long-distance situation. If the parties are equally sharing the transportation of the child for long-distance parenting time, this adjustment should not be used.

- Income Tax Considerations³

The parties are encouraged to maximize the tax benefits of the dependency exemption and credits for a minor child and to share those actual economic benefits. If the parties do not agree to share the actual economic benefits of the dependency exemption for a minor child or, if after agreeing, the parent having primary residency refuses to execute IRS Form 8332, the Court must consider the actual economic effect to both parties and may adjust the child support. The party seeking the income tax consideration adjustment has the burden of proof. The Court also may consider any other income tax impacts, regardless of an agreement upon the dependency exemption and tax credit issues.

In situations where the NCP lives in another state, Kansas state income tax rates should be used in the calculation of the income tax adjustments. However, the Court has discretion to make adjustments on a case-by-case basis to address those differences.

- Special Needs⁴

Special needs of the child are items which exceed the usual and ordinary expenses incurred, such as ongoing treatment for health problems, orthodontist care, special education, or therapy costs, which are not considered elsewhere in the support order or in computations on the worksheet.

- Agreement Past Majority⁵

If the parties have a written agreement for a parent to continue to support a child beyond the age of majority, it may be considered in setting child support. The fact that a parent is currently supporting a child of the parties in college (or past the age of majority) may be considered if the parent having primary residency seeks to increase the child support for the benefit of any children still under the age of eighteen.⁶

- Overall Financial Condition⁷

¹ Kansas Child Support Guidelines VI.A. Deviations from Rebuttable Presumptive Amount, Generally

² Kansas Child Support Guidelines V.B. Long Distance Parenting Time Costs

³ Kansas Child Support Guidelines V.C. Income Tax Considerations

⁴ Kansas Child Support Guidelines V.D. Special Needs

⁵ Kansas Child Support Guidelines V.E. Agreement Past Majority

⁶ K.S.A. 23-3001(b)(1)

⁷ Kansas Child Support Guidelines V.F. Overall Financial Condition

The financial situation of the parties may be reason to deviate from the calculated basic parental child support obligation if the deviation is in the best interest of the child.

Deviations from Rebuttable Presumptive Amount

The Court must make written findings regarding deviations to the Child Support Guidelines and include the reason why the deviation is in the best interest of the child. Deviations include:

- a. Equal Parenting Time Obligation
- b. Shared Expense Formula
- c. Ability to Pay Calculation
- d. Social Security Dependent Benefits
- e. Enforcement Fee Allowance

- Ability to Pay Calculation¹

The Court must take into consideration the basic subsistence needs of the NCP. This is done by subtracting the federal poverty guidelines for a household of one from the child support income. The remaining amount is the income available for support.

- Social Security Disability or Retirement Dependent/Auxiliary Benefits²

- a. Current Support Obligation

Social Security dependent/auxiliary benefits received for the benefit of a child based upon the disability of the CP are not a credit towards the child support obligation of the NCP. However, Social Security benefits received by a CP, as a representative payee of the child, and based upon the earnings or disability of the NCP, shall be considered a credit towards the NCP's child support obligation.

The NCP's benefits shall be included in the NCP's Gross Domestic Income and the child's dependent/auxiliary benefit shall be applied as a credit to the NCP's current child support obligation. Any portion of the benefit that exceeds the child support obligation shall be considered a gratuity for the benefit of the child(ren). In those situations, in which both the CP and NCP receive Social Security benefits, and the child is eligible to receive dependent/auxiliary benefits, the judge will make findings as to how the dependent/auxiliary benefits will be applied to the child support obligation.

- b. Retroactive Lump Sum Payment³

If a CP, as a representative payee of a child, receives a lump sum payment of retroactive Social Security Disability Insurance (SSDI) benefits based upon the NCP's disability, the lump sum payment amount shall be applied as a credit against the child support arrearage that accumulated during the months covered by the lump-sum payment. The CP must notify the court and all the parties within 30 days of receipt of the lump sum payment. The Court may issue sanctions if notice is not provided. Any portion of the lump sum payments of retroactive SSDI dependent/auxiliary benefits paid to children in excess of the child support

¹ Child Support Guidelines VI.D. Ability to Pay Calculation

² Kansas Child Support Guidelines II.C.1.g. Social Security Disability Insurance (SSDI); II.C.1.a. Definition; VI.E. Social Security Dependent Benefits; VIII. Retroactive Lump Sum Payment

³ Child Support Guidelines VIII Retroactive lump sum payment

obligation should not be credited against the child support arrearage and is a gift/gratuity for the benefit of the child(ren).

- Enforcement Fee Allowance¹

In instances where a fee is charged the fee should be divided equally between the parties.

Required Worksheet Signatures²

The person requesting or responding to a request for child support order or modification must file a completed, signed, and dated child support worksheet and DRA. Every order for child support must have a corresponding child support worksheet approved by the judge and filed in the case.

Payment of Child Support³

Except for good cause shown, every order requiring payment of child support must require that the support be paid through the KPC. If there is not an order to have the child support paid through the KPC the IV-D Attorney should file a Motion to direct the payments through the KPC.⁴

Change in Circumstances⁵

Courts have continuing jurisdiction to modify child support orders to advance the welfare of the child when there is a material change of circumstances. A material change of circumstances includes, but is not limited to:

- 10% Rule – change of financial circumstances of the parents or the guidelines which would increase or decrease by 10% the amount of child support.
- The child moves into a different age group category.
- The child support has not been reviewed for a modification in three years.⁶
- One child of the parties emancipates.⁷
- Failure to comply with the terms of a positive or negative adjustment awarded by the Court such as failure to exercise parenting time or non-utilization of a special needs allocation.

These are specifically mentioned in the Kansas Child Support Guidelines as situations that are not normally considered a change in circumstances:

- Income from a second job taken by the NCP.⁸ The exception is if the parties relied on the second job when the parties were together.
- Income from bonuses not shown to be regularly paid by the employer.⁹
- An increase in the gross income of the CP.¹⁰
- Termination from employment for misconduct.¹¹

¹ Kansas Child Support Guidelines VI.F. Enforcement Fee Allowance

² Kansas Child Support Guidelines I.D. Required documentation; Appendix I Child Support Worksheet

³ Kansas Child Support Guidelines I.G. Payment of Child Support

⁴ K.S.A. 23-3004

⁵ Kansas Child Support Guidelines I.E. Material Change in Circumstances

⁶ 45 C.F.R. § 303.8(b)(1)

⁷ Kansas Child Support Guidelines I.I.3. Modification

⁸ Kansas Child Support Guidelines I.E.2. 10% Rule

⁹ Kansas Child Support Guidelines I.E.2. 10% Rule

¹⁰ Kansas Child Support Guidelines I.E.2. 10% Rule

¹¹ Kansas Child Support Guidelines I.E.4. Termination from Employment

- Voluntary termination from employment.¹

Both parties have a duty to notify the other parent of any change of financial circumstances² including, but not necessarily limited to, income, work-related child care costs, and health insurance premiums which, if changed, could constitute a material change of circumstances. If there is a failure to disclose a material change of circumstances the court may determine the dollar value and assess the amount on the child support worksheet or adopt other sanctions.³

References

- [45 C.F.R. § 302.56](#): Guidelines for setting child support orders
- [45 C.F.R. § 303.4](#): Establishment of support obligations
- [K.S.A. 20-165](#): Rules establishing child support guidelines
- [K.S.A. 23-2215](#): Judgment or order; other authorized orders
- [K.S.A. 23-3001](#): Minor children; support and education
- [K.S.A. 23-3002](#): Determining amount of child support
- [K.S.A. 23-3004](#): Child support payments paid through the central unit for collection and disbursement of support payments; exception for good cause shown
- [Child Support Guidelines](#)
- Federal Poverty Guidelines [Poverty Guidelines | ASPE \(hhs.gov\)](#)

Procedure

- N/A

Forms and Tools

- [Domestic Relations Affidavit](#)
- [Child Support Worksheet](#)
- [Equal Parenting Time \(EPT\) Worksheet](#)
- [Agreed Shared Expense Plan](#)

Frequently Asked Questions

? *How often are the Kansas Child Support Guidelines reviewed?*

- ✓ The Child Support Guidelines Advisory Committee revises the Kansas Child Support Guidelines every four years.⁴
The Kansas Supreme Court's Child Support Guidelines Advisory Committee meeting information is maintained on the Kansas Judicial Branch website with information on meetings including meeting minutes and agendas, the membership of the committee, and details regarding the child support guidelines review process.⁵

Related Information

- [Chapter 11: Enforcement, Section 3: Social Security](#)

¹ Kansas Child Support Guidelines I.E.4. Termination from Employment

² Kansas Child Support Guidelines I.E.5. Duty to Notify

³ Kansas Child Support Guidelines I.E.5. Duty to Notify

⁴ 45 C.F.R. §302.56(e); Kansas Child Support Guidelines VI. Review of Guidelines

⁵ Child Support Guidelines Advisory Committee - KS Courts



▪ [Chapter 14: Medical Support](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 1: Overview

Version: 1	Effective Date: 1/1/2024
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Background

Some enforcement measures are administrative only, such as federal and State tax offsets and passport denial. Some enforcement measures are judicial only, requiring legal involvement, such as contempt. Some enforcement actions may be taken either through administrative or judicial action, such as income withholding orders and driver's license restriction. The sections that follow in this Chapter will discuss in further detail the various enforcement measures available in the Kansas Child Support Services (CSS) Title IV-D program.

Definitions

"Obligee" means the person or entity to whom a duty of support is owed.¹

"Obligor" means any person who owes a duty to make payments or provide health benefit coverage under an order for support.²

Policy

Enforcement of child support orders is a fundamental function of the Title IV-D Program.³ The Title IV-D Office shall take appropriate enforcement action when a child support delinquency or other support related non-compliance of an order occurs.⁴ The Title IV-D Office retains the discretion to determine the most appropriate enforcement action to take on each Title IV-D case.

The Kansas IV-D Program will enforce the following obligations:⁴

- Child Support;
- Child Support Arrears Judgments, which are not dormant;
- Judgments for State of Kansas (Foster Care [FC], 718b)⁵;
- Medical Support Orders;
- Medical Support when reduced to a judgment;
- Interest on out of state orders; and
- Spousal Support (current or arrears) when current child support is due at the time of IV-D assignment.

Enforcement Functions

The following items are re-occurring functions that must be completed during the life cycle of a case while it is in enforcement status:

¹ K.S.A. 23-3102(k)

² K.S.A. 23-3102(l)

³ 42 U.S.C. § 654(4); 42 U.S.C. § 666; 45 C.F.R. § 303.6

⁴ 45 C.F.R. § 303.6(c)(2)

⁵ K.S.A. 39-718b

- Monitoring compliance with the support obligation;
- Taking necessary actions within the case if out of compliance;
- Completing Income Withholding Requests;
- Receiving and responding to customer inquiries (customer service emails, phone calls, in-person, etc.);
- Performing locate on parties, as necessary;
- Communicating with the Custodial Party (CP) or Non-Custodial Parent (NCP), as needed;
- Making finance requests, as necessary;
- Monitor legal actions; as needed;
- Requesting a UIFSA, when necessary;
- Working CSEnets and communicate with other states as needed;
- Initiating modifications, when necessary;
- Gathering case related documentation (i.e., emancipation information);
- Case Closure; and
- Documenting all actions in the case record.

References

- [42 U.S.C. § 654\(4\)](#): State plan for child and spousal support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.6\(c\)\(2\)](#): Enforcement of support obligations
- [45 C.F.R. § 308.2\(c\)\(3\)](#): Required program compliance criteria
- [K.S.A. 23-3102\(k\)](#): “Obligee”
- [K.S.A. 23-3102\(l\)](#): “Obligor”

Procedure

Time for Enforcement

The Title IV-D Office evaluates a case for enforcement upon identifying a child support delinquency or other support related non-compliance of a court order.¹ If the location of the obligor is unknown, the Title IV-D Office shall use all appropriate locate resources within 75 days of determining location service is needed.²

When service of process is not needed, the enforcement action shall be taken within 30 calendar days of identifying the delinquency or other non-compliance or of locating the obligor, whichever occurs later.³ Enforcement actions that do not require service of process are generally administrative enforcement actions.

When service of process is required, the enforcement action shall be taken within 60 calendar days of identifying the delinquency or other non-compliance or of locating the obligor.⁴ Judicial enforcement actions require service of process. Unsuccessful attempts to complete service of process shall be documented.⁵

¹ 45 C.F.R. § 303.6(c)(2)

² 45 C.F.R. § 308.2(c)(3)(i)

³ 45 C.F.R. § 303.6(c)(2); 45 C.F.R. § 308.2(c)(3)(v)

⁴ 45 C.F.R. § 303.6(c)(2); 45 C.F.R. § 308.2(c)(3)(vi)

⁵ 45 C.F.R. § 303.6(c)(2)

Considerations in Determining the Appropriate Enforcement Action

The Title IV-D Office is strongly encouraged to review in detail the specific circumstances of a case to determine the most appropriate and effective enforcement actions for that case.

When domestic violence has been reported in a case, the Title IV-D Office may find it appropriate to discuss a planned enforcement measure with the victim, or custodian of the victim, prior to taking an enforcement action. This advanced notice may assist the victim in taking any necessary safety precautions.

Exemptions on Enforcement

The Title IV-D Office may enter an exemption on the Administrative Action Exemption - EXMP screen in the statewide child support system (KAECSES) for one or more enforcement actions to prevent automated enforcement actions from occurring. An exemption may be entered at the discretion of the Title IV-D Office based on a detailed review of the specific circumstances of the case. Exemptions should be used sparingly.

A note should be made in KAECSES detailing the reason for the exemption.

Because there is no automated review of the exemption, when the Title IV-D Office enters an exemption, they must follow up and review the exemption. Thus, if the Title IV-D Office does not follow up and review the exemption, the exemption will remain indefinitely which could result in one or more automatic administrative enforcement actions not occurring.

Forms and Tools

- [Business Practice 1000-18](#) - Exempting Administrative Enforcement Actions/Viewing Administrative Action Exemptions
- [Chapter 19: Other Child Support Related Topics, Section 1: Family Violence & Good Cause for additional information](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 2: Income Withholding Orders (IWO)

Version: 1	Effective Date: 1/1/2024
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Background

A key change in the Family custody Support Act of 1988 was the introduction of “immediate income withholding” to ensure regular payments are distributed to the obligee.¹ With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, the Title IV-D Program was given the authority to administratively issue Income Withholding Orders (IWOs) using a uniform form prescribed by the Secretary of the Department of Health and Human Services.²

Income withholding has been standardized so that both employers and employees have a seamless process once income withholding has been legally established. Income withholding follows a priority scheme that is set out in each state’s statutes. In addition, the IWO and Notice of Income Withholding (NOI) forms have been standardized at a federal level. The federal forms have been adopted as an official Kansas IWO and NOI forms by the Judicial Council.³

Definitions

An IWO is the document that is filed within a legal file that has:

1. **“Arrearage”**, for the purposes of income withholding, means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.⁴
2. **“Income”**, for the purposes of income withholding, Income" means any form of payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits, workers compensation and any other periodic payments made by any person, private entity or federal, state, or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply. Workers’ compensation shall be considered income only for the purposes of child support and not for the purposes of maintenance. Unemployment insurance benefits shall be considered income for purposes of this act when such funds are sought by the secretary of the department for children and families, or the secretary's designee, in administration of the Title IV-D Program.⁵

¹ P.L. 100-485

² 42 U.S.C. § 666(c)(1)(F); 42 U.S.C. § 654a(g)(1)(A)

³ Child Support Income Withholding Order (IWO) | Kansas Judicial Council

⁴ K.S.A. 23-3102(a)

⁵ K.S.A. 23-3102(d)

3. **"Payor"**, for the purposes of income withholding, means any person or entity owing income to an obligor or any self-employed obligor and includes, with respect to a medical child support order, the sponsor or administrator of a health benefit plan.¹

Policy

The Child Support Services (CSS) attorney is expected to implement income withholding in 100% of new or existing cases which meet program criteria for use of this remedy. This includes issuing a NOI within two business days of receipt of the legal request, if the support order does not already contain language which allows an immediate IWO.² Thereafter, the CSS attorney shall comply with all Title IV-D Program policies concerning prompt filing of affidavits, orders, request for service, etc. The CSS attorney is also responsible for monitoring the case to ensure compliance with the IWO.

The NOI must be prepared (dated and signed) and sent to the payor and/or the payor's attorney.³

The Kansas Income Withholding Act provides a 7-day period for the payor to file a Motion to Stay the issuance of the IWO; this period is automatically extended to 10 days when service is by certified mail.⁴

The Kansas Income Withholding Act does not require any allegation in the NOI concerning how long the critical payment has been past due. Under no circumstances shall payment of overdue support upon receipt of the advance notice be the sole basis for not implementing the IWO.

Upon expiration of the period allowed for the payor to file a Motion to Stay, the CSS attorney must file an Affidavit Requesting IWO along with the IWO to be signed by the Court. A NOI should be sent to the employer of the payor:

- Within two days, if the address of the payor employer is known on that date; or
- Within two days of the date the address is subsequently verified.⁵

If the payor changes employment when an income withholding is in effect, the new employer, if known, must be served with a copy of the notice to withhold. If the new employer of the payor is unknown, the caseworker shall utilize all location sources available to locate the new employer.⁶

References

- [15 U.S.C. § 1673](#): Restriction on garnishment
- [42 U.S.C. § 654a](#): Automated data processing
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.100](#): Procedures for income withholding
- [K.S.A. 23-36,101 et seq.](#): Citation of Act
- [K.S.A. 23-3101 et seq.](#): Title and purpose of act; severability
- [K.S.A. 23-3102](#): Definitions

¹ K.S.A. 23-3102(o)

² K.S.A. 23-3103(h)

³ K.S.A. 23-3103(h)

⁴ K.S.A. 23-3106(a)

⁵ K.S.A. 23-3106; 45 C.F.R. § 303.100(e); 42 U.S.C. § 654a(g)

⁶ 45 C.F.R. § 303.100(e)

- [K.S.A. 23-3103](#): Income withholding order; issuance; service of notice; agreements or alternative arrangements; ex parte interlocutory orders; medical support orders
- [K.S.A. 23-3104](#): Payor's duties; cost recovery fee authorized; limit on amount withheld; violations by payor; penalties
- [K.S.A. 23-3106](#): Contest and stay of withholding order; when; grounds; hearing; disposition; immediate issuance of order; continuance; additional circumstances warranting issuance of order
- [K.S.A. 23-3107](#): Modification or termination of withholding order, when; notice; medical withholding order
- [K.S.A. 23-3110](#): Change of obligor's payor or address and employment; related health benefits coverage, notice required
- [PL 100-485](#): Family Support Act of 1988

Procedure

An IWO is required in any Kansas Title IV-D case that is originated by the IV-D Program and shall be issued immediately.¹

Whenever the Kansas IV-D Program holds an assignment of support, an IWO should be in the court file.

If there is not an IWO on file, the originating order must be reviewed for IWO language, before determining if an IWO can be done or if an NOI needs to be completed.

An IWO must be documented in the statewide child support system (KAECSSES) as follows:

- Add IWO Legal Action (LACT);
- Complete IWO Legal Details (LDET) screen;
- Add Legal Obligation Persons (LOPS) screen;
- E-file IWO with the Court (if not currently on file); and
- Upon acceptance from the Courts:
 - Enter file date on LACT;
- Send copy of IWO via first class mail to:
 - payor and
 - payor's employer (if known);
 - If employer is E-IWO employer, then E-IWO process must be used through KAECSSES.

The details of income withholding must not be specified in any journal entry/order of support. If the details are set forth it may limit the enforcement rights of the IV-D Program. The IWO is the only place that should state specific amounts to be withheld for current support and arrears. Spousal support and spousal arrears are also listed in the IWO when appropriate.

- Spousal amounts for current and arrears do not download on the IWO and must be manually entered on both the notice of IWO and the IWO that is sent/transmitted.

Note: The standard form developed by the Federal Office of Child Support Services (OCSS) is adopted by Kansas and is on LACS for use. It will download as "Order/Notice to Withhold Income for Child Support". The file stamped date is entered for an IWO on LACS. Only the federal notice form must be used to notify employers or other payors of income and plan administrators of their duties related to an income withholding for support.

¹ K.S.A. 23-3103(b); 45 C.F.R. § 303.100(b)

- Minor editing is required on the IWO to add the signature of the judge and allow spacing for the signature.
- The notice of IWO will be linked to the order by the filed date of the order.
- The actual journal entry should never be sent to the employer except in extraordinary instances and only after approved by the IV-D supervising attorney.

Notice of Intent to Request an Income Withholding Order (NOI)

The NOI must be approved by the CSS attorney, prepared (dated and signed), and served on the payor and/or the payor's attorney by personal service, first-class mail, or registered mail, return receipt requested.¹ The NOI provides information about the IWO and details on how the obligor can file a motion to stay issuance of the IWO.² IWOs must be timely issued, modified, and terminated when necessary. Subsequent IWOs may be issued and sent within federal timeframes when:

1. The amount of current child support has been modified.
2. Arrears have been adjudicated.
3. Unadjudicated arrears have increased and additional withholding for arrears is permitted by statute; or

The Kansas Income Withholding Act provides a 7-day period for the payor to file a Motion to Stay the issuance of the IWO; this period is automatically extended to 10 days when service is by certified mail.

The Kansas Income Withholding Act does not require any allegation in the NOI concerning how long the critical payment has been past due. Under no circumstances shall payment of overdue support upon receipt of the advance notice be the sole basis for not implementing the IWO.

Upon expiration of the period allowed for the payor to file a Motion to Stay, the CSS attorney must file an Affidavit Requesting IWO along with the IWO to be signed by the Court. A notice of IWO should be sent to the employer of the payor:

- Within 2 days, if the address of the payor's employer is known on that date; or
- Within 2 days of the date the address is subsequently verified.

If the payor changes employment when an income withholding is in effect, the new employer, if known, must be served with a copy of the notice to withhold. If the new employer of the payor is unknown, the caseworker shall utilize all location sources available to locate the new employer.

Stay of Withholding

The payor has the option to file a Motion to Stay the IWO. There are only a few reasons the payor can use to stay the IWO:

- A mistake of fact concerning the amount of the support order, the amount of the arrearage, the amount of income to be withheld.
- The proper identity of the payor.³

¹ K.S.A. 23-3103(h); 45 C.F.R. § 303.100(d)

² K.S.A. 23-3103(h); 45 C.F.R. § 303.100(d)

³ K.S.A. 23-3103(h); 45 C.F.R. § 303.100(c)(2), (d)(4)

In a Title IV-D case, the determination that there is good cause not to require immediate income withholding must include a finding that immediate income withholding would not be in the child's best interests and, if a payor's existing obligation is being modified, proof of timely payment of previously ordered support.¹

The payor must file the Motion to stay the issuance of the IWO with the Court and serve a copy to the payee within 7-days after service of the NOI.² The hearing must be held within 14 days after the motion to stay issuance of the IWO is filed with the Court.³

If the motion to stay does not contest the identity of the payor, the IV-D Office can file an affidavit for an immediate IWO for the uncontested amounts.⁴ If the Court cannot promptly resolve all the issues the Court may continue the hearing on the unresolved issues, provided that within 45 days of the date the notice was served the Court notifies the parties of whether or not the withholding is to occur.⁵

When the case is a Non-IV-D case, the payor can present to the Court a written agreement between the parties providing for an alternative arrangement and ask for no income withholding order to be issued by the Court based off of:

- A finding of good cause;⁶ or
- The submission to the Court of a written agreement by the parties.⁷

Immediate Income Withholding (Auto IWO)

All child support orders that are originated by and/or signed by an attorney representing the Title IV-D Program shall include the issuance of an immediate IWO. The IWO must be filed timely with the Journal Entry/Order of Support.

All support orders are subject to immediate income withholding, and must include the following provisions:

- A statement that Kansas Income Withholding Act requires immediate entry of an IWO;
- A statement that nothing in the support order or IWO limits the rights of the Kansas Department for Children and Families (DCF) or the payee to enforce the support order or to collect arrearage by any means allowed by law, including the use of state and/or federal setoff; and
- A provision requiring that both parties keep the Title IV-D Office informed of the following:
 - Name and address of their current employer;
 - Their address if they move; and
 - Any available employment related health insurance coverage for dependents which the payor has access to.⁸

Once there is a legal order for support and the IWO is documented on LACS with file stamped dates, the IWO may be generated by E-IWO (if E-IWO employer) or printed manually and sent to the employer. Any future IWO's may be auto issued upon verification of new employment or generated via E-IWO when the appropriate criteria have been met.

¹ K.S.A. 23-3103(j)(1); 45 C.F.R. § 303.100(b)

² K.S.A. 23-3106(a)

³ K.S.A. 23-3106(b)

⁴ K.S.A. 23-3106(c)

⁵ K.S.A. 23-3106(d)

⁶ K.S.A. 23-3103(j)(1)(A)

⁷ K.S.A. 23-3103(j)(1)(B)

⁸ K.S.A. 23-3110; 45 C.F.R. § 303.100(a)(9)

'I' Class Legal Actions Involved in the Auto IWO Process

IWO	INCOME WITHHOLDING ORDER
IWOMODO	IWO MODIFICATION
IWONOTKM	IWO MODIFICATION (NOT KS CSE)
IWONOTKS	IWO (NOT KS CSE)
IWONOTKT	IWO TERMINATION (NOT KS CSE)
IWOTERM	IWO TERMINATION
NOIIWON	NOTICE INTENT TO REQUEST
IWO ORDWO2	ORD/NOTICE WITHHOLD INCOME CS

Motions to Modify an Income Withholding Order¹

The Title IV-D Office is required to file motions in the District Court when a change occurs that will change the amount of an IWO. Some examples are:

- Modify or terminate the IWO because of a modification or termination of the underlying support order. The IWO should not be terminated if the support order itself is not terminated;
- Modify IWO when amount shifts from current and arrears to arrears only;
- Modify IWO when arrears have been paid in full and only current support is to be withheld; or
- Modify the amount of income withheld until full payment of the arrearage.

Note: An exception to the IWO being terminated if the support order itself is not terminated is:

- In situations where a payor is receiving SSI benefits or SSI and concurrent SSDI/SSR benefits, the case must be reviewed for a modification of the support order in accordance with Child Support Guidelines. Additionally, the IWO in these situations must be terminated in order for SSA to receive IWO's through the E-IWO process.

The caseworker must be alert to the need for modification of the IWO. If any office receives a copy of a private attorney's Motion to Modify the support order on which the withholding is based, or a Motion to Terminate the IWO, the document must be immediately reviewed by legal.

Until an amended IWO is on file at the District Court, all notices to withholding will generate based off the IWO that is on file. This includes current and arrears for child support and/or current and arrears for spousal support. When an amended IWO is filed, an updated NOI will need to be resent to any employers who are currently withholding to ensure they receive the most current NOI and can adjust the withholding amounts for the employee. Any Notice of IWO terminations will also need to be sent once the order to terminate is filed.

¹ K.S.A. 23-3107

Determining the Repayment Amounts on Arrears

This section provides guidelines for determination of IWO arrearage payment amounts on all IV-D cases including Foster Care.

The satisfaction of the debt within a reasonable time should be a priority. The general rule is request for the repayment amount to be 30% of the current support obligation. If that amount exceeds the 50% cap of withholding,¹ reduce the arrears amount accordingly. Arrears amounts can be adjusted due to request of a payor for financial hardship. Every effort should be made to work with a payor who reaches out to find a reasonable amount to pay towards arrears to timely reduce the arrears.

The following examples are to be used as guidelines for setting IWO amounts. The need for discretion is also acknowledged.

Guidelines

Case Circumstance: Both Current and Past-Due Support is Owed.

When an arrearage exists on a case and current support is also owed, the presumed minimum amount to request for the arrearage payment is thirty percent (30%) of the current support obligation. See considerations below.

Case Circumstance: Past-Due Support is Owed; Current Support is No Longer Due.

When an arrearage exists on a case and current support is no longer due (i.e., last child emancipates), the presumed minimum amount to request for the arrearage is the amount of what had been the current support obligation plus thirty percent (30%). This application is consistent with the guideline above and assumes the amount set for current support is relatively recent (i.e., within the last 2 to 3 years).

Example: Current child support amount is set at \$250.00 per month. The arrears payment is set for \$75.00 per month. This gives a total monthly child support amount for current + arrears of \$325.00. When current support stops, the IWO must be changed to \$325.00 per month towards arrears only.

Case Circumstance: Past-Due Support is Owed, a Current Support Order Never Existed or was \$0.

When an arrearage exists on a case and current support was never set, the presumed minimum amount to request for the arrearage payment is \$75.00. This is a general guideline and special circumstances can be taken into consideration based on the payor's concerns.

Suggested Considerations

When contacted by the payor, discretion will be used to evaluate payment to determine proper arrears amount based on the following circumstances associated with the case and/or the payor's ability to pay:

- The amount of the debt;
- Dormancy for real property, a 60 month payoff schedule may be reasonable;

¹ K.S.A. 23-3104(f); 15 U.S.C. § 1673

- If debt is not kept alive and payor has property that is going to be sold, Title IV-D Office cannot get funds from property sale if debt was not kept alive.
- The payor is now living in the same household with the child(ren);
- The number of known child(ren) of the payor he/she is supporting;
- Other support orders the payor is paying;
- The amount of current support, which is the basis of computing the amount of the past due support installment, is either unreasonably low or unreasonably high based on the current circumstances. A modification of the child support order should be conducted;
- The overall financial situation of the payor; and
- Whether the IWO amount was specified by Court order (this situation may exist but is against policy and should be avoided).

Note: We can quickly change the amount of arrears on an IWO when a payor is asking for a reduction.

Part-Time/Secondary Employment

When it is known a payor has a second or part-time employment, the employer must be coded with a “P” for part-time on INCS screen. This will stop the IWO from auto-generating the IWO to the part-time employer.

When Primary Employer IWO is Meeting Amount Due

If the payor’s primary employer is meeting the IWO amount requested and the Title IV-D Office has received money from the payor’s second (or part-time) employer, the Title IV-D Office must:

- Send an IWO termination to the part-time (or secondary) employer;
- If employer is not marked as “part-time” on INCS, it should be updated to reflect as such;
- Document actions on CSLN screen.

When Primary Employer is Not Meeting IWO Amount Due

If at any time, a payor is working a part-time or secondary job, income is subject to withholding, if the primary employer wages are not meeting the full IWO amount.

Termination of an Income Withholding Order¹

A Court order being paid in full may not be the only reason to terminate an IWO. If there are other reasons for termination as specified in the income withholding statute or as determined by the attorney, steps must be taken to ensure this is done promptly. The Court which issued the withholding order is to be notified of the change of circumstances which necessitated the termination request by the attorney. The IWO should not be terminated if the support order itself is not terminated.

Note: The ending of IV-D assignment to support is not reason to terminate an IWO.

¹ 45 C.F.R. § 303.100(a)(7); K.S.A. 23-3107

Intergovernmental Income Withholding Orders¹

There are different ways to use the income withholding process when another jurisdiction is involved. The following sections describe initiating income withholding.

Issuing a Kansas IWO on an Income Provider in Another State

If the income provider fails to comply with the direct income withholding notice, attempt to resolve the issue directly with the income provider. If that fails, initiate an intergovernmental referral to that state requesting enforcement of the order. Be sure to advise the state of the attempt to attach the payor's income through direct income withholding.

Order Received From another State

Another state may ask Kansas to enforce an existing order. This would require the registration of the other state's Court order.

Note: For incoming intergovernmental IWOs, the notice of delinquency (i.e., the notice of intent to request income withholding) will be served on the payor within 10 days after filing the order. However, to meet federal time standards, the CSS Attorney must initiate service of the notice immediately upon filing the order.

Original Out-of-State Order (Redirect)

When a Custodial Party (CP) enrolls for Title IV-D services and there is an existing order that was initiated in another state and the CP, Non-Custodial Parent (NCP) nor the (child)ren reside in the state where order originated, the Title IV-D Office can send a Request for Change of Support Payment Location Pursuant to UIFSA §319(b). To perform this, the following must be done:

- Prepare Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319;
 - This can be downloaded from the Case Composition (COMP) screen;
 - In space marked 'Send Payments To:', list the Kansas Payment Center (KPC) name and address;
 - Make sure to include the Payment Locator Code.
- Prepare a Child Support Agency Confidential Information Form; and
- Include a copy of the existing order with the request, as attaching a copy may expedite the request where the case is Non-IVD in the order-issuing state.

Forms and Tools

- [Reasons IWOs do not issue cheat sheet](#)
- [Military IWO training tips](#)
- [Income Withholding Order \(IWO\)](#)

Frequently Asked Questions

? *Can the Title IV-D Office modify the IWO form for a specific situation?*

¹ 45 C.F.R. § 303.100(f); K.S.A. 23-36,101 et seq., Kansas Uniform Interstate Family Support Act

- ✓ No. The IWO must be issued via the federal OMB-approved form for income withholding. There is a section for supplemental information on the form that may be modified, and which contains information specific to the type of IWO generated through the statewide child support system. Income payors/employer are instructed to reject non-conforming IWOs.¹
- ? *What happens if an income payor/employer ignores an IWO?*
- ✓ If an income payor/employer fails to forward the IWO payments as ordered, then the Title IV-D Office should contact the employer to try and resolve the issue. If that does not correct the situation a Motion should be filed.²

Related Information

- [Chapter 15: Intergovernmental](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 303.100(e), (h)

² K.S.A. 23-3104

CHAPTER 11: ENFORCEMENT

Section 3: Social Security Benefits

Version: 1	Effective Date: 1/1/2024
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Background

The Social Security Administration (SSA) runs income programs for disabled people – Social Security Disability Insurance (SSDI/Title II), Supplemental Security Income (SSI/Title XVI) and Social Security Retirement (SSR). SSDI was established in 1956 for disabled workers who worked long enough to qualify for Social Security benefits.¹ SSI was established in 1974 and provides cash assistance to disabled people based on financial needs.² SSR was established in 1935 and started paying benefits in 1940. This benefit replaces a percentage of a worker’s pre-retirement income based on their lifetime earnings.³ Workers can apply for a reduced retirement benefit at age 62, however full retirement age is 65 or 67 for those born after 1954. The Social Security Act allows the Title IV-D agency to withhold a Non-Custodial Parent’s (NCP’s) federal employment-based benefits, such as SSDI and SSR, for the collection of a child support obligation.⁴

Definitions

1. **“COGS” – Court Order Garnishment System** – will automatically identify individuals whose Title II Benefit claims are pending and flag any case for which an income withholding order has been received by SSA.⁵
2. **“Social Security Disability Insurance” (SSDI)** is a benefit of the Title II program paid to individuals who can no longer work because of a medical condition that is expected to last at least one (1) year or may result in death. SSDI is funded by and based upon the worker’s income tax contributions to the Social Security Trust Fund.⁶
3. **“Social Security Retirement” (SSR)** is a benefit paid to eligible retired workers as early as age 62 and is funded primarily by employment taxes.⁷
4. **“Supplemental Security Income” (SSI)** is a benefit, under the Title XVI program, that is awarded to individuals with low income and limited resources who are 65 or older, blind, or disabled. SSI benefits are also available to disabled children whose income and resources fall within the eligibility requirements. SSI is a form of public assistance, funded by general tax revenues, intended to protect the recipient from poverty.⁸
5. **“State Verification and Exchange System” (SVES)** is an automated system administered by the Social Security Administration that contains information on Title II beneficiaries (retirement, survivors, disability, and health insurance), Title XVI recipients (supplemental security income), and prisoner data from federal, State, and local correctional facilities. SVES information is received from the Federal Case Registry (FCR) and is shared with the statewide child support system (KAECSES) and the Federal Parent Locator Service (FPLS) State Services Portal; this information is used by States to issue Income Withholding Orders (IWOs) and check the status of participants’ Social Security.⁹

¹ 42 U.S.C. § 423

² 42 U.S.C. §§ 1381 – 1381a, 1382

³ 42 U.S.C. § 402

⁴ 42 U.S.C. § 659(a); OCSE-DCL-13-06; OCSE-PIQ-09-01

⁵ OCSE-IM-06-03

⁶ 42 U.S.C. § 423

⁷ 42 U.S.C. § 402

⁸ 42 U.S.C. §§ 1381 – 1381a, 1382

⁹ OCSE-DCL-05-35

Policy

As mentioned above, the Social Security Act allows the Title IV-D program to withhold an NCP's federal employment-based benefits, such as SSDI and SSR, for the collection of a child support obligation. SSI benefits, awarded as part of the federal welfare (Title XVI) program, are exempt from garnishment.¹ A disabled NCP may receive concurrent SSI/SSDI or SSI/SSR benefits because the NCP qualifies for:

1. SSI benefits based on the NCP's income and assets; and
2. SSDI or SSR benefits because of employment credits.

If an NCP is receiving SSI/SSDI, or SSI/SSR benefits and has a current obligation entered, the Title IV-D Office should review the case to determine whether it is eligible for a modification. If the Title IV-D Office determines the NCP's sole income is from SSI benefits or a combination of SSI/SSDI or SSI/SSR benefits and there is no other source of income, the case should be closed unless paternity is at issue.² If parentage is at issue, a petition should be filed to establish parentage following proper legal procedures.³ Once parentage is established, the case may be closed.⁴

If the SSA receives an electronic Income Withholding Order (e-IWO) from the Title IV-D agency on a case in which the NCP receives concurrent SSI/SSDI or SSI/SSR benefits, SSA will garnish only the SSDI or SSR benefits.

Lump Sum Distribution Credit Policy

If the NCP receives a lump sum⁵ payment of retroactive SSDI benefits, the amount will be applied as a credit against the child support arrearage that accumulated during the months covered by the lump sum payment. Any portion of the lump sum payment of retroactive SSDI auxiliary benefit paid to the child(ren) in excess of the child support obligation will not be credited against the child support arrearage and is considered a gift to the child(ren).⁶ The Title IV-D Office will honor any Order obtained by the NCP, granting credit of a lump sum, prior to distribution of a lump sum payment.⁷ However, the Title IV-D Office will not be responsible for any recoveries or overpayments that may occur (i.e. any payments distributed prior to the order being received by the Title IV-D Office are the responsibility of the NCP to recover directly from the Custodial Party (CP)).

References

- [15 U.S.C. § 1673](#): Restriction on garnishment
- [42 U.S.C. § 402](#): Old-age and Survivors Insurance Benefit Payments
- [42 U.S.C. § 423](#): Disability Insurance Benefit Payments
- [42 U.S.C. § 659](#): Consent by United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [42 U.S.C. §§ 1381](#): Statement of purpose; authorization of appropriations
- [42 U.S.C. §§ 1382](#): Eligibility for Benefits

¹ 5 C.F.R. § 581.104(j)

² 45 C.F.R. § 303.11(b)(9)

³ 45 C.F.R. § 303.5

⁴ 45 C.F.R. § 303.11(b)(9)

⁵ OCSE Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States' Questions, Answer #5

⁶ *Hohmann v. Hohmann*, 47 Kan. App. 2d 117, 274 P.3d 27 (2012)

⁷ *Stephenson v. Papineau*, 302 Kan. 851, 358 P.3d 86 (2015)

- [42 U.S.C. Chapter 7, Subchapter II](#): Federal Old-Age, Survivors, and Disability Insurance Benefits
- [42 U.S.C. Chapter 7, Subchapter XVI](#): Supplemental Security Income for Aged, Blind, and Disabled
- [5 C.F.R. § 581.104](#): Moneys which are not subject to garnishment
- [45 C.F.R. § 303.5](#): Establishment of paternity
- [45 C.F.R. § 303.11](#): Case closure criteria
- [45 C.F.R. § 303.100](#): Procedures for income withholding
- [45 C.F.R. § 307.11](#): Functional requirements for computerized support enforcement systems in operation by October 1, 2000
- [KSA 23-3101 et seq.](#): Kansas Income Withholding Act
- [OCSE-DCL-05-35](#): State Verification and Exchange System (SVES) Garnishment Match
- [OCSE-IM-06-03](#): Social Security Administration “Court Order Garnishment System”
- [OCSE-DCL-13-06](#): Garnishment of Supplemental Security Income Benefits
- [OCSE Income Withholding and Medical Support for Social Security Beneficiaries - Answers to States’ Questions](#)
- [OCSE-PIQ-09-01](#): Garnishment of Federal Payments for Child Support Obligations
- [SSA Program Operations Manual System: How Garnishment Withholding Is Calculated](#)
- [Hohmann v. Hohmann, 47 Kan. App. 2d 117, 274 P.3d 27 \(2012\)](#)
- [Stephenson v. Papineau, 302 Kan. 851, 358 P.3d 86 \(2015\)](#)

Procedure

1. Income Withholding¹ of Monthly Benefit

a. Generating the e-IWO

The Title IV-D Office may receive information that the NCP has applied for, or receives, SSDI or SSR benefits from SVES through KAECSSES via an ALRT or through an external locate request from FPLS.² When there is a pending claim type of SSDI or SSR, SSA will automatically be added as the NCP’s employer on KAECSSES and an e-IWO will automatically be sent to SSA. If it is a concurrent SSI/SSR or SSI/SSD notification, the e-IWO will not automatically generate. This must be manually reviewed, and the e-IWO issued if appropriate. The Title IV-D Office should be regularly checking e-IWO alerts on KAECSSES to ensure that the IWO processes correctly.

The Title IV-D Office may also receive information from a case participant that the NCP is receiving SSDI or SSR benefits. Upon entering SSA as NCP’s employer in KAECSSES, an e-IWO will automatically be sent to SSA.

1. SSA e-IWO Processing

- i. After SSA receives the e-IWO, the order will be entered into COGS. SSA will immediately withhold and remit child support payments in response to the IWO if benefits are currently being paid.³
- ii. If the NCP’s benefits claim is pending and there are no current payments, the IWO will remain in COGS until SSA makes a decision about the NCP’s claim.⁴ If the NCP’s claim is later approved and the NCP begins receiving benefits, SSA will automatically begin remitting payments to the Kansas Payment Center (KPC) via electronic funds transfer (EFT).⁵

¹ See K.S.A. 23-3101 et seq., 45 C.F.R. § 303.100

² OCSE-DCL-13-06

³ OCSE-IM-06-03

⁴ OCSE Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States’ Questions

⁵ OCSE-IM-06-03

- iii. If for some reason the IWO needs to be sent through the United States Post Office, it must be sent to the nearest Social Security Administration Office to where the NCP resides. To check the nearest location, see <https://secure.ssa.gov/ICON/main.jsp>.¹

The IWO issued to SSA contains the applicable withholding limits set by the Consumer Credit Protection Act (CCPA) or by the State where the NCP/beneficiary resides.² The CCPA limits the income withholding amounts to:

1. 50%, if the NCP is supporting a spouse and/or child other than the spouse and/or child named in the order;
2. 60%, if the NCP is not supporting another spouse and/or child; and
3. 55% or 65% respectively, if the IWO includes an arrears greater than 12 weeks (at least 3 months of past-due child support).³

In the event the SSI, or concurrent SSI/SSDI or SSI/SSR income is garnished from Social Security in error, funds are to be returned to the NCP within 5 business days.⁴

2. Income Withholding of Lump Sum Payments

In addition to the NCP's monthly SSDI or SSR benefits payments, SSA may notify the Title IV-D Office that it is holding a lump sum payment payable to the NCP. SSA lump sum matches will be received either on the Office of Child Support Services (OCSS) Portal under the Debt Inquiry dropdown or from CSS Administration. Responses should be sent to the SSA contact provided on the Debt Inquiry Payout Report or email within 24 hours.⁵ When lump sum information is received from SSA, the IV-D Office's Finance Department will set the case to MDIS if appropriate. (MDIS does not need to be set if child(ren) emancipated **prior** to NCP's SSA application for benefits).

The IV-D Office should notify SSA of NCP's total arrears balance and whether there are multiple cases. It should not specify the amounts owed on each case. Instructions should be provided for splitting the payments. Follow the example below:

- a. When multiple court orders exist,⁶ the lump sum payment will need to be split proportionately based on the arrears owed for each case. Below are instructions on how to determine the amounts each order should receive. After this calculation is done, the caseworker will need to send a Derog request to KPC at derog.request@ywcss.com and provide specific percentages that each order should receive from the lump sum collection.

¹ OCSE Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States' Questions, Answer #3

² SSA Program Operations Manual System: How Garnishment Withholding is Calculated

³ 15 U.S.C. § 1673(b); 42 U.S.C. § 666(b); 45 C.F.R. § 303.100(a)(3); SSA Program Operations Manual System: How Garnishment Withholding is Calculated

⁴ 45 C.F.R. § 307.11(c)(3)(ii)

⁵ OCSE-IM-06-03; OCSE Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States' Questions, Answer #5

⁶ SSA Program Operations Manual System: How Garnishment Withholding is Calculated

Example of Lump Sum Percentage Split for Case with Multiple Court Orders

- NCP has 2 court orders.
 - CO00D1234 has \$18,514.11 arrears
 - CO01D888 has \$14,006.60 arrears
 - \$32,520.71 total arrears due on both court orders.
- Divide total arrears owed on each court order by the total amount of arrears on both cases.
 - CO00D1234: $\$18,514.11 / \$32,520.71 = 57\%$
 - CO01D888: $\$14,006.60 / \$32,520.71 = 43\%$

Note: A Lump Sum IWO is not needed for Social Security lump sums.

- The Title IV-D Office should then review to see if payments are coming in from SSA or another income source. If payments are coming in monthly from SSA for the IWO ordered amount, it is possible the lump sum is a back payment to NCP.
- If the IV-D case is closed, the child(ren) is not emancipated, and the case is NIVD, a request should be sent to the District Court Trustee, if applicable, as a courtesy to take action on the case.
- An IWO termination should be completed and sent to SSA via E-IWO if the child(ren) is emancipated.
- Caseworker(s) should review all of NCP's cases to see if adjustments have been made due to auxiliary benefits and/or CP lump sum.
- Next, set the State Services Portal <https://www.ocss.gov/csp/secure/home> to locate SSA information on both the NCP and child(ren) on all open cases.
- Set FPLS on KAECSSES to ensure continued information is received.
- Check the INCL screen for a Social Security Administration (SSA) entry. If SSA does not appear, this should be added.

If the case is incoming intergovernmental for registration of any Foreign Jurisdiction (FJ) order, the initiating state policy will apply regarding how credit is allowed on a lump sum. Prior to crediting or requesting the lump sum, the caseworker must check the other state policy by calling or visiting the Intergovernmental Reference Guide (IRG). Once this is determined, the caseworker will need to review for possible closure as the FJ may enforce directly.

If the case is incoming intergovernmental for enforcement of a Kansas order, the Title IV-D Office policy will apply regarding how credit is applied on a lump sum. Kansas would continue enforcement for the FJ.

If the Title IV-D Office intercepts a lump sum on an outgoing intergovernmental case with an original Kansas order, the other state should be notified of the collection and the case reviewed for direct enforcement and intergovernmental closure.

In the instance the case is outgoing to enforce an FJ order, the home state of the order's policy will apply. The case should be reviewed for further action based on policy findings.

Note: The caseworker needs to communicate the status/update to the FJ worker and narrate fully.

Within 3-5 Business Days

- Once SSP response is received, determine if the child(ren) is receiving auxiliary benefits and if the NCP is receiving SSDI/SSR.

Note: When SSP response is received, verify child(ren) are receiving auxiliary benefits on behalf of the NCP and not the Custodial Party (CP). The claim account number should be the NCP's SSN.

Note: If the SSP response set for the NCP indicates there is a pending determination for SSI, SSI/SSDI or SSI/SSR concurrent benefit, but it is not yet finalized, the SSDI lump sum can be requested and disbursed accordingly. If it is determined the NCP is eligible for SSI, SSI/SSDI or SSI/SSR, the case should be reviewed for modification or closure.

- Contact SSA and verify the following with your local SSA office:
 - What type of benefit the claimant is receiving;
 - The amount of the benefit;
 - When the benefit began;
 - Confirm if any of the children are receiving aux benefits based on the claimant;
 - When did the benefits begin for the children;
 - What is the amount of the benefit for the children and time frames covered;
 - Was there a lump sum paid out for the children/CP;
 - Name of the payee;
 - Total amount of the lump sum;
 - Date the lump sum was paid; and
 - The timeframe that the lump sum covers.

If the following apply, there is no need to contact SSA:

- If the case is closed; or
- If SSP response results show no auxiliary benefits.

Note: If the SSP response set on the child(ren) returns as "no data found," confirm with SSA whether contact has been made with the CP or if there is a pending determination for auxiliary benefits. If no contact has been made with CP and there is no pending determination, CSS should send the SVESNOTM letter from COMP to the CP.

Please note, the CP's address MUST NEVER be released to SSA. The IV-D Office also MUST NOT release the NCP's SSN to the CP even for this purpose. SSA should be able to look it up with the NCP's name and DOB or the child's information.

- Update the arrears calculation to account for auxiliary benefits.
- Credit for lump sum covered months is given in the payment column up to the amount of current child support. If the NCP paid current, no additional credit is given. Once monthly payments begin, credit is given in the CS owed column. ASUS will need to be activated from current point forward until the Child Support Order (CSO) modification is complete.
 - When an emancipated child receives a direct lump sum from SSA, the NCP may or may not receive credit up to the amount of current support due for the determined disability time frame. This credit can include the CP's lump sum received by the Title IV-D Office as well as the lump sum received directly by the CP's child(ren).

- The caseworker must contact the CP to verify whether credit should be given on NA arrears. Reasonable attempts must be made to obtain this information and should be narrated clearly.
- If CP's location is unknown, the caseworker must initiate and follow through with locate on the CP if the case is mandatory. If not, proceed with closure based on loss of contact with CP.
- If the CP verifies credit should be given on NA arrears, a Satisfaction of Judgment must be filed, and appropriate adjustments made to the debt.
- If there is no response from the CP to determine whether they agree to give credit for the lump sum the child(ren) received, then credit must be given.
- Lump sums are disbursed per distribution policy.
- Arrears calculations on all cases will need to be sent to the Central Receivables Unit (CRU) Finance Manager for approval.
- Once approval is given, adjustments will need to be made to the debt if necessary.
- If auxiliary benefits are not in excess of current child support, debt will need to be adjusted to reflect correct arrears and ASUS set until modification is done.
- Remove MDIS, if set once approved adjustments are complete.
- The Title IV-D Office Finance Department should notify their Legal Department for modification review if appropriate.
- Cases should be reviewed annually in February to monitor NCP and auxiliary benefit changes and take appropriate action if needed. **If this is not completed, it is possible that this could cause a recovery against the CP.**
- In cases where there are multiple children, a review should be done to determine current benefits for remaining minor child(ren) when emancipation occurs for a child.

Helpful Information

- Parentage must still be established if an NCP receives SSI, SSI/SSDI or SSI/SSR concurrently.
- Auxiliary benefits – a child can receive benefits based on the NCP's disability.
- The CP has six months to apply for auxiliary benefits after the NCP's disability determination and may be eligible for a lump sum.
- After 6 months the CP can only apply for auxiliary benefits and is not eligible for a lump sum.
- Children may receive auxiliary benefits from a living parent, stepparent, or grandparent. In addition, they may receive benefits from a deceased parent or stepparent. *Make sure the benefit belongs to the NCP obligated to pay support for the child prior to providing the NCP credit or modifying an order.*
- If child support is terminated or set at zero, make sure an IWO Termination is completed and sent to appropriate income sources. This MUST BE an IWO Termination rather than an IWO Modification as SSA will reject all modifications to zero.
- All collection actions on IV-D recoveries should cease if the CP/NCP is SSI only and there is no other known source of income.
- An SSI pending benefit can be identified as "early input" on the SSP SSI returned report. The Title IV-D office should confirm this information by contacting SSA directly. If the SSI benefit is still pending the caseworker should monitor the status until the determination is made every 60 days.
- Per SSA, Disability Determination Services (DDS) can take up 120 days or longer to make a medical determination for initial SSI or SSDI or concurrent. Social Security follows up with DDS at 120 days.
- In the event SSI, SSI/SSDI or SSI/SSR concurrently and voluntary payments are coming in, the case should remain open if it is verified the payments are from another source of income.

Forms and Tools

- [OCSS Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States' Questions](#)

- [OCSS Garnishing Federal Benefits for Child Support](#)
- [Social Security Administration: You May Be Able to Get Supplemental Security Income \(SSI\)](#)
- [Social Security Administration: Benefits Planner](#)

Frequently Asked Questions

- ? *May the Title IV-D Office manually add SSA as the NCP's employer on KAECSSES if it receives information that the NCP receives SSDI benefits?*
 - ✓ There may be circumstances when the Title IV-D Office must manually add SSA as the NCP's employer on KAECSSES if a case participant provides documentation that the NCP receives SSDI benefits. Documentation may include a copy of the NCP's SSDI benefits approval letter, or a letter received by the CP with notice of a SSDI derivative benefit for the child(ren) in the case.
- ? *Where should a Termination of Income Withholding Order (Termination e-IWO) be sent for SSA benefits?*
 - ✓ After the Termination e-IWO is generated by KAECSSES, it is sent electronically to SSA. The paper Termination IWO should not be mailed.¹
- ? *Should a Termination e-IWO be sent to SSA if the CP opts out of Title IV-D services?*
 - ✓ No, a termination e-IWO should not be sent to SSA if payments are posting, even if the CP opts out of Title IV-D services. In this situation, SSA IWO remains in effect unless there is a court order to terminate the e-IWO.
- ? *What happens if SSA notifies DCF of a lump sum payment on a case that is closed to Title IV-D services (NIVD) and the previously issued e-IWO was not terminated?*
 - ✓ If the case is NIVD and SSA notifies DCF of a lump sum payment, DCF informs SSA that the Title IV-D Office is no longer enforcing the child support order and that the lump sum may be returned to the claimant.
- ? *Does the Title IV-D Office need to send a Lump Sum e-IWO to SSA to collect a lump sum payment?*
 - ✓ No, when appropriate, SSA will send a lump sum payment in response to the initial e- IWO.
- ? *Does amending an e-IWO to SSA follow the same process as amending a regular-IWO (i.e., an e-IWO sent to an employer)?*
 - ✓ Yes. The e-IWO will be updated with the amended child support and/or arrearage amounts in KAECSSES. The e-IWO will be generated by KAECSSES and will be sent electronically to SSA.
- ? *What happens if an NCP's Social Security disability or retirement benefits are interrupted?*
 - ✓ This may happen when the NCP receives benefits, is deemed to be ineligible, and then becomes eligible for benefits again. If the Social Security employment record is closed and a termination e-IWO is sent, then a new Social Security employment record is opened when the NCP becomes eligible for benefits again, any new e- IWO will be rejected by Social Security due to a previous termination having been sent. In order to reinstate the e-IWO, the Title IV-D Office will need to mail a paper copy of the IWO, with a cover letter, to the Social Security office local to the NCP. If the Title IV-D Office is unable to reinstate the income withholding by sending a paper IWO, the caseworker may contact CSS Administration for assistance.
- ? *If a case is coded as an intergovernmental (UIFSA) case, will the enforcing State issue an IWO, even if it is not the ordering State?*

¹ OCSE Income Withholding and Medical Support for Social Security Beneficiaries – Answers to States' Questions, Answer #7

- ✓ If the enforcing State issues an IWO to SSA regardless of where the NCP applied for Social Security benefits or if multiple States issue IWOs to SSA for the same case, SSA will reject and send notice to the States that issued the subsequent IWOs.

? *What if the e-IWO is rejected by SSA?*

- ✓ The Title IV-D Office should check the “EIWO” case alerts for information on why the e-IWO was rejected. If the e-IWO was rejected because the NCP does not receive SSDI or SSR benefits, the Title IV-D Office should attempt to locate another source of income for the NCP.

Related Information

- [Chapter 11: Enforcement, Section 2: Income Withholding Orders](#)
- [Chapter 11: Enforcement, Section 18: Administrative Hearings](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 4: Financial Institution Data Match (FIDM)

Version: 2	Effective Date: 2/22/2024
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Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established procedures under which the Title IV-D Program enters into agreements with financial institutions doing business in its state for the purpose of securing information through financial institution data matches (FIDM) leading to the enforcement of child support orders.¹ Financial institutions include banks, credit unions, savings and loans, benefit associations, insurance companies, safe deposit companies, money market mutual funds, and similar institutions.² Financial accounts matched include demand deposit accounts, checking accounts or negotiable withdrawal order accounts, savings accounts, time deposit accounts, and money market mutual fund accounts.³

The Child Support Performance and Incentive Act of 1998 created the Multi-State Financial Institution Data Match (MSFIDM) to provide multi-state financial institutions (MSFIs) the option to coordinate with a single point of contact rather than each state separately.⁴ The Title IV-D Program has granted the Federal Office of Child Support Services (OCSS) the authority to be its agent in the implementation of a centralized data match with MSFIs.

Policy

The Title IV-D Program notifies OCSS of Non-Custodial Parents (NCP/payors') arrears balances. Upon receipt of matched financial institution data, the Title IV-D Program prepares a FIDM report to be used in the enforcement of NCP/payors' arrears obligations.

References

- [42 U.S.C. § 666](#): Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement
- [42 U.S.C. § 669a](#): Nonliability for Financial Institutions Providing Financial Records to State Child Support Enforcement Agencies in Child Support Cases
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.100](#): Procedures for Income Withholding
- [45 C.F.R. § 307.11](#): Functional Requirements for Computerized Support Enforcement Systems in Operation by October 1, 2000
- [K.S.A. 60-205](#): Service and filing of pleadings and other papers
- [K.S.A. 60-741](#): Failure to answer; motion; hearing; expenses and attorney fees
- [PL 104-193](#): Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- [PL 105-200](#): Child Support Performance and Incentive Act of 1998
- [OCSS AT-10-04](#): Collection and Enforcement of Past-Due Child Support Obligations

¹ 42 U.S.C. § 666(a)(17); PL 104-193

² 42 U.S.C. § 666a(d)(1)

³ 42 U.S.C. § 666(a)(17)(D)(ii)

⁴ PL 105-200

- [OCSS-PIQ-18-02](#): Concurrent SSI and SSDI or Concurrent SSI and SSR Benefits

Procedure

Multi-State Financial Institution Data Match (MSFIDM)

The Title IV-D Program submits to OCSS weekly a file which includes the names, Social Security numbers, and the child support arrears amounts of NPC/payors whose arrears are above \$500.00.

The Title IV-D Program may combine arrears amounts for multiple Title IV-D cases with the same NCP/payor to reach the \$500.00 threshold. If there has been any change in the amount of an arrearage, the new amount is reported in the weekly file until the past due support is \$0.00.

This file is then submitted to MSFIDM, which uses the FDSO certification file, by OCSS and the child support data is compared to open financial account data. The MSFIs transmits to OCSS NCP/payors' financial account information whose child support data matches NCP/payors with maintained financial accounts. OCSS then submits the data returned from the MSFIs to the Title IV-D Program quarterly.

The matched file is then sent to Kansas from OCSS in the FCR locate batch, which is transmitted daily. When a matched record is received for a delinquent NCP/payor, the caseworker receives an electronic alert to notify them a match was found. A history record will also be created on the HIST screen.

Once an account match is returned, there is no need for further verification of this information. The lien, levy or garnishment procedure will provide verification of the matched accounts. The information received may include current/past address for the NCP/payor. Before issuing a garnishment, lien or levy, the caseworker will verify that the payor has a balance due and is not in a bankruptcy status, or on SSI, etc.

The Financial Institution Data List (FIDL) screen will display any matched records for a particular NCP/payor. The Financial Institution Data Match (FIDM) screen will display more specific bank account information. MSFIDM and FIDM records are purged 3 months after the date it was received in the system. This process will occur daily, and the deleted records are not recoverable on the system.

Kansas Financial Institution Data Match

The Title IV-D Program has entered into agreements with a limited number of Kansas-based institutions who do not participate in the MSFIDM project. These agreements provide for quarterly matches of child support services (CSS) debtors against the accounts in those institutions. These matches are entered into the statewide child support system (KAECSES).

FIDM Report

Upon receipt of the list from OCSS and Vendor of payors with financial accounts, the Title IV-D Office prepares a quarterly report with NCP/payor and financial account information. Included in the FIDM report is account balance information and type of account ownership information. Financial account balance information may be reported on the FIDM report with a \$0.00 account balance. However, a \$0.00 account balance is indicative of a matched account with the financial institution and not the amount of funds in the matched account. NCP/payors are also listed as either the sole owner, primary owner, or secondary owner of the matched account.

The FIDM report is accessible to the Title IV-D Office, who ultimately makes the determination if a garnishment should be issued to the NCP/payor's financial institution. It is the policy of the Kansas Title IV-D Program that legal has discretion on whether to issue a garnishment on an account when payments are regularly coming in by another source, i.e., IWO.

The Title IV-D Office will not place a bank garnishment on an account of an NCP/payor who is a recipient of SSI or SSDI and SSI concurrently. If a garnishment is done in error, the Title IV-D Office must refund the garnishment within 5 days.

The following financial institutions can participate in FIDM:

- Banks;
- Savings and Loans; Federal and State Credit Unions;
- Benefit Associations;
- Insurance Companies;
- Safe Deposit Companies; and
- Money Market Mutual Funds.

The NCP/payor is encouraged to contact the Title IV-D Office to resolve any potential mistakes. The Title IV-D Office has the discretion to make payment arrangements with or review the account information with the NCP/payor, to prevent the FIDM payment from posting onto the Custodial Party (CP/payee's) child support account. If the Title IV-D Office uses this discretion, it must make a narrative in KAECSSES.

Many of the institutions participating in the MSFIDM project will accept legal process from any state with a child support order. Sending a non-wage garnishment directly to the institution is the preferred method of attaching these accounts. However, for some institutions, attachment of matched MSFIDM accounts may require use of intergovernmental enforcement tools.

Should an intergovernmental action be necessary, the caseworker can review the Intergovernmental Referral Guide (IRG) to determine what documents are required in the state where the institution is based. Many states, especially those with administrative process, will accept the streamlined Uniform Interstate Family Support Act (UIFSA) Transmittal #3 for this purpose. Other states may require a Transmittal #1 for registration and enforcement (as Kansas requires).

MSFIDM and FIDM records will be purged 3 months after the date it was received in the system. This process will occur daily, and the deleted records will not be recoverable on the system. See Business Practice 500-32 (Financial Institution Data Match).

Garnishments

It is the policy of the Kansas Title IV-D Program that the field office attorney has discretion as to whether to issue a garnishment on an account when payments are regularly coming in by another source, i.e., IWO.

Garnishment Proceedings¹

If the garnishee fails to answer within the time and manner specified in the order of garnishment, the judgment creditor may file a motion and shall send a copy of the motion to the garnishee and the judgment debtor in the manner allowed.² At the hearing on the motion, the court may grant judgment against the garnishee for the amount of the judgment creditor's judgment or claim against the judgment debtor or for such other amount as the court deems

¹ K.S.A. 60-741

² K.S.A. 60-205

reasonable and proper, and for the expenses and attorney fees of the judgment creditor. If the claim of the plaintiff has not been reduced to judgment, the liability of the garnishee shall be limited to the judgment ultimately rendered against the judgment debtor.

To obtain information regarding registered agents in Kansas, call the office of the Kansas Secretary of State or search their website.

Garnishing Bank Accounts

Once the FIDM information is received it is possible to file a non-wage garnishment which is not subject to the same percentage limitations as wage garnishments. If the NCP/payor is the only person with access to the account, the entire balance may be taken by garnishment.

The Title IV-D Office will not place a bank garnishment on an account of an NCP/payor who is a recipient of SSI. If a garnishment is done in error, the Title IV-D Office must refund the garnishment within 5 days.

GARNISHMENT PROCESS

Attachment and Garnishment are the statutes that permit non-wage garnishment of bank accounts.¹ OCSS matches bank accounts with obligors (NCP/payor's), which we receive as Multi-State Financial Institution Data Matches (MSFIDM). The only Kansas Bank that voluntarily cooperates with Kansas by matching their accounts with Kansas obligors (NCP/payors) is Capitol Federal Savings. The Federal Thrift Savings Plan (TSP) is a special federal retirement account that we ARE permitted to follow the non-wage garnishment process for, AFTER we have pursued other enforcement actions like IWOs and garnished other bank accounts first. There are special procedures and a special document used that is explained in the TSP Instructions.

Because Kansas is a judicial state, the garnishment process is labor intensive, requiring a significant amount of paperwork be filed with the Court, service on the banks and work with the NCP/payor. Prior to attempting a non-wage garnishment, field staff must research the case notes in KAECSSES to determine if garnishment is an appropriate enforcement action to take at this particular time. Some banks charge fees up to \$100.00 to perform the request to hold funds, some do not. Some freeze the entire account, not just the amount requested to be held. Caution must be exercised when an NCP/payor is employed and/or is known to have minor children in the home, to avoid those children being taken into state custody if not provided for.

By statute, the Title IV-D program can only attempt a non-wage garnishment on up to 2 banks every 30 days. Communication among field offices and contractors is essential when an NCP/payor has multiple court orders being enforced by different field offices, especially when some have current support while others are arrears only.

In general, a Request for DCF/IV-D Non-wage Garnishment is filed along with an Order of DCF/IV-D Non-Wage Garnishment. The Order of is issued by the clerk for the Title IV-D program to serve on the bank (fax and/or first-class mail) along with Answer of Garnishee forms and Instructions to the garnishee. The field must file a Return of Service with the Court to show the service was performed. A Notice to Judgment Debtor must be sent to the payor and the field must monitor for NCP/payor to file a Request for Hearing. The burden is on the NCP/payor to show why the money held is exempt from non-wage garnishment. The Title IV-D program then files an Order to Pay for Judge signature to be sent to the bank instructing the bank to send the money to the Kansas Payment Center (KPC). The field office has 60 days from

¹ KSA 60-701 et seq.

the issuance of the Order, to the service of the Order to Pay on the bank. Another Certificate of Service must be filed with the court indicating when the filed Order to Pay was sent to NCP/payor and to the bank.

FIDM ALERT

- Start at CADS or COMP (doesn't matter which) and copy NCP/payor's person #.
- Open new screen and in the NEXT field type FIDL, paste person # NCP/payor's #.
 - Checklist- Review Garnishment Checklist to ensure a garnishment referral is appropriate.
 - Is bank account open or closed?
 - If account is closed then there is no need to research the whole case and at this point you can just narrate that all accounts are closed, unable to proceed.
 - Check date of closure of account.
 - Check address used for account to ensure we have record of the address on ADDR screen.
 - Is the NCP/payor the primary or secondary on the account?
 - Check the BKR screen – if NCP/payor is in Bankruptcy, staff with legal to see what is permitted by the Bankruptcy Plan. Generally, Chapter 7 Plan, we wait until Bankruptcy has been completed. For Chapter 13, the terms of the Confirmed Plan control, so we likely will not pursue a non-wage garnishment and if NCP/payor is not paying, contact the Bankruptcy Trustee to see if NCP/payor should be dismissed from the Bankruptcy for failure to make the Plan payments.
- Garnishment request should be referred to legal, Attorney should review and make the decision to proceed.
- If IRA/Keough (401k)-follow same steps above.
 - The Title IV-D program cannot garnish these accounts so if the worker sees on the FIDL screen that these accounts are an IRA or KEOGH account and NCP/payor is not at least 65 and has not declared retirement, the IV-D program is unable to garnish.
- Is it a Kansas order or registered in Kansas?
 - Research all registered orders in Johnson (JO) County to be sure order has really been registered (former contractor was unable to add non-Johnson County Orders to their system so ALL orders were given a Johnson County Case Number, even if not actually registered for Enforcement). Start with reviewing all legal actions on the LACS screen looking for a non-Kansas order (for ex: XMO123456 could now be JO12CV3456 but may not have been registered for ENF). Has an IWO been filed in court? If not, then review narratives and staff with supervisor/legal.
 - If not a Kansas order, check the CADS screen to see if this is an outgoing UIFSA to another state to enforce. If open outgoing UIFSA, send a CSENET to the other state asking for them to pursue non-wage garnishment providing name and address of the bank.
 - If no OINR, review to see if an UIFSA is appropriate so garnishment can be pursued and/or other enforcement.
- Check obligation on the OPAY screen for arrears.
 - If arrears exist; look at IWO to see if full payments are being paid.
 - If paying full amount consistently, we typically do not pursue garnishment, unless arrears are significantly high.
 - No payment consistently or payments are not meeting both current and arrears.
- Read the last 24 months of CSLN screen to determine if any special arrangements/agreements have been made as to why we wouldn't proceed with garnishment.
- Check the OPAY screen to see if NCP/payor has multiple court orders to see if the employer is withholding the maximum amount permitted by Kansas law (up to 50% of disposable income).

Forms and Tools

- [Financial Institution Data Match \(FIDM\) Report](#)
- [OCSS-DCL-00-101](#): Financial Institution Data Match Handbook for State Agencies

- [OCSS Financial Institution Data Match Freeze and Seize Interstate Processing](#)
- [Bank Addresses for Garnishments](#)
- [Garnishment Checklist](#)
- [Kansas Secretary of State](#)

Frequently Asked Questions

- N/A

Related Information

- [Business Practice 500-32](#) - Financial Institution Data Match

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version
Version 2	2/22/2024	Minor edits to wording

CHAPTER 11: ENFORCEMENT

Section 5: Withholding of Unemployment (UI) Compensation Benefits

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that state child support agencies determine whether Title IV-D participants owing child support are receiving unemployment compensation and enforce the child support obligation through withholding from such compensation.¹

In the State of Kansas, the Kansas Department of Labor (KDOL) administers the unemployment compensation system.²

Policy

The Title IV-D Program notifies KDOL of the amount of child support to be deducted from an Non-Custodial Parent's (NCP's) unemployment compensation subject to KDOL withholding limitations.

References

- [42 U.S.C. § 654\(19\)](#): State Plan for Child and Spousal Support
- [42 U.S.C. § 666: Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement](#)
- [45 C.F.R § 303.100](#): Procedures for income withholding
- [K.S.A. 23-3101 et seq.](#): Income Withholding Act
- [K.S.A. 23-3126](#): Income withholding; unemployment insurance benefits
- [K.S.A. 44-701 et seq.](#): Employment Security Law

Procedure

Unemployment Only Compensation Cases

Improved location information provides other states with more updated information about an NCP drawing unemployment benefits in Kansas. As a result, more states and tribes request Kansas to offset unemployment. If the NCP/payor is living in another state, offset is the only action Kansas can take.

Unemployment withholding does not require registration of another state's order. To withhold benefits, Kansas requires:

- Completed transmittal #1;
- Personal Information Form;
- Confidentiality Form;
- Copy of the court order (certified copy is not required);
- Arrearage calculation; and
- Copy of Income Withholding Order (IWO).

¹ 42 U.S.C. § 654(19); K.S.A. 23-3126

² K.S.A. 44-701 et seq

The case must be set up on the statewide child support system (KAECSSES) and will be assigned and worked by the Title IV-D Office in office 21 on KAECSSES. The system will certify the case for unemployment withholding and intercept available unemployment (UI) benefits, which will be sent to the other state.

The Title IV-D Office will handle any appeals. Typically, the case is closed 90 days after the last benefits have been intercepted. If the NCP frequently is on and off unemployment, the 90 day rule can be extended. It is important to note in the narrative that the case is an “unemployment offset only” case. Before closing the case, the Title IV-D Office will contact the initiating state to ensure no other action is requested.

Unemployment Insurance (UI) Withholding

Unemployment insurance (UI) benefits are withheld through an automatic IWO process¹ to the KDOL.² The process is entirely electronic, and no manual (paper) IWOs will be sent to KDOL. The withholding will be issued at the IWO amount on the system. A copy of the IWO showing “KS Dept of Labor- UI” will automatically download and be mailed to the NCP when a new claim is filed. If the IWO is downloaded to be filed with the Court, the “UI” must be removed so it appears that the IWO was sent to KDOL.

Current and arrears are withheld based on the IWO amount. There is no necessary minimum balance to certify. Payments from UI show on the PAYR screen with a ‘U’ collection type, and a source code of KSDLUI. These are considered voluntary payments such as any other IWO payment. Electronic matches are made between the KDOL and DCF weekly using the NCP’s Social Security Number (SSN). When an SSN is positively matched, the process will identify all qualifying court orders for the NCP and ORDIWO records will be created for all qualifying orders.

UI collections are court order specific and will be distributed according to distribution policy. UI collections are distributed to current support first and will be automatically posted to the next month’s current support obligation if current is met and no arrears are owed. If a UI collection goes into suspense, an alert will go to the caseworker assigned to the case.

Collections on cases that are set for manual distribution will be distributed according to the manual distribution instruction. If the instructions do not apply, the Title IV-D Office Central Receivables Unit (CRU) can release the payment from manual distribution status.

If the case is closed when the collection attempts to distribute, the collection will suspend. The Title IV-D Office will not receive an alert, as alerts are not generated on closed cases. Payment will distribute, but not disburse if the debt is deactivated but the case is not closed.

After the collections are distributed on KAECSSES, the Office of Financial Management balances the listing on KAECSSES with information received from KDOL.

A payment entry is entered on the payment history at the Kansas Payment Center (KPC) from the distribution of UI funds. The UI payment does not interface with KPC until all funds from the collection are distributed. For example, \$50.00 is received, and only \$30.00 posts to the debt. That \$30.00 will not show as a payment on the KPC pay record until the other \$20.00 is either posted to the future month or refunded to the NCP. The pay record will show the

¹ 42 U.S.C. § 666; 45 C.F.R. § 303.100; K.S.A. 23-3101 et seq.

² K.S.A. 23-3102(d)

payment amount for what was applied to the NCP's debt. If \$20.00 is refunded to the NCP, then \$30.00 will show on the pay record.

IWO Guidelines on UI Payments

If the NCP is receiving UI at the same time as getting a paycheck from his or her employer and the employer is the full IWO amount (current + arrears payment), even if there are more arrears due on the case, then the Title IV-D Office must:

- Stop the UI IWO as soon as we are notified of the situation; and
 - This is done by ending the auto IWO legal action (not IWGL) that was generated to KDOL-UI.
- Set an alert for every 30 days to monitor for payment to come in. If at any time payments from the employer stop, and UI is still being received, then IWO to UI must be re-generated to KDOL-UI.

If the NCP is receiving UI at the same time as getting a paycheck from his or her employer and the employer is NOT meeting the full IWO amount (current + arrears payment), then the Title IV-D Office will continue to intercept both wages. If between the two payments the IWO amount becomes met, then the caseworker may contact the Child Support Administration Program Administrator on a case-by-case basis to determine what steps should be taken next.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11, Section 2, Income Withholding Orders](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 6: Insurance and Worker's Compensation Settlements

Version: 1	Effective Date: 1/1/2024
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Background

Title IV-D agencies are required to enact procedures for intercepting periodic or lump sum payments from insurance settlements and worker's compensation benefits as payment toward child support arrears.¹ Insurance claims may include life insurance or automobile accident payments, personal injury settlements, and property damage or liability payouts. A worker's compensation claim is a settlement made to an individual injured as a result of a work-related incident.²

The Title IV-D Program partners with the Kansas Department of Labor (KDOL) to obtain worker's compensation information based on the same file which supplies Unemployment Insurance (UI) benefits.

Policy

Workers Compensation lump sums are authorized by statute³ and are a very specific exemption to the Workers Compensation law which does not allow for the recovery or collection of a debt.⁴ The maximum amount that can be received is 25% of the worker's gross weekly compensation⁵ and 40% of the lump sum.⁶

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.100](#): Procedures for income withholding
- [K.S.A. 23-3102](#): Definitions
- [K.S.A. 23-3103](#): Income Withholding Order; Issuance; Service Of Notice; Agreements Or Alternative Arrangements; Ex Parte Interlocutory Orders; Medical Support Order
- [K.S.A. 23-3104](#): Payor's Duties; Cost Recovery Fee Authorized; Limit On Amount Withheld; Violations By Payor; Penalties
- [K.S.A. 23-3124](#): Income Withholding Order; Lump Sum Payment; Attachment
- [K.S.A. 23-3125](#): Notice to Obligor; Hearing
- [K.S.A. 44-501et seq.](#): Worker's Compensation Act
- [K.S.A. 44-514](#): Payments not Assignable; Exception, Order for Support

¹ 42 U.S.C. § 666(c)(1)(G)(i)

² K.S.A. 44-501 et seq. Worker's Compensation Act

³ K.S.A. 44-514(b)

⁴ K.S.A. 44-514(a)

⁵ K.S.A. 44-514(b)(1)(B)(i)

⁶ K.S.A. 44-514(b)(1)(B)(ii)

Procedure

Claimant Match

When a claimant (NCP/payor) files a claim for either an insurance settlement or worker's compensation benefit and KDOL discovers a match between a claimant and a claimant (NCP/payor), an alert will be generated on the statewide child support system (KAECSES) notifying the Title IV-D Office that worker compensation data has been received and is available for review. The Worker's Compensation Claim List (WKCL) screen displays a list of worker compensation claims for a claimant (NCP/payor) by person number. The Workers Compensation Claim Detail (WKCD) screen displays detailed information of a specific worker's compensation claim for a claimant (NCP/payor). Information displayed on this screen (if known) includes:

1. Claimant;
2. Claimant attorney;
3. Employer;
4. Insurance carrier;
5. Insurance carrier attorney;
6. Third party administrator; and
7. Accident detail and description.

Issuance of Income Withholding Order (IWO) by Title IV-D Office¹

If the NCP/payor has no arrears or arrears balance is less than one month's current support obligation, the Title IV-D Office may proceed with issuing an IWO to the insurance company to place a lien on the worker's compensation claim. The caseworker will need to contact the insurance company to verify the address where the IWO should be sent. Contact information for the insurance company should be available on the WKCD screen, if provided by KDOL. If no information is available, the caseworker will need to utilize all resources to obtain contact information. The insurance company will need to be added to the Income Source Detail (INCS) screen for an auto IWO to be generated. The caseworker will need to determine if Spousal Support is owed.² If Spousal Support is due to the Custodial Party (CP), then a motion and order for involuntary assignment must be filed with the courts. If the NCP/payor has arrears greater than one month of current support, then the lump sum IWO³ process shall be followed to place a lien on the worker's compensation claim. This process has its own screens, and it uses the Notice of IWO Lump Sum and Lump Sum IWO and can be found on LACT screen. The Title IV-D Office is strongly encouraged to create a lien entry in KAECSES to ensure multiple or duplicate insurance claim IWOs are not sent to an insurance company.⁴

Insurance claims may include life insurance or automobile accident payments, personal injury settlements, and property damage or liability payouts. The normal IWO process for lump sums should be used.⁵ This includes the notice to the payor and time for the NCP/payor to appeal.⁶

¹ 45 C.F.R. § 303.100; K.S.A. 23-3103

² K.S.A. 44-514

³ K.S.A. 23-3102(g), K.S.A. 23-3103 (b)(2), K.S.A. 23-3104(e) and (g), K.S.A. 23-3124, K.S.A. 23-3125, and K.S.A. 44-514(b)(1)(B)(ii)

⁴ 45 C.F.R. § 303.2(c)

⁵ K.S.A. 23-3124

⁶ K.S.A. 23-3125

Forms and Tools

- N/A

Frequently Asked Questions

- ? *What happens if an insurer ignores the insurance claim IWO?*
 - ✓ A considerable amount of time may pass from the time the IWO is sent and funds are available for payment. The Title IV-D Office will need to follow up with the insurer approximately every 45 days unless the insurer informs the Title IV-D Office or court date. The Title IV-D Office then follows up after the specific payment or court date if funds have not yet been received.
- ? *What happens to the settlement if the NCP/payor becomes deceased during the process of filing a claim for benefits?*
 - ✓ After confirming the payor's date of death, the Title IV-D Office is strongly encouraged to contact the legal staff to determine next steps.

Related Information

- [Chapter 11: Enforcement, Section 18: Administrative Hearings](#)
- [Chapter 13: Payment Processing, Section 3: Distribution and Disbursement of Support Payments Collected](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 7: Federal Debt Setoff (FDSO)

Version: 1	Effective Date: 1/1/2024
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Background

The State plan shall provide for procedures to collect past due support from federal tax refunds.¹ The past due support is eligible for federal tax offset regardless of whether the child(ren) that were the subject of the child support order are minors or emancipated.²

Policy

Federal tax refunds payable to a Non-Custodial Parent (NCP) may be offset and applied to child support debts.³

In Temporary Assistance for Needy Families (TANF) or IV-E Foster Care (FC) cases:

- The amount of past-due support must be at least \$150.00;⁴

In Non-TANF or Medicaid-only cases:

- The amount of past due support must be at least \$500.00;⁵

Other criteria for Federal Tax Return Offset certification are as follows:

- The Title IV-D Office has verified the accuracy of the name and Social Security Number (SSN) of the NCP.⁶
- The Title IV-D Office has verified the accuracy of the arrears, and has a copy of the order, any modifications, and the payment record or an affidavit signed by the Custodial Party (CP);⁷ and
- Spousal support may be submitted if the spousal support is contained in the same order as the child support and the parent lives with the child;⁸
- The Title IV-D Office has checked its records to see if there are TANF or FC arrears.⁹

The statewide child support system (KAECSES) does a match with the Federal Office of Child Support Services (OCSS) on NCP's cases that have met the determined certification criteria on a weekly basis.¹⁰ During this process, cases that no longer meet the certification criteria will be removed. This match generally takes place every Friday.

¹ 45 C.F.R. § 302.60(a)

² Federal Offset Program User Guide, p. 4-1

³ 45 C.F.R. §303.72

⁴ 45 C.F.R. § 303.72(a)(1); 45 C.F.R. § 303.72(a)(2); Federal Offset Program User Guide, p. 1-3

⁵ 42 U.S.C. § 664(b)(2)(A); 45 C.F.R. § 303.72(a)(3)(i); 45 C.F.R. § 303.72(a)(3)(ii); Federal Offset Program User Guide, p. 1-3

⁶ 45 C.F.R. § 303.72(a)(5)

⁷ 45 C.F.R. § 303.72(a)(4); 45 C.F.R. § 303.72(a)(5)

⁸ 45 C.F.R. § 303.72(a)(3)(i)

⁹ 45 C.F.R. § 303.72(a)(3)(iv)

¹⁰ 45 C.F.R. § 303.72(b)(1)

After a certified obligation generates a referral to the Internal Revenue Service (IRS) tax offset program, the IRS computer will attempt to notify the taxpayer of that certified obligation and impending tax refund offset.¹ If the last address IRS had is no longer valid the pre-offset notice will be returned to CSS Administration to locate a new address.

Any amount offset will first be used to satisfy any unreimbursed TANF or FC maintenance payments which have been provided to the family.²

See Business Practice 1000-1 Treasury Offset/State Offset – FDSO/SDSO

Collections and Distribution on Federal Setoff

Amounts received through the Tax Offset Program (TOP) must be applied to the certified arrearage and may not be applied to any arrears that were certified after the offset occurs. Certified amounts are updated weekly.

Any TOP collection overage (whether certified as TANF, Non-TANF or both) must be refunded to the NCP,³ unless the NCP grants the Title IV-D Office permission to apply the money to an uncertified debt.

States are required to provide refunds to NCPs as soon as it is verified the IRS has or will be withholding money which should not be withheld.

KAECSES electronically notifies the Kansas Payment Center (KPC) of collections received through the offset process on Kansas court orders. If an adjustment is made after collections have been distributed, an electronic notification will also be sent to KPC.

If the IRS makes a negative adjustment to setoff collections, Child Support Receivables Unit (CRU) will be responsible for recovery activity and making all system adjustments and narratives pertaining to the recovery situation.

See the Finance Distribution Procedure for further information.

Joint Returns

The Title IV-D Office has no authority or discretion in dividing a joint return. States are to refer complaints or questions in joint refund cases directly to the IRS Service Center.⁴ The IRS Service Center contact number is 1-800-829-1040.

Unless the payor files an Injured Spouse Form 8379 with the tax return,⁵ IRS will capture a joint tax refund to offset a past due support obligation if either spouse is certified as owing support. If an Injured Spouse Form is filed with the return, IRS will process them together. The resulting offset will be minus any injured spouse claim.

The Kansas Title IV-D Office will hold jointly filed refund offsets for 6 months to avoid having to recover the sum from the CP if the current spouse files an injured spouse claim.⁶ The exceptions to this are when the IRS has already processed an injured spouse claim or the NCP and any joint filer have signed and notarized a CSS Joint Filer Affidavit (JFA) authorizing the release.

¹ 45 C.F.R. § 303.72(e)(1)

² 45 C.F.R. § 303.72(h)

³ 45 C.F.R. § 303.72(h)(4)

⁴ 45 C.F.R. § 303.72(f)(2)

⁵ 45 C.F.R. § 303.72(e)(1)(iv)

⁶ 45 C.F.R. § 303.72(h)(5)

The JFA is automatically sent to the NCP when the Title IV-D Office receives the Federal Offset monies. If an NCP needs another JFA, it can be downloaded through the Case Composition (COMP) screen.

If an injured spouse claim results in a recovery situation, CRU will handle the recovery obligation.

Injured Spouse Claims

The IRS will be advising the spouse of an NCP regarding how to claim his/her share of a joint tax return. If the spouse of the NCP is not liable for the support debt, IRS will issue a pro-rated refund to the spouse. *See www.irs.gov for information regarding Form 8379/Injured Spouse Allocation.*

All FDSO offsets are subject to appeal.¹

References

- [42 U.S.C. § 664](#): Collection of past-due support from Federal tax refunds
- [45 C.F.R. § 302.60](#): Collection of past-due support from federal tax refunds
- [45 C.F.R. § 303.72](#): Requests for collection of past-due support by federal tax refund offset
- [K.S.A. 75-3306](#): Appeals to secretary; investigations; subpoenas; hearings, when required; application of Kansas administrative procedure act, exceptions; jurisdiction
- [K.S.A. 77-501 et seq.](#): Kansas Administrative Procedure Act
- [K.S.A. 77-561](#): Office of administrative hearings; director; employees.

Procedure

Submission of Cases

The Title IV-D Office submits a weekly file to OCSS including NCPs cases which qualify for federal tax offset due to past due support.² OCSS forwards the requests for federal tax offset to the Treasury Department. The Treasury Department determines the amount of the refund due to the payor and withholds an amount equal to the past due support amount that is reported.³

The Title IV-D Office notifies OCSS of the deletion of, or a change, in the past due support balance.⁴ If there has been any change in the amount of an arrearage, the new amount is reported in the weekly file until the past due support balance is \$0.00. The amount of the refund received by the Title IV-D Office is the amount up to the most recently reported arrearage.

Notice to the NCP

OCSS sends a pre-offset notice to the NCP the first time the NCP qualifies for federal tax offset that the amount of past due support will be referred to the Treasury Department for collection by federal tax offset.⁵ The notice informs the NCP of the following:

- The right to contest the determination of the past due support;

¹ 45 C.F.R. § 303.72(f); 45 C.F.R. § 303.72(g)

² 45 C.F.R. § 303.72(b)(1)

³ 42 U.S.C. § 664(a)(1); 42 U.S.C. § 664(a)(2)(A)

⁴ 45 C.F.R. § 303.72(d)(2)

⁵ 42 U.S.C. § 664(a)(3)(A); 45 C.F.R. § 303.72(e)(1); Federal Offset Program User Guide, p. 3-1; Kansas has chosen for OCSE to send these notices.

- The right to an administrative review by submitting a request to the Title IV-D agency in the jurisdiction in which the child support order was issued;
- The procedures and time frame to request an administrative review; and
- That, in the case of a joint return, the Treasury Department will notify the NCPs spouse of the steps to take to protect the spouse's share of the refund.¹

The Treasury Department sends an offset notice to the NCP each year when the offset has been made and will also notify the spouse who filed a joint return with the NCP of the steps to take to secure the spouse's share of the refund.² This notice advises the NCP to contact the appropriate agency to correct any errors or for questions about the offset.³

Contesting a Federal Tax Offset

States must have a procedure to address complaints and refund money that is incorrectly offset.⁴ When an NCP requests an administrative review of a federal tax offset, the Title IV-D Office records the request and outcome of the request in KAECSSES.

When a Title IV-D's Office receives a complaint from a NCP in response to either the pre-offset notice or the offset notice, the Title IV-D Office shall send a notice to the NCP and the CP of the time and place of the administrative review.⁵ If the administrative review results in the deletion of, or change in, the amount of past due support, the Title IV-D Office must notify OCSS of the change.⁶ If the administrative review finds that the offset, which has already been received, exceeds the amount of past due support, the Title IV-D Office must promptly refund the excess amount to the NCP.⁷

The Title IV-D's Office refers any injured spouse questions to the IRS.⁸

Federal Tax Offset Hold

The Title IV-D Office holds a federal tax offset payment for a total of 6 months, in the event an injured spouse files a claim with the IRS. If the IRS processes and returns the injured spouse's portion of the refund to the injured spouse after the Title IV-D Office has received the tax offset, the IRS will recall the injured spouse's portion of the tax offset from the Title IV-D Office up to six 6 months of sending it to the Title IV-D Office. Once this 6 month time period ends, the Title IV-D Office is no longer required to return these funds to the IRS. If the Title IV-D Office has already disbursed the tax offset to the CP, then any future tax offsets received by the Title IV-D Office will be used to repay the IRS recall before being distributed to the NCPs case(s).

All federal tax offset payments are subject to recall for only 6 months of sending it to the Title IV-D Office. Once this 6-month time period ends, the Title IV-D Office is no longer required to return these funds to the IRS.

¹ 42 U.S.C. § 664(a)(3)(A); 45 C.F.R. § 303.72(e)(1)

² 42 U.S.C. § 664(a)(1); 42 U.S.C. § 664(a)(2)(A); 45 C.F.R. § 303.72(e)(2)

³ Federal Offset Program User Guide, p. 4-2

⁴ Federal Offset Program User Guide, p. 4-2

⁵ 45 C.F.R. § 303.72(f)(1)

⁶ 45 C.F.R. § 303.72(f)(3)

⁷ 45 C.F.R. § 303.72(f)(4)

⁸ 45 C.F.R. § 303.72(f)(2)

Distribution of the Federal Tax Offset

The distribution of a federal tax offset follows a different process than normal payment distribution. Federal tax offset payment distribution is explained in the following table:

Condition	Distribution Order
Current and/or former Temporary Assistance for Needy Families (TANF) case	<ol style="list-style-type: none"> 1. Applied to assigned arrears owed to the State. 2. Applied to any past due support owed to the family.
Federal tax offset equal to or greater than arrears in multiple cases	<ol style="list-style-type: none"> 1. Applied to assigned arrears owed to the State among all cases. 2. Applied to past due support owed to the family amount all cases.
Federal tax offset less than arrears in multiple cases	<ol style="list-style-type: none"> 1. Applied to assigned arrears owed to the State among all the cases. 2. Applied to past due support owed to the family among all cases.

If the amount of the federal tax offset is in excess of the past due support, the excess must first go towards any former IRS recalls before being refunded by the Title IV-D Office to the NCP.¹

Refund Information

When a federal tax offset is received, KAECSSES is programmed to only hold amounts up to the arrears balance at the time the funds are received. States are required to provide refunds to NCPs as soon as it is verified IRS has or will be withholding money which should not be withheld.

Special Considerations for Intergovernmental Cases

Only the initiating State is allowed to refer a qualifying case for federal tax offset. A responding State may verify the initiating State has submitted a case for federal tax offset in the State Services Portal (SSP). The initiating State referring the past due support for federal tax offset notifies, through CSENET, any other State involved in enforcing the support order when it receives an offset and, in the case of a joint tax return, when the offset is applied to the case.²

When the NCP requests an administrative review with the initiating State, the initiating State must notify the order issuing State of the request for administrative review and provide that State with all necessary information within 10

¹ 42 U.S.C. § 664(a)(3)(D); 45 C.F.R. § 303.72(h)(4)

² 45 C.F.R. § 303.72(d)(1)

days of the request of the administrative review.¹ Within 45 days of receipt of the notice and information from the initiating State, the order issuing State must:²

- Send a notice to the NCP of the time and place of the administrative review;
- Send a notice to the CP of the time and place of the administrative review in a non-public assistance case or former public assistance case;
- Conduct a review; and
- Make a decision about the administrative review.

Federal Debt Setoff (FDSO)

When parties file taxes, they determine their filing status – Single or Joint. When an offset occurs, this filing status remains attached to the offset and limits what happens to the offset. The IRS Matrix sets forth what information can be shared with what parties about a FDSO payment.³ This limitation also impacts the payment record. FDSO payments are not identified on the payment record specifically but with a general statement of “Payment Received from NCP”.

Single returns are received and distributed and/or disbursed. Joint returns are received and based upon the injured spouse indicator in the federal offset file will determine when the funds are disbursed to the family. If the injured spouse indicator exists, the FDSO is not suppressed as the IRS already accounted for the injured spouse’s claim. The injured spouse indicator means that the spouse filed the federal injured spouse form with their tax return.

If the injured spouse indicator does not exist, the FDSO goes through distribution and is automatically suppressed at disbursement by KAECSSES to avoid any recoveries from injured spouse claims typically, for 6 months. Joint Filer Affidavit will generate to NCP.

The IRS will capture a joint tax refund to offset a past due support obligation if either spouse is certified as owing support. Title IV-D programs have no authority or discretion in dividing a joint return. States are to refer complaints or questions regarding joint refund cases directly to the IRS Service Center which issued the Notice of Offset. In recent years, the IRS has added a frequently asked question section to their website which may also assist parties. If a spouse files an Injured Spouse Form with the IRS after the 6 months waiting period, it results in an IRS negative recovery debt.

The Title IV-D Office allows the use of a Joint Filer Affidavit (JFA). A JFA is a form that Kansas created and utilizes to allow the release of the suppressed disbursement prior to the end of the waiting period. Kansas can choose whether or not to accept a JFA from a party. Disclosure of information to parties is always determined by the IRS Disclosure Matrix.

CRU manually processes all JFAs and then releases FDSO payments that are joint filers after the waiting period has ended. All completed JFAs and requests to release shall be sent to DCF.CSSoffset@ks.gov for CRU approval. Further instructions will be sent after CRU approves the request. CRU will complete a work around if a FDSO is received and IWO payments are also being received.

Forms and Tools

- [Example Offset Letters](#)
- [Office of Administrative Hearings Website](#)
- [Use of Federal Tax Information \(FTI\) for Child Support Enforcement Purposes - Matrix](#)

¹ 45 C.F.R. § 303.72(g)(2)

² 45 C.F.R. § 303.72(g)(3)

³ [Use of Federal Tax Information \(FTI\) for Child Support Enforcement Purposes - Matrix | Internal Revenue Service \(irs.gov\)](#)

- [Internal Revenue Service \(irs.gov\)](https://www.irs.gov)
- [Federal Offset Program User Guide](#)
- [IRS Instructions for Form 8379 \(Injured Spouse\)](#)
- [Pend FDSO Workaround CRU Process.pdf](#)

Frequently Asked Questions

- ? *Q. The federal tax offset did not pay the arrears in full, but the NCP received part of the federal tax refund. Why was all the refund not sent to the Title IV-D Office to apply to the arrears?*
- ✓ The amount of the arrears balance that is reported in the federal tax offset file is the amount owed at that specific time. The amount that is reported is the amount that the Treasury Department withholds from the refund and sends to the Title IV-D Office. If the arrears increased after the IRS processed the tax refund, then the Title IV-D Office will only receive the amount reported up until the point the IRS processed the tax refund. The Treasury Department will send to the obligor any tax refund in excess of the amount that was sent to the Title IV-D Office.

Related Information

- [Business Practice 1000-1](#): Treasury Offset/State Offset – FDSO/SDSO
- [Business Practice 1000-12](#): CSE Person Requests an Administrative Appeal
- [Business Practice 1000-17](#): Adding/Updating/Generating Summary Statement
- [Finance Distribution Procedure for further information](#)
- [Chapter 11 Enforcement, Section 18: Administrative Hearings](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 8: State Debt Offset (SDSO)

Version: 1	Effective Date: 1/1/2024
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Background

Federal law requires the State Title IV-D agency to have procedures for enforcing a support order and collecting overdue support from State tax refunds.¹ The Title IV-D Program is required to have procedures to ensure the amounts referred to the Kansas Department of Revenue (KDOR) for offset are correct.²

Policy

Through the combined efforts of DCF and the Department of Administration (DOA), state payments to a Non-Custodial Parent (NCP/payor) or a Custodial Party (CP/payee) with a recovery debt, may be offset and applied to child support and/or recovery debts.³ State payments included are:

- Tax refunds;
- Vendor payments;
- Kansas Public Employees Retirement System (KPERs) disability benefits;
- KPERs retirement benefits; and
- Other State payments (lottery winnings, travel reimbursement, etc.),

Note: SDSO will take 100% of disability or retirement so we typically decertify and send an IWO, so we don't take the full amount. This should be reviewed on a case-to-case basis. All SDSO setoffs are subject to appeal

4

To be eligible for SDSO, debts must be certified to the Department of Administration (DOA) by the Title IV-D Office. Certification authorizes the interception of all state payments except wages.

For cases to be eligible for SDSO, all of the following criteria must be met:

- A valid debt exists; and
- The debt must be supported by a court order, a court payment record, or a signed voluntary repayment agreement; and
- The debt must be equal to or greater than \$25.00.⁵

Cases are certified weekly unless staff have established and documented an exemption. If the offset has been found to be in error or exceeds the amount of overdue support, the Title IV-D Office shall promptly refund any excess amount to the obligor.⁶

¹ 42 U.S.C. § 666(a)(3); 45 C.F.R. § 302.70(a)(3); K.S.A. 75-6201 et seq.

² 45 C.F.R. § 303.102(b)

³ K.S.A. 75-6202(a)(2); K.S.A. 75-6202(b)(2)

⁴ K.S.A. 75-6207

⁵ K.S.A. 75-6205(a)

⁶ 45 C.F.R. § 303.102(c)(2); 45 C.F.R. § 303.102(g)(2)

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302.70](#): Required State laws
- [45 C.F.R. § 303.102](#): Collection of overdue support by State income tax refund offset
- [K.S.A. 75-6201 et seq.](#): Setoff against debtors of the State, Municipalities and certain Foreign States

Procedure

Certifying Cases for SDSO

To be eligible for SDSO, debts must be certified to the Department of Administration (DOA) by the Title IV-D Office.¹ Certification authorizes the interception of all state payments except wages. Certification is an automatic interface between the Statewide Child Support Services system (KAECSES) and the DOA. Cases are certified weekly unless staff have established and documented an exemption.

An NCP must be given advance notice of a state tax offset which includes the procedures to contest the offset.

Bankruptcy Exemptions Qualified

Bankruptcies with a filed date of 10/17/2005 or later will be certified for SDSO.²

The Title IV-D Office automatically certifies debts for Debt Setoff (DSO) that come under the category of domestic support obligations and the interception by DSO of a tax refund is specifically exempted from the automatic stay provisions of the Bankruptcy code. In addition, any DSO attachment of non-tax related monies such as lottery winnings, etc. that may be property of the estate are also exempted from the automatic stay provisions. Since these debts collected by DSO are specifically exempted from the 'automatic stay' the Title IV-D Office can offset these monies; there is no reason to decertify them.

Matching Payments and Pre-Offset Notice

Before setoff occurs, the Director of Accounts and Reports, on behalf of the IV-D Agency, shall send a notice to the NCP³ which includes:

- A brief explanation of the legal basis of the debt and demand for payment;
- A notice of the intent of the Department to set off the debt due against the debtor's earning, refund or other payment due to the NCP from the State of Kansas or any state Department.
 - The right of the NCP to request in writing a hearing to contest the validity of the claim, if such request is made within 15 days of the mailing of the notice (or in cases where notice was not given by mail, within 15 days of personal delivery to the NCP);⁴
- A statement that a hearing may be requested by making a written request to the
 - Director of Accounts and Reports and the address of the Director; and

¹ [Using the Accounts Receivable Setoff Program - State Agencies \(ks.gov\)](#)

² PL 109-8

³ 42 U.S.C. § 666(a)(3)(A); 45 C.F.R. § 303.102(c)(1); 45 C.F.R. § 303.102(e); K.S.A. 75-6206

⁴ K.S.A. 75-6206(a)(3)

- The fact that failure to request a hearing within the 15-day period will be deemed a waiver of the opportunity to contest the claim causing final setoff to default.¹

Monthly Retirement and Disability Benefits

Once a certified case has been identified as a KPERS match, DOA will mail a special KPERS offset notice to the NCP.

KPERS disability and retirement benefits fit the definition of “earning” in the federal Consumer Credit Protection Act, so no more than the statutory percentage limit of each payment will be offset.²

A KPERS-eligible case which includes spousal support arrearage may remain certified for as long as the child support debt of the NCP equals or exceeds the amount being offset from KPERS benefits. If an NCP has no child support arrearage, or the child support arrearage is less than the amount that would be offset from KPERS benefits, CSS Central Receivables (CRU) should be contacted promptly.

A lump sum withdrawal of contributions caused by the NCP leaving government employment for another reason is considered a miscellaneous state payment. A withdrawal of contributions is subject to 100% setoff.³

DOA will process the monthly KPERS offset manually. KPERS disability payments are not issued on the same day of the month, so the first collection on a particular case may be delayed. Retirement benefits are paid on the first day of each month.

The offset will be a set percentage of the benefit. Field staff can request CRU reduce the amount.

Other Payments Eligible for State Offset

DOA will match certified cases against a listing of those scheduled to receive a state payment (i.e. travel reimbursement, lottery payoff, etc.). On all valid matches, the state payment is held in abeyance and written notice is sent to the NCP notifying him/her of the proposed offset and the available appeal procedures. The NCP has 15 calendar days to make an appeal request to prevent the setoff.

As with other types of offset, an NCP can be excluded from all certification, or only specific types of payments can be exempted.

For more information regarding Administrative Offset, see:

<http://www.acf.hhs.gov/programs/cse/newhire/library/brochures/fpls/admin.htm>

Forms and Tools

- 1. [Example Offset Letters](#)

Frequently Asked Questions

- N/A

¹ K.S.A. 75-6206(a)(5)

² K.S.A. 75-6205(b)

³ [Using the Accounts Receivable Setoff Program - State Agencies \(ks.gov\)](#) see Miscellaneous Payments



Related Information

- [Chapter 13: Payment Processing](#)
- [See Business Practice 1000-1](#) – Treasury Offset/State Offset – FDSO/SDSO
- [Business Practice 1000-18](#) – Exempting Administrative Enforcement Actions/Viewing Administrative Action Exemptions

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 9: Administrative Offset

Version: 1	Effective Date: 1/1/2024
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Background

The purpose of the Debt Collection Improvement Act (DCIA) of 1996 was to increase the collections of non-tax debt owed to the Federal Government with provisions for use in the collection of past-due child support obligations.¹ In September 1996, the Executive Order 13019-Supporting Families: Collecting Delinquent Child Support Obligations was issued and allowed the Secretary of Treasury and the Secretary of Health and Human Services to develop and implement procedures necessary to collect child support debts by administrative offset.²

Policy

An administrative offset is withholding of funds (recurring and non-recurring payments) payable by the United States to satisfy a debt.³

Federal payments eligible for an administrative offset are:

1. Contractor/vendor payments;
2. Miscellaneous payments, such as travel and expense reimbursements; and
3. Federal retirement payments, including military retirement pay.⁴

While a federal salary payment is eligible for an administrative offset, the Federal Office of Child Support Services (OCSS) strongly encourages states to use income withholding to collect these payments.⁵ Contractor/vendor and miscellaneous payments can be offset at 100%.⁶

Federal retirement payments are currently being offset at 25%, but states are advised by OCSS to exclude cases from retirement offset if there is an Income Withholding Order (IWO) in place.⁷

Payments not eligible for an administrative offset include, but are not limited to:

1. Veterans Affairs disability benefits;
2. Federal student loans;
3. Railroad retirement payments; and
4. Supplemental Security Income (SSI),⁸

For a detailed list of all payments not eligible for an administrative offset, see Collection and Enforcement of Past-Due Child Support Obligations, an attachment to OCSS-AT-10-04. A case is eligible for an administrative offset when the Non-

¹ OCSS- AT-10-4

² OCSS- AT-10-04

³ 31 C.F.R. § 285.1(a)

⁴ OCSS-AT-10-04

⁵ OCSS-AT-10-04

⁶ OCSS-AT-10-04

⁷ OCSS-AT-10-04

⁸ 31 C.F.R. § 285.1(i); OCSS-AT-10-04

Custodial Parent (NCP) is at least \$25.00 behind in court ordered child support, although states are permitted to have a higher threshold.¹ The Title IV-D Office submits the NCP for administrative offset through the federal offset file. The Title IV-D Office follows the same threshold for submitting an NCP for administrative offset as it does for federal tax offset:

1. If there are state owed arrears (assigned), the threshold is a total of \$150.00 in arrears owed to the state among all of NCP's cases; and
2. If there are not state owed arrears (unassigned), the threshold is a total of \$500.00 in arrears owed to all Custodial Parties (CPs) among all of NCP's cases.

References

- [31 C.F.R. § 285.1](#): Collection of past-due support by administrative offset
- [OCSS-AT-10-04](#): Collection and Enforcement of Past-Due Child Support Obligations

Procedure

Submission for Administrative Offset

The administrative offset process is an automated process through the Federal Offset Program. If the NCP has an arrears greater than the threshold stated above, the statewide child support system (KAECSSES) submits the NCP's case(s). If the NCP is eligible for an administrative offset, the funds are electronically transferred to the Title IV-D Office and applied to the NCP's case(s).

Federal Retirement Benefits

If an NCP is receiving an administrative offset due to federal retirement benefits, the Title IV-D Office adds the Office of Personnel Management (OPM) to the NCP's employment record in KAECSSES. The caseworker issues the IWO. Once the IWO has been issued and the first payment is received, the caseworker enters an exemption on the EXMP screen in KAECSSES to prevent duplicate payments from administrative offset of federal retirement benefits and the federal retirement IWO. Exemption code is RET.

Payment Processing

Administrative offset payments are specifically coded administrative offset payments in KAECSSES. The Title IV-D Office receives a report from OCSS that further breaks down the administrative offset payment type as Vendor (Z) or Retirement (Y).

Administrative offset payments follow the regular payment distribution rules.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

¹ 31 C.F.R. § 285.1(e)



Related Information

- [Chapter 13: Payment Processing](#)
- [Business Practice 1000-18](#): Exempting Administrative Enforcement Actions/Viewing Administrative Action Exemptions

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 10: Gaming Facility Winnings

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that state child support agencies have procedures in place to secure assets in cases in which there is a support arrears by intercepting or seizing periodic or lump sum payments from other state agencies.¹

In the state of Kansas, the Kansas Racing and Gaming Commission (KRGC) was established to administer, regulate, and enforce the system of gaming.² The primary mission of the KRGC is to regulate gambling at facilities with state owned casino games and parimutuel racetrack gambling. There has not been horse or dog racing in Kansas since August 2008. They are currently responsible for Boot Hill Casino and Resort in Dodge City, the Kansas Star Casino in Mulvane, the Hollywood Casino at Kansas Speedway in Kansas City and the Kansas Crossing Casino and Hotel in Pittsburg.

The Tribal Gaming Oversight Act³ places the tribal casinos under the KRGC.⁴ There are four tribal casinos in Kansas: White Cloud Casino with the Iowa Tribe; Golden Eagle Casino with the Kickapoo Tribe; Prairie Band Potawatomi Casino with the Prairie Band Potawatomi Nation; and Sac & Fox Casino with the Sac & Fox Nation.

There is one other set of laws regarding gambling in Kansas and it is under the Kansas Lottery Act⁵ and the Kansas Expanded Lottery Act,⁶ which is part of the Kansas Lottery Act but allows for sports wagering.⁷

Statutes regulating facilities that offer gambling games in Kansas include provisions to withhold delinquent child support obligations from winnings.⁸

Definitions

1. **“Form W-2G”** is a federal form that must filed with United States Internal Revenue Service (IRS) to report gambling winnings if:
 - a. The winnings, not reduced by the wager, are \$1,200.00 or more from a slot machine;
 - b. The winnings, excluding winnings from slot machines or poker tournaments, reduced, at the option of the payer, by the wager are:
 1. \$600.00 or more; and
 2. At least 300 times the amount of the wager; or
 3. The winnings are subject to federal income tax withholding.⁹

¹ 42 U.S.C. § 666(c)(1)(G)

² K.S.A. 74-8803a; K.S.A. 74-8733

³ K.S.A. 74-9801 et seq.

⁴ K.S.A. 74-9803

⁵ K.S.A. 74-8701 et seq.

⁶ K.S.A. 74-8710

⁷ K.S.A. 74-8781

⁸ K.S.A. 75-6204

⁹ Instructions for Forms W-2G and 5754

2. **“Gaming facility”** refers to a gaming facility or a racetrack gaming facility that may be played as approved by the Kansas Racing and Gaming Commission.¹ Child support may be withheld from the winnings paid at gaming facilities.²

Policy

The Kansas Title IV-D Program certifies a Non-Custodial Parent (NCP) once they have a past due arrears balance of \$25.00, as with other debt setoffs.³

A gaming facility is required to file Form W-2G, or a substantially equivalent form, with the IRS for the payment of gambling winnings, or disburses a payout of \$600.00 or more in winnings from sports wagering, the gaming facility shall verify whether the person is delinquent in child support.

If the person is delinquent in child support, the gaming facility shall:

1. Withhold the amount of past due child support owed from cash winnings;
2. Transmit to CSS the amount withheld and identifying information of the child support obligor; and
3. The Title IV-D Program shall notify the obligor, via the letter distributed by Kansas Debt Recovery System (KDRS) at the time the gaming facility withholds the cash winnings, that the Title IV-D Program intends to offset the obligor’s past due child support with the cash winnings.⁴

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement – Expedited Procedures – Securing Assets
- [K.S.A. 74-8701 et seq.](#): Kansas Lottery Act
- [K.S.A. 74-8710](#): Kansas Lottery Act
- [K.S.A. 74-8801 et seq.](#): Kansas Parimutuel Racing Act
- [K.S.A. 74-8803](#): Kansas Racing and Gaming Commission
- [K.S.A. 74-8733](#): Kansas Expanded Lottery Act
- [K.S.A. 74-8781](#): Authorization of Sports Wagering by Kansas Lottery
- [K.S.A. 74-9801 et seq.](#): Tribal Gaming Oversight Act
- [K.S.A. 74-9803](#): State Gaming Agency; Administration
- [K.S.A. 75-6201 et seq.](#): Setoff Against Debtors of the State, Municipalities and Certain Foreign States
- [K.S.A. 75-6204](#): Authority to Setoff Against Debtors; Collection of Assistance Fee; Agreements with Municipalities, Lottery Gaming Facility Managers, Racetrack Gaming Facility Managers, Facility Owner Licensee
- [K.S.A. 75-6205](#): Same; minimum debt setoff; maximum setoff against earnings
- [K.A.R. 112-100-1](#): Definitions
- [K.S.A. 75-6206](#): Minimum Debt Setoff; Maximum Setoff Against Earnings

Procedure

Department of Administration (DOA) will match certified cases against a listing of those scheduled to receive a state payment (i.e. travel reimbursement, lottery payoff, etc.). On all valid matches, the state payment is held in abeyance and

¹ K.A.R. 112-100-1

² K.S.A. 75-6204

³ K.S.A. 75-6205(a)

⁴ K.S.A. 75-6206



written notice is sent to the NCP notifying him/her of the proposed offset and the available appeal procedures. The NCP has 15 calendar days to make an appeal request to prevent the setoff.¹

Forms and Tools

- www.krgc.ks.gov
- [Instructions for Forms W-2G and 5754](#)
- [Setoff Program | Kansas Department of Administration \(ks.gov\);](#)

Frequently Asked Questions

- NA

Related Information

- [Chapter 13: Payment Processing](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 75-6206(a)(3)

CHAPTER 11: ENFORCEMENT

Section 11: Lottery Winnings

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that state child support agencies have procedures in place to secure assets in cases in which there is a support arrears by intercepting or seizing periodic or lump sum payments from other state agencies.¹

The Kansas Lottery Commission was established to supervise and administer the operation of the Kansas State Lottery.² Kansas Code includes provisions to withhold delinquent child support obligations from lottery winnings.³

Policy

The Title IV-D Agency shall identify to the Lottery Commission each child support obligor who owes past due child support on a Title IV-D case. The Lottery Commission utilizes the same file that maintains for reporting to the Kansas Department of Revenue (KDOR) all obligors with total arrears (among all Title IV-D cases) of \$25.00 or more.⁴

The Lottery Commission is required to file Form W-2G, or a substantially equivalent form, with the IRS for the payment of gambling winnings, or disburses a payout of \$600.00 or more in winnings from sports wagering, the gaming facility shall verify whether the person is delinquent in child support.

If the person is delinquent in child support, the Lottery Commission shall:

1. Withhold the amount of past due child support owed from lottery winnings; and
2. Transmit to the Title IV-D Agency, the amount withheld and identifying information of the child support obligor.

KDOR shall notify the obligor, via the letter distributed at the time the Lottery Commission withholds the lottery winnings, that the Title IV-D Agency intends to offset the obligor's past due child support with the winnings. The Title IV-D Agency follows the child support rules of distribution when applying the winnings to the obligor's case(s).⁵

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement – Expedited Procedures – Securing Assets
- [K.S.A. 74-8702\(c\)](#): Definitions
- [K.S.A. 75-6201](#): Statement of policy
- [K.S.A. 75-6205\(a\)](#): Same; minimum debt setoff; maximum setoff against earnings
- [K.S.A. 75-6206\(a\)\(3\)](#): Same; information to director of accounts and reports; notice to debtor; amounts subject to setoff withheld

¹ 42 U.S.C. § 666(c)(1)(G)

² K.S.A. 74-8702(c)

³ K.S.A. 75-6201 et seq.

⁴ K.S.A. 75-6205(a)

⁵ K.S.A. 75-6206

- [K.S.A. 75-6217](#): Prize winnings withheld, when; indemnification of managers and licensees; remittance of withholdings
- [AT-06-05](#): Issues Regarding Child Support provisions of the New Federal Bankruptcy Law, P.L. 109-8

Procedure

The Title IV-D Agency automatically certifies debts for Debt Set Off (DSO) that come under the category of domestic support obligations and the interception by DSO of a tax refund is specifically exempted from the automatic stay provisions of the bankruptcy code. In addition, any DSO attachment of non-tax related monies such as lottery winnings, etc. that may be property of the estate are also exempted from the automatic stay provisions. Since these debts collected by DSO are specifically exempted from the 'automatic stay' the Title IV-D Agency can offset these monies; there is no reason to decertify them.¹

The Department of Administration (DOA) will match certified cases against a listing of those scheduled to receive a state payment (i.e. travel reimbursement, lottery payoff, etc.). On all valid matches, the state payment is held in abeyance and written notice is sent to the obligor notifying him/her of the proposed offset and the available appeal procedures. The obligor has 15 calendar days to make an appeal request to prevent the setoff.

Matching Payments and Pre-Offset Notice

Before setoff occurs, the Director of Accounts and Reports, on behalf of the Title IV-D Agency², shall send a notice to the debtor which includes:

- A brief explanation of the legal basis of the debt and demand for payment.
- A notice of the intent of the department to set off the debt due against the debtor's earning, refund, or other payment due to the payor from the state of Kansas or any state department.
- The right of the payor to request in writing a hearing to contest the validity of the claim, if such request is made within 15 days of the mailing of the notice (or in cases where notice was not given by mail, within 15 days of personal delivery to the debtor);
- A statement that a hearing may be requested by making a written request to the

Director of Accounts and Reports and the address of the Director; and

the fact that failure to request a hearing within the 15-day period will be deemed a waiver of the opportunity to contest the claim causing final setoff to default.³

Forms and Tools

- [Setoff Program | Kansas Department of Administration \(ks.gov\)](#)

Frequently Asked Questions

- N/A

¹ AT-06-05 Issues Regarding Child Support provisions of the New Federal Bankruptcy Law, P.L. 109-8

² Setoff Program | Kansas Department of Administration (ks.gov); K.S.A. 75-6206

³ K.S.A. 75-6206(a)(3)



Related Information

- [Chapter 13: Payment Processing](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 12: Driver's License Restriction

Version: 1	Effective Date: 1/1/2024
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Background

Federal law requires that all states have laws requiring procedures to withhold, suspend, or restrict driver's licenses of individuals owing overdue child support.¹ A driver's license may be restricted by processes initiated by the Title IV-D Program through an administrative action.

In 2006, legislation was passed allowing the Department for Children and Families to place a restriction on the driver's license of all Title IV-D cases in which a Non-Custodial Parent (NCP) owes over \$500.00 in arrears on a court order. The Title IV-D Program partnered with the Kansas Department of Revenue (KDOR) and the Department of Motor Vehicles (DMV) to receive valid driver's license information and provide information on up to 2000 NCPs who meet the criteria.²

Policy

The Title IV-D Program may initiate administrative action to restrict the NCP's driver's license with the DMV. When an NCP has a current obligation, owes at least \$500.00 in arrears, and no payment has been received in the last 90 days.³

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement.
- [K.S.A. 39-7,155](#): Past due child support or failure to comply with subpoena, restricted driving privileges; certification by secretary; notice; hearing.

Procedure

The following information must be in the Kansas Automated Eligibility and Child Support Enforcement System (KAECSES) to be submitted to KDOR/DMV for a possible restriction:

- NCP must be active on a case.
- NCP must have a date of birth.
- NCP must have a Social Security number.

Courtesy Letter Process

- Letters must be sent to NCPs who meet the criteria monthly.
- Caseworkers must notify each identified eligible NCP at least 30 days prior to placing any restriction on their driver's license.

¹ 42 U.S.C. § 666(a)(16)

² K.S.A. 39-7,155

³ K.S.A. 39-7,155

- The Courtesy Letter will be sent out 45 days prior to the 30-day notice, so NCP will receive 2 notifications. (1st letter by first class mail and 2nd letter is certified) prior to license being restricted.

Returned Letters

- Service complete date is required on KDMV upon return of service by certified mail.
- If the return receipt is signed, unclaimed, or refused, update KDMV with “Y” in the complete field and the date it was received.
- If letter is returned with a new address, re-send the certified letter, and enter the new address on KDMV, note field, and verify it has been added to the ADDR screen.
- If the letter is returned with no new address, or as undeliverable, the service complete field on KDMV stays blank or place an “N”.
- The caseworker will need to track the future of the restriction process after a new address is found.

Note: If the NCP no longer qualifies for license restriction after the issuance of a courtesy letter, the existing record will remain “open”. If the NCP is still within the time frame for a courtesy letter and the criteria is met again for a 30-day notice, the existing record will be updated accordingly.

Courtesy Letter Qualifications

- Court orders are viewed separately.
- For each qualifying court order
 - NCP owes current and at least \$500.00 in arrears.
 - No payment received in the last 90 days.

Initial File to KDOR/DMV

- The Title IV-D Program will send a file to Kansas Dept of Revenue (KDOR) Division of Motor Vehicles (DMV) listing all NCPs that meet the eligibility criteria.
 - Alternate SSN or alias names will not be submitted to DMV, only the primary SSN and name of the NCP will be included.
 - NCPs associated to Family Violence WILL be included in the DMV license restriction.
- DMV will compare the information sent by the Title IV-D Program to their system.
- DMV will then send a file to the Title IV-D Program listing the NCPs with a valid KS driver’s license.

Incoming File from DMV

- DMV will send 2 files to the Title IV-D Program:
 - Information on NCPs who have a positive match on KDL; and
 - NCPs with no valid KDL – Exception report will include mismatches on SSN and DOB, suspended/restricted KDL, not in the DMV data base, etc.
- DMV will send the following data fields to the Title IV-D Program on all NCPs that have a valid driver’s license:
 - NCP Last name;
 - NCP First name;
 - NCP SSN;
 - NCP DOB - Year Month Day;
 - NCP Person number; and
 - Kansas Driver’s license number

Department of Motion Vehicle List (DMVL)

- Displays a list (by NCP person #) of court orders that generated a courtesy letter and 30-day notice.

- An NCP may qualify for restriction on multiple orders.
- The list allows users to view related KDMV records.

Using the valid KDL informational match with DMV, KAECSSES identifies the NCPs that meet all license restriction criteria.

- Payment Criteria
- Debt Calculation Criteria
- Exemptions/Exclusions

Payment Criteria

- Has a payment been received within the last 90 days?
- A cash receipt detail will be used to determine whether and when an NCP has made a payment.
- An Income Withholding Order (IWO) can be in place to forward payments, but a payment must actually be received (and cash receipt detail generated).

Payment Criteria to Exempt or Reinstate

- All cash collection types will qualify as a payment received, with the exception of Fee & Recovery collection types.
- All CSENET collection types will qualify as a payment received.
- A cash receipt detail can be in REF, DIST, PEND, or SUSP status to be considered as a payment received. Any other status would NOT be considered as a payment received.

NOTE: If the cash receipt detail has a court order number associated, the amount of the receipt detail will only be considered for that specific court order number. If the cash receipt detail does NOT have a court order number associated, the amount of the cash receipt detail will be considered for ALL court orders for the NCP.

Exemptions and Exclusions

These cases will NOT be included in the restriction process:

- Incarcerated NCPs;
- Deceased NCPs;
- Good Case/Good Cause Pending Cases;
- No active address on KAECSSES; and
- Administrative Action (EXMP-ALL or KDMV).

Appeals

- When you receive an appeal, you must handle each court order separately.
- Appeal request date on KDMV stops the process.
- Record an appeal decision on KDMV.

Payment Agreements

- Payment arrangements are available after the 30-day letter has been sent.
- The payment agreement fields on the KDMV screen are vital to stop the restriction process when a payment arrangement has been made with an NCP.
 - Caseworkers will have to go to the KDMV screen to set up payment agreements for EACH court order, if the NCP has multiple orders causing a restriction.

- The Kansas Department of Revenue sends the licensee (NCP) a letter when the restriction applies. The Title IV-D Program receives confirmation from DMV and the license restricted date is auto populated on the KDMV screen.
- Completion of the KDMV screen to record the payment agreement made with the NCP and mail the confirmation letter off of the COMP.
- Restriction activity will stop until the minimum payment agreement criteria is met.

Restriction

- Every day, the Title IV-D Program will send a list of NCPs to DMV to identify which driver's license to restrict.
- When an NCP's license is restricted, he/she are still able to drive:
 - to and from work or school;
 - to and from place of employment;
 - to and from drug/alcohol counseling;
 - to and from any appointment with a healthcare provider or during a medical emergency; and
 - to and from any place required by court.
- The Title IV-D Program must send a notice to DMV to lift the restriction within 24 hours of a person becoming compliant with the regulations.

Reinstatement

For a license to be reinstated:

- Arrears must be paid in full;
- A payment agreement is in place on KDMV with payment received;
- The payment date must be greater than or equal to the payment agreement date on KDMV;
- An IWO has been created with an "I" or "C" collection received after the IWO was created;
 - The reinstatement will not occur until a payment is posted from the IWO created.
- Administrative exemption code placed; and
- Completion of the payment agreement.
 - Caseworker must send a request to CSS Administration to have the restriction lifted.
 - CSS Administration will send a notice to the DMV to lift restrictions within 24 hours of compliance.

Forms and Tools

- [Driver's License Restriction Power Point Training](#)
- [Child Support Services Desk Guide](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11: Enforcement, Section 18: Administrative Hearings](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 13: Kansas Department of Wildlife and Parks (KDWP) License Restriction

Version: 1	Effective Date: 1/1/2024
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Background

Federal law requires that all states have laws requiring procedures to withhold, suspend or restrict recreational and sporting licenses of individual owing overdue child support.¹ The Kansas Department of Wildlife, Parks and Tourism (KDWP) has partnered with the Title IV-D Agency to deny the sale of recreational licenses for Non-Custodial Parents (NCPs) who owe past due support. These licenses are subject to suspension through an administrative process. These include: Hunting licenses, stamps, tags, fishing licenses, trapping licenses, boating permits, and park and camping fees; or other issues of KDWP.

Hunting or fishing licenses can be purchased at any time. They are valid for 365 days from the date of purchase. Once issued, an annual/yearly license it cannot be revoked for non-payment of child support. A lifetime license can be revoked by KDWP for non-payment of child support.² If the sale of a license is denied, the state must provide written notice stating the basis of the action and how the applicant may dispute the action. A brochure will be presented to the applicant at the time a license is denied.

Policy

When a NCP has an arrearage of at least \$500.00 or the NCP has not made a payment in the last 90 calendar days, the Title IV-D Office may initiate administrative proceedings to suspend the NCP's hunting licenses, stamps, tags, fishing licenses, trapping licenses, boating permits, and park and camping fees; or other issues of the KDWP.

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [K.S.A. 32-918](#): Persons in arrearage under a child support order; prohibition against issuance of license, permit, stamp or tag
- [K.S.A. 32-930](#): Lifetime hunting, fishing and fur harvesting licenses; persons in arrearage of child support, prohibition against issuance of such licenses

Procedure

The Title IV-D Program sends an electronic file to the KDWP through the statewide child support system (KAESCES) weekly listing NCPs owing arrears over \$500 and not having made a payment in 90 calendar days or having met the IWO order for the last 12 months. NCPs must have a known date of birth (DOB) and Social Security Number (SSN) to be matched with KDWP files. The OBLO screen can be used to determine if the NCP has been certified against KDWP.

¹ 42 U.S.C. § 666(a)(16); K.S.A. 32-918: K.S.A. 32-930

² K.S.A. 32-930

1. Remedies to Sanction

After an NCP is certified against obtaining their KDWP license and would like to get their license back, they will need to provide proof of employment so an Income Withholding Order (IWO) can be issued or if no employer or is self-employed, then they will need to enter a monthly repayment agreement.

2. Repayment Agreements

At any time in the license suspension process, the NCP may establish a verbal repayment agreement with the Title IV-D Office. The Title IV-D Office may have a uniform payment plan proposal or may propose payment plans on a case-by-case basis. A note shall be entered into KAECSSES documenting the terms of the repayment agreement.¹ The goal of the payment plan is not to penalize the payor but is to provide consistent child support payments to families.

If a payment agreement is made, a Payment Agreement Confirmation letter (KDWPCONF) should be downloaded from the COMP screen on KAECSSES and sent to the NCP. The letter details the verbal agreement between the caseworker and NCP. It does not require a signature by the NCP.

If the NCP is not able to meet the monthly repayment agreement, they will need to notify the Title IV-D Office right away.

3. Release and Exemption

Once the NCP has met the one of the two requirements to have the restriction lifted, an exemption request will need to be sent by the caseworker to the Child Support Services (CSS) Administration Office. An exemption will be added to the EXMP screen using KDWP as the Administrative Action type. The exemption period should be set for 60 days from the date the sanction is released. KDWP will be notified of the decertification through the weekly file.

If a NCP fails to meet the payment requirements, they will be recertified with KDWP and subject to license suspension.

Forms and Tools

- [KDWP Brochure](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11: Enforcement, Section 18: Administrative Hearings](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

¹ 45 C.F.R. § 303.2(c)

CHAPTER 11: ENFORCEMENT

Section 14: Professional License Suspension

Version: 1	Effective Date: 1/1/2024
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Background

Federal law requires all states have laws requiring procedures to withhold, suspend, or restrict professional and occupational licenses of individuals owing overdue child support¹. A professional and occupational license or permit listed in this policy may be suspended or otherwise sanctioned for failure to pay child support by processes initiated by the Title IV-D Office through judicial action.

The Kansas Department for Children and Families (DCF) has entered into an agreement with the Kansas Department of Health and Environment (KDHE) to match certain Non-Custodial Parent's records against the records of the agencies that issue occupational licenses. These agencies include:

- Behavioral Science Regulatory Board;
- Dental Board;
- Board of Emergency Medical Services;
- State Board of Healing Arts;
- Board of Nursing;
- Board of Optometry Examiners;
- Board of Pharmacy;
- KDHE Health Occupations Credentialing Section; and
- Board of Cosmetology.

Policy

License suspension can only occur as part of a judicial proceeding². There is no automatic suspension of any occupational license. If no response is received, or an agreement cannot be made with the NCP, the case should be referred for appropriate legal action.

When an NCP has an arrearage of at least \$1,000.00, no payment activity for a period of 90 days or more and is certified for FDSO, the Title IV-D Office may initiate judicial proceedings to issue sanctions against the payor's professional or occupational license or permit with the appropriate licensing entity.³

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [K.S.A. 23-3120](#): Child support enforcement; licensing bodies; professional license

¹ 42 U.S.C. § 666(a)(16)

² K.S.A. 23-3120

³ K.S.A. 23-3120

Procedure

Judicial suspension of professional/occupational licenses is a manual process initiated at the discretion of the Title IV-D Office. The Title IV-D Office will file a motion to suspend the professional/occupational license and set for hearing. The court will need to find that:

1. the NCP owes past due child support in an amount equal or greater than 3 months' child support;
2. the NCP is licensed to practice a profession by a licensing body; and
3. the NCP has failed, after reasonable opportunity, to comply with a payment plan previously established by the court.

At the conclusion of the hearing and making the necessary finds, the court shall order the notice be served on the licensing body.¹

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11: Enforcement, Section 18: Administrative Hearings](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 23-3120

CHAPTER 11: ENFORCEMENT

Section 15: Consumer Credit Reporting

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Title IV-D agencies are required to make information regarding the amount of overdue support owed by a Non-Custodial Parent (NCP) available to consumer reporting agencies.¹ In Kansas, the Title IV-D Office is charged with establishing credit bureau reporting procedures in accordance with federal requirements.²

When an NCP has an arrearage of at least \$1,000.00 on a Title IV-D case, the Title IV-D Office will initiate reporting of the NCP's child support arrearage to a credit reporting agency.³ Submission of past due child support amounts is an automated data matching process through the statewide child support system (KAECSSES) and the credit reporting agencies. The Title IV-D Office sends a report the first Saturday of every month to the credit reporting agency of all NCPs who have surpassed the arrearage threshold.

After an NCP's arrearage meets the reporting threshold and the Title IV-D Office submits information about an NCP's past due child support amounts to the credit reporting agency, the Title IV-D Office will continue to submit the NCP's arrearage information to the credit reporting agency until 1 or more of the following conditions occur:

1. The arrears balance is reduced to \$0.00;
2. An exemption has been placed on the enforcement screen in KAECSSES; or
3. The case is closed to Title IV-D services.⁴

Intergovernmental rules require the agency to report debts in the manner they are reported for an in-state case, by reporting overdue support to Consumer Reporting Agencies.

References

- [15 U.S.C. §1681](#): Congressional findings and statement of purpose
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302.70](#): Required State laws
- [K.S.A. 23-3121](#): Reporting of support arrearages to consumer credit reporting agencies
- [K.S.A. 50-710](#) : Special administrator; appointment; bond; duties

¹ 42 U.S.C. § 666(a)(7); 45 C.F.R. § 302.70(a)(7)

² 42 U.S.C. § 666(a)(7); 45 C.F.R. § 302.70(a)(7); K.S.A. 23-3121

³ K.S.A. 23-3121(b)

⁴ K.S.A. 23-3121(b)

Procedure

Notice of Intent to Report Arrearages¹

When an NCP's arrearage becomes equal to or greater than \$1,000.00 on a Title IV-D case, KAECSSES will automatically generate a "Notice of Intent to Report Child Support Arrearage to Credit Reporting Agency" (Notice of Intent). The Notice of Intent to Report to Credit Bureau letter is only issued to the NCP one time.

The Notice of Intent advises the NCP of the current arrearage listed in KAECSSES, that the arrearage is currently subject to being reported to the credit reporting agency and provides instructions for contesting the information to be reported. The NCP has 15 days to contest.

Failure to Respond to the Notice of Intent

If the NCP does not respond to the Notice of Intent within 15 days of the notice being mailed by the Title IV-D Office, then the NCP's arrearage listed on the Notice of Intent will be reported to the credit reporting agency.

Non-Custodial Parent (NCP) Contesting the Notice of Intent²

If the NCP pays enough to reduce the arrears below \$1,000 prior to referral, a referral will not be made. If the NCP who has received a warning notice, brings the account current prior to referral, but subsequently becomes delinquent, no second warning notice will be generated prior to referral. The caseworker may negotiate to settle the account of the NCP with a lump sum payment but may not accept installment payments to forestall a referral.

An NCP who meets the criteria will be automatically reported to a credit reporting agency unless:

- A good cause claim is pending or established.
- The case is an outgoing to another jurisdiction for enforcement.
- An administrative exemption is established in the following situations:
 - During pending litigation or appeal in which the amount of arrearage is under challenge;
 - If the Title IV-D Office has knowledge of a payment which is in process which will reduce the arrears below \$1,000;
 - If unable to verify the amount owed is greater than \$1,000 with reasonable certainty (i.e., out of state order with old arrearage); or
 - An occasional situation where a KSA 39-718b judgment with installment payments that have been paid timely exists.

Regarding K.S.A. §39-718b judgments, the Kansas Title IV-D Office has a policy in which orders for reimbursement of assistance are to be entered as lump sums because installment plans in support orders tend to mislead NCPs about the ability of the Title IV-D Office to collect the entire balance at any time. There are many NCPs with such installment orders for Unreimbursed Public Assistance (URA) who has fully paid the required installments. Because this compliance meets the purpose of the federal mandate (i.e., encouraging payment) and because of the disproportionate administrative burden created by reporting such debts, the Title IV-D Office has defined certain debts as not appropriate for reporting to credit agencies.

¹ K.S.A. 23-3121(d);

² K.S.A. 23-3121(b), (d)

Exceptions Specifically for K.S.A. § 39-718b Installment Payment Situations

The caseworker has the authority to grant an exemption when:

- The agreed order is or includes a reimbursement judgment under K.S.A. § 39-718b;
- The support order itself does specify a monthly installment for payment of the reimbursement judgment (the immediate Income Withholding Order (IWO) will have a monthly amount); or
- The NCP has no other debts (in this or any other Title IV-D case) which qualify for referral to the credit reporting agencies.

The caseworker must narrate in KAECSSES, the credit reporting exemption was granted for the purpose of establishing the agreed order for reimbursement. The caseworker is expected to inform the NCP if payments required by the immediate IWO are not received, the credit reporting exemption will be removed. This action should be taken as soon as the caseworker verifies a missed payment.

All outgoing intergovernmental obligations must be manually exempted from Credit Reporting on KAECSSES. When the outgoing intergovernmental portion of the case is closed, the exemption must be removed. Adding and removing exemptions is a finance unit function.

Forms and Tools

- [Child Support Services Desk Guide](#)
- [Credit reporting/CRED screen](#)
- [Notice of Intent to Report to CRA](#)

Frequently Asked Questions

- ? *How long does a child support debt remain on an NCP's credit report after the NCP has been removed from further reporting?*
- ✓ Child support debt will remain on an NCP's credit report for 7 years after the date of last reporting. After 7 years, the debt will no longer appear on an NCP's credit report. ¹
- ? *How can an NCP have child support arrearage deleted from his or her credit report?²*
- ✓ Once an arrearage is reported to the credit reporting agency, the arrearage cannot be deleted from the NCP's credit report unless the person reported was the incorrect NCP or the arrearage never qualified for initial reporting. Keeping the reported arrearage on an NCP's credit report will help improve an NCP's credit score. When the Title IV-D case returns to paying status, the NCP's credit report will reflect that the reported delinquency has payments being made towards the debt.
- ? *May the Title IV-D Office delay an NCP from being reported to the credit reporting agency?*
- ✓ If the Title IV-D Office chooses to delay future reporting of an NCP's arrearage to the credit reporting agency, it may place an exemption on the Administrative Action Exemption - EXMP screen in KAECSSES. Placing an exemption on the Administrative Action Exemption - EXMP screen will prevent the NCP from future reporting to the credit reporting agency.

¹ 15 U.S.C. § 1681c

² K.S.A. 50-710; 15 U.S.C. § 1681i

One example of when the Title IV-D Office may place an exemption to prevent future credit reporting could be when a recently established order created a retroactive arrears that is greater than the threshold for credit reporting. The Title IV- D Office is strongly encouraged to monitor the case for any arrearage that accumulates post order that would qualify for credit reporting.

? *Can the NCP be submitted to the credit reporting agency in the future if the Title IV-D Office removes an exemption on credit bureau reporting?*

✓ Yes. If the Title IV-D Office determines the NCP's arrearage should be reported to the credit reporting agency, the exemption can be removed from the Administrative Action Exemption - EXMP screen of KAECSSES.

? *What happens if an exemption is placed on all enforcement actions? Is credit reporting affected?*

✓ Yes. Placing an exemption on all enforcement activity will prevent all future reporting of the NCP's arrears to the credit reporting agency. If the Title IV-D Office determines the NCP's arrearage should be reported to the credit reporting agency, the exemption can be removed from the Administrative Action Exemption - EXMP screen in KAECSSES. The Title IV-D Office must contact the Finance Department advising that the exemption has been removed.

Related Information

- [Chapter 15: Intergovernmental, Section 8: Enforcing a Child Support Order;](#)
- [Business Practices 1000-6: AP Calls to Question Credit Agency Reporting](#)
- [Business Practices 1000-7: To Stay Credit Reporting](#)
- [Business Practices 1000-8: Releasing Credit Reporting Stay](#)
- [Business Practices 1000-9: Cancel/Delete an AP From Credit Reporting](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 16: Passport Denial and Reinstatement

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that the U.S. Department of State refuse to issue a passport to an individual, or revoke, restrict, or limit a passport issued previously to such individual upon receipt of a certification that the individual owes arrears exceeding \$2,500.00.¹

If a U.S. citizen finds that his or her passport has been denied or revoked while that citizen is outside the country, the citizen may contact the U.S. Embassy or Consulate for a limited validity passport.² A limited validity passport may be issued for direct and immediate return only to the

U.S. The length of time of validity is determined by the U.S. Embassy or Consulate officer.

U.S. citizens are entitled to return even if they cannot make payment arrangements on the child support debt.³

Policy

In order to be certified for Passport Denial, a Non-Custodial Parent (NCP) must have an arrearage balance of at least \$2500.00; the statewide child support system (KAECSSES) automatically certifies on a weekly basis, usually on Fridays, when a debt reaches this criterion. The child does not need to be a minor for a debt to be certified for passport denial.

Once a person has been certified, they must pay off the entire arrears balance to have their passport released. They will not automatically be decertified for reducing the arrears balance to less than the threshold amount of \$2500.00.

References

- [42 U.S.C. § 652\(k\)](#): Denial of Passports for Nonpayment of Child Support
- [OCSS AT-10-04](#): Collection and Enforcement of Past-Due Child Support Obligations through the Federal Income Tax Refund Offset, Administrative Offset, Passport Denial, Multistate Financial Institution Data Match, and Federal Insurance Match Programs
- [DCL 00-79](#): Department of State Passport Denial Procedures
- [22 C.F.R. § 51.60\(a\)\(2\)](#): Denial and Restriction of Passports
- [Federal Collection and Passport Denial Technical Guide](#): The Administration for Children and Families Federal Collection and Passport Denial Technical Guide Version 13.0

¹ 42 U.S.C. § 652(k)

² 42 U.S.C. § 652(k); 22 C.F.R. § 51.60(a)(2)

³ Federal Collection and Passport Denial Technical Guide Version 13.0 Federal Collection and Passport Denial Technical Guide | The Administration for Children and Families

Procedure

The information is identified and automatically forwarded by Office of Child Support Services (OCSS) to the Department of the State (DOS) when the NCP owes child support arrears at or above the threshold amount.;

The NCP applies for a passport or renewal and the passport is denied.;

A notice is sent to the NCP informing him/her that the passport application has been denied due to delinquent child support.

The NCP is instructed to contact the Title IV-Office in the state that certified them for the arrearage amount; and

Once the arrears balance is paid in full, the system will decertify the NCP when the weekly batch runs.

Once a case is submitted, it will remain active until the state removes it or the arrearage balance falls to \$0. Therefore, if an arrearage balance falls below \$2,500, it will not be automatically deleted. If two states have certified an NCP for Passport Denial, both states must decertify in order for that NCP to be excluded from the process.

Kansas only reviews for possible release from Passport Denial based upon:

- Full payment;
- Certain hardship cases (for example, in life-or-death situations with verification of death or medical emergency of an immediate family member); or
- An individual being erroneously submitted.

Requests for other arrangements besides the arrears being paid in full must be submitted to the Regional Program Administrator for approval.

Note: Passports are issued for 10 years. If an NCP is excluded from certification and obtains a passport, it will be 10 years before this offset mechanism could be utilized.

Notice of Withdrawal of Passport Denial Form – Emergency Situations

A notice of withdrawal of passport denial form (used only by Child Support Services (CSS)) is used for life-or-death situations or erroneous submittal of an individual.

Life or Death Situations

In a life-or-death situation, verification of the death or medical emergency of an immediate family member is mandatory. The following criteria must be met:

Reasons for traveling - the following apply to immediate family members only:

- Imminent death or funeral;
- Serious illness; or
- Dangerous operation.

Immediate family includes:

- Parent or guardian of NCP;
- Child (natural or adopted);
- Grandparent;

- Sibling;
- Aunt;
- Uncle;
- Stepchild;
- Stepparent;
- Stepsibling; or
- Spouse (sometimes the spouse may need to travel if they are supporting the NCP).¹

Examples of verification required:

- Death Certificate;
- Letter from the doctor; or
- Red Cross verification.

Erroneous Submission

An erroneous submittal occurs when a non-obligor who has never been submitted to the Federal Offset Program (FOP) is mistakenly denied a passport for reasons of child support.²

A non-obligor who has been erroneously submitted must provide the certifying state a copy of the Passport Denial Letter to OCSS along with the completed Notice of Withdrawal of Passport Denial Form. When OCSS receives all necessary information for the case, a letter is faxed by OCSS to DOS requesting an immediate release of the Passport Denial based on child support.

If an obligor was once legitimately denied a passport and has since made payment to bring the arrearage amount below \$2,500, this is not classified as an erroneous submittal. The Notice of Withdrawal of Passport Denial Form may not be used.

Forms and Tools

- [Child Support Services Desk Guide](#)

Frequently Asked Questions

? *How can I check the status of a passport reinstatement?*

- ✓ This information can be accessed through the State Services Portal (SSP)

? *If the obligor has been denied a passport erroneously, does the obligor need to provide any documents to the Title IV-D Office to have his or her passport reinstated?*

- ✓ If the obligor has received a Passport Application Denial Letter from the U.S. Department of State, the obligor must provide a copy of the letter. The Title IV-D Office must send a copy of that letter to CSS Administration when requesting the passport be reinstated.

? *What additional steps are needed if the passport is needed for family emergency?*

¹ DCL-00-79

² DCL-00-79

- ✓ The obligor must provide to the Title IV-D Office verification of the need to travel, such as a letter from the doctor, death certificate, or documentation from the funeral home. The Title IV-D Office maintains the discretion as to the veracity of submitted documentation. The Title IV-D Office must also submit this verification to CSS Administration for the passport to be reinstated. OCSS requires verification of a life-or-death certification be submitted in order to expedite passport reinstatement.

Related Information

- [Federal Offset Program User Guide](#) (see Chapter 5, Passport Denial Process, pages 5-1 through 5-6)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 17: Real and Personal Property Liens

Version: 1	Effective Date: 1/1/2024
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Background

States must have in effect and use procedures for the imposition of liens against the real and personal property of an obligor who owes overdue support, and who resides or owns property in the state.¹ Any unpaid installment of support under any child support order is a judgment by operation of law, with the full force, effect, and attributes of a judgment of the state, including the ability to be enforced.²

There are 2 types of property subject to a lien arising from delinquent child support:

1. Real property; and
2. Personal property.³

Personal property is any type of property, other than real estate. For example, personal property may include, but is not limited to, cars, boats, or aircraft.

Real property may include land, property, or anything attached to the land. This may include, but is not limited to, a shed, barn, or other storage structure located on the property.

Policy

Kansas Law provides that child support obligations become judgments as they come due and therefore establish an automatic lien against any real property in the county where the order exists.⁴

Filing the Notice of Assignment with the court will establish this automatic lien.

References

- [42 U.S.C. § 654](#): State Plan for Child Support and Spousal Support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302.70](#): Required state laws, procedures for the imposition of liens against the real and personal property of non-custodial parents who owe overdue support
- [K.S.A. 23-3122](#): Lien upon vehicles, vessels, aircraft
- [K.S.A. 33-102](#): Transfers to delay or defraud creditors or purchasers
- [K.S.A. 60-2202](#): Judgment liens
- [K.S.A. 60-2204](#): Release of certain liens on real property resulting from judgments or decrees of divorce; written consent required on support rights assigned to the secretary for children and families; filing; effect

¹ 45 C.F.R. §302.70(a)(4)

² 42 U.S.C. §666(a)(9)(A)

³ 45 C.F.R. § 302.70(a)(4)

⁴ See Riney v. Riney, 205 Kan. 671, 473 P.2d 77 (1970); K.S.A. 60-2202; K.S.A. 60-2204

- [K.S.A. 60-2403](#): Judgment, when dormant; release of record; child support judgments after July 1, 2007, never dormant; court costs, fees, fines and restitution judgments after July 1, 2015, never dormant
- [K.S.A. 60-2404](#): Revivor of dormant judgment
- [Riney v. Riney, 205 Kan. 671, 473 P.2d 77 \(1970\)](#)
- [State ex rel. SRS v. Cleland, 42 Kan. App. 2d 482, 213 P.3d 1091 \(2009\)](#)
- [Koch Engineering Co. v. Faulconer, 239 Kan. 101, 716 P.2d 180 \(1986\)](#)

Procedure

Real Property Liens¹

If the Noncustodial Parent (NCP) owns real property in any other Kansas county (where the lien is not automatically filed), the lien shall be filed in the other Kansas county unless one of the following conditions exist:

- The delinquency is less than \$500.00;
- The obligated parent has filed a petition in bankruptcy and the bankruptcy proceeding is pending;
- The property is encumbered by exemptions, including homestead;
- The equity in the real estate is insufficient to cover the costs of foreclosing the lien, including the costs of sale and payments to senior creditors with some proceeds left to apply to the arrearage;
- There are doubts or questions as to the ownership and/or control of the real estate; or
- Legal staff determine that there is some other legal bar to filing the lien.

To establish a lien in a county other than the one in which a support order is located, an attested copy of the court order must be secured from the Clerk of Court.

The following should be sent to the Clerk of the Court where the property is located:

- A cover letter requesting the support order be filed to establish a lien against any property owned by the NCP; and
- The attested copy of the support order.

Payment of any filing fee is controlled by K.S.A. 60-2005.

See Business Practice 1000-22 (Recording out-of-county real estate liens).

Personal Property Liens²

The Title IV-Office can file a lien against the registered personal property of an NCP who owes an arrearage. Personal property liens are filed against personal property such as cars, boats and aircraft which prohibit the NCP from selling the property or using it as collateral without a release. To be effective, the lien must appear on the Certificate of Title retained by the NCP.

Filing liens against boats or aircraft will require the assistance of an attorney. However, liens against a vehicle can be completed by caseworker unless one of the following conditions exists:

- Other enforcement remedies are available, including mandatory income withholding and the value of the personal property to be attached does not exceed \$1,000.00;

¹ K.S.A. 60-2202; K.S.A. 60-2204

² K.S.A. 23-3122; State ex rel. SRS v. Cleland, 42 Kan. App. 2d 482, 213 P.3d 1091 (2009)

- Other enforcement remedies are limited, such as for a self-employed parent, and the value of the personal property to be attached does not exceed \$500.00;
- The personal property is encumbered by a security interest, and the value of the equity interest of the obligor does not exceed the amount given in the prior exceptions;
- There are doubts or questions as to the ownership and/or control of the personal property by the obligor;
- Sufficient information to file the lien is unavailable;
- The property is encumbered by exemptions. The value of the property cannot be determined at little or no expense and the non-exempt equity is insufficient to justify the costs of obtaining the lien; and/or
- The non-exempt equity is insufficient to cover the costs of an attachment, including costs of storage, advertising, sale and payments to senior creditors with some proceeds left to apply to the arrearage.

At the time the Notice of Lien and Affidavit is received, the Division of Motor Vehicles (DMV) will send a letter to the obligor demanding the surrender of the title certificate so the lien can be recorded. If the NCP fails to surrender the title in 15 days, DMV will send a notification letter to the person who requested the lien. A motion may be filed in court seeking an order requiring the surrender of the title in those instances where the obligor fails to do so.¹

Release of Liens

Once an NCP has made either full payment on the support arrearage or has completed the terms of a settlement, the lien which covers the property needs to be lifted. The terms for lien release must be specific.

Real Property

A referral to the appropriate legal staff should be made in order to draft and file a release of lien document with the clerk of the court in the county where the judgment is filed.

Personal Property

If a lien has been previously entered against a vehicle, the consent to Release of Lien on a Vehicle should be filled out by program staff and given to the NCP.

The following points should be considered when preparing to release a lien:

- Are there other parties who have an interest in any remaining child support arrears?
- Should the Custodial Party (CP) decide not to continue receiving Non-IV-D benefits and there are Temporary Assistance for Needy Families (TANF) arrears, would the release only cover the support which had accrued and had been assigned as of the date the TANF case was closed?
- Has the ex-CP approved the release being filed if arrears have accrued after TANF closure?

If there is still an ongoing obligation for support, a release of lien does not relieve an NCP of the duty to continue paying current support until that order is terminated or the child(ren) are emancipated.

Attachment of Other Assets

Non-exempt property and assets, including real or personal property in which the NCP has an interest may be legally attached. As much documentation as possible concerning the ownership of the property should be obtained.

¹ K.S.A. 23-3122(a)(1)

Fraudulent Transfer of Property

K.S.A. § 33-102 allows a court to set aside a transfer made for the purpose of defrauding creditors. CSS staff and contractors are required to pursue remedies under this statute, if appropriate.

CSS will obtain a settlement, whenever possible, that is in the best interests of the support creditor (the IV-D Agency, the CP or both) instead of filing and pursuing an action under K.S.A. § 33-102. The terms and amount of an appropriate settlement will vary from case to case. Settlement of the fraudulent transfer claim may or may not involve forgiving a portion of the support arrearage.

Before legal action is filed under K.S.A. § 33-102, an IV-D case must meet all the following criteria:

- The transferred property must be located in Kansas, so that it may be attached if the action to set aside the transfer is successful;
- The suspicious transfer must have occurred within the preceding 24 months; and
- All 6 elements of fraud must be supported by clear and convincing evidence.
 - Elements of Fraud: In *Koch Engineering Co. v. Faulconer*, 239 Kan. 101, 716 P.2d 180 (1986), the Kansas Supreme Court stated the 6 elements of fraud. Where the grantor is the person who transferred the property (i.e. the NCP) and the grantee is the person who received the property, the elements are:
 - A relationship between the grantor and grantee;
 - The grantee's knowledge of litigation against the grantor;
 - Insolvency of the grantor;
 - A belief on the grantee's part that the contract was the grantor's last asset subject to a Kansas execution;
 - Inadequacy of consideration; and
 - Consummation of the transaction contrary to normal business practices.

Fraud is almost certain when:

- The 2 people have a relationship (family, personal, or business) and they both know about the legal action (the past due support debt) and the NCP does not have enough money to pay all his or her debts (including debts besides child support); and
- The person receiving the property believes it is the only property of the NCP that a Kansas court could attach; and
- The person did not pay enough for the property (it was a gift or a "too-good-to-be-true" bargain); and
- The transaction was not carried out in a normal, business-like way.

Prior to filing legal action, the Supervising Attorney for the office must concur with the following:

- Sufficient evidence exists and will be available for trial to meet the burden of proof, i.e. proof by clear and convincing evidence; and
- All the necessary parties to the action can be made subject to the jurisdiction of the Kansas court.

Important factors to consider when evaluating the sufficiency and quality of evidence available for trial are:

- The difficulty to meet the burden of proof;
- The likely involvement of other creditors or co-owners; and
- The potential for a jury trial.

If all the elements of fraud listed above are met the case shall be staffed with the Supervising Attorney to attempt a settlement or file, the appropriate legal action. If the attorney determines the necessary legal foundation for either activity does not exist, the attorney is expected to document the basis for that determination on the statewide child support system (KAECSES) and notify the caseworker.

Forms and Tools

- 1. Notice of Lien (OMB [0970-0152](#))

Frequently Asked Questions

? *Q. How long does a judgment lien last on a property?*

- ✓ A judgment lien is valid for 5 years, but it can be kept alive indefinitely so long as it is kept alive. This requires a Renewal Affidavit being filed periodically. If Renewal Affidavits or executions aren't filed the judgment becomes dormant for two years. If a Motion to Revive is not filed the judgment is no longer valid as to liens on real property.¹

? *Q. Where is the property deed on file?*

- ✓ Property deeds are on file with the county's Register of Deeds in the county where the real property is located.

Related Information

- [Chapter 11: Enforcement, Section 21: Statute of Limitations and Dormancy](#)
- [Business Practice 1000-22](#) (Recording out-of-county real estate liens).

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 60-2403; K.S.A. 60-2404

CHAPTER 11: ENFORCEMENT

Section 18: Administrative Hearings

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that states have an administrative procedure in place to allow individuals the opportunity to request an administrative review and take appropriate action when there is evidence that an error has occurred, or an action should have been taken on their case.¹

Policy

The Kansas Administrative Procedure Act² establishes procedures for the Title IV-D Office to administratively adjudicate, upon a request for an administrative hearing by an aggrieved Non-Custodial Parent (NCP)/Appellant, the enforcement of a child support obligation including:

- The withholding of income;
- The suspension of licenses and permits; or
- The interception of a tax refund applied to a delinquent child support obligation.

The Kansas Administrative Procedure Act also establishes procedures for the Title IV-D Office to administratively adjudicate, upon request for an administrative hearing by an aggrieved Custodial Party (CP)/Appellant, the distribution of child support payments involving an assignment to the State for the previous receipt of federal Temporary Assistance for Needy Families (TANF) by a CP/Appellant.

References

- [42 U.S.C. § 666: Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement](#)
- [45 C.F.R. § 302.54](#): Notice of collection of assigned support
- [45 C.F.R. § 303.35: Administrative Complaint Procedure](#)
- [45 C.F.R. § 303.72](#): Requests for collection of past-due support by federal tax refund offset
- [45 C.F.R. § 303.100: Procedures for Income Withholding](#)
- [45 C.F.R. § 303.102](#): Collection of overdue support by State income tax refund offset.
- [K.S.A. 75-3306](#): Appeals to secretary; investigations; subpoenas; hearings, when required; application of Kansas administrative procedure act, exceptions; jurisdiction
- [K.S.A. 75-6201 et seq.](#): Kansas Treasury Offset Program
- [K.S.A. 75-6205](#): Background information on certain applicants for employment; request for information by certain entities; exemption from civil liability for certain actions taken in good faith based on such information.
- [K.S.A. 75-6206](#): Same; information to director of accounts and reports; notice to debtor; amounts subject to setoff withheld
- [K.S.A. 77-501 et seq.](#): Kansas Administrative Procedure Act
- [K.S.A. 77-561](#): Office of administrative hearings; director; employees

¹ 45 C.F.R. § 303.35; K.S.A. 77-501 et seq.

² K.S.A. 77-501 et seq.

- [K.S.A. 77-511](#): Time limits for processing application for an order or a request for a hearing; expiration of license

Procedure

Any person who is an applicant, recipient or taxpayer may appeal any decision or final action of any agent or employee of the Secretary of Department for Children and Families (DCF). This is called a Fair Hearing.¹

To initiate a request, the appellant may make the request verbally or in writing. However, if the appellant makes it verbally to any caseworker or attorney, the appellant must be directed to formally make the request in writing through Office of Administrative Hearings (OAH)² or Accounts Receivable Setoff Program.³ It is very important that a completed Administrative Appeal Request for Fair Hearing, or other written request is received, before printing any appeal documents. Appeals must:

- Be in writing;
- Be timely; and
- Be filed at the with appropriate division –
 - For Federal Debt Setoff (FDSO) appeals, the appeal must be timely – within 30 days of the date of notice and filed at OAH.⁴
 - For State Debt Setoff (SDSO) appeals, the appeal must be within 15 days of the date of notice and sent to Accounts Receivable Setoff Program.⁵
- Should the appellant later decide to withdraw their appeal, the withdrawal must be submitted to OAH in writing.⁶

The caseworker must explain not only the Title IV-D program actions, but also the purpose and limitations of the appeal hearing. An Administrative Hearing Officer has authority to determine if the Title IV-D action to certify an NCP for certain enforcement actions including Federal and State Setoffs and certification was correct. In addition, the Administrative Hearing Officer has the authority to rule whether the Title IV-D Office has a valid claim against the NCP which is at least equal to the amount of offset/certification. When OAH is advised of the NCP's request for a hearing all offset monies will be held by Department of Administration (DOA) for SDSO or the Title IV-D Office for FDSO.

Agencies/Divisions

The DOA oversees the Office of Administration and Accounts Reports in addition to other divisions. The OAH coordinates the administrative hearing process for the DOA.

The OAH employs administrative law judges, and other support personnel to conduct proceedings for the Title IV-D Office. The OAH does not have the authority to challenge or change any decisions made by the court (such as arrearage under a court order, or to modify any custody or visitation orders).

There are 2 different divisions that process the submission of an appeal:

¹ K.S.A. 75-3306

² Kansas Office of Administrative Hearings

³ Setoff Program | Kansas Department of Administration

⁴ K.S.A. 77-511

⁵ K.S.A. 75-6206

⁶ Notice of Withdrawal of Appeal

- SDSO/Fair Hearing appeals are initially processed by the Account Receivables Setoff Program which is a division of Accounts and Reports. After review of the appeal and the NCP wants to move forward with an appeal it is sent to the OAH.
- FDSO/Fair Hearing appeals are processed by the OAH.

Rights of Appellant

The appellant, or representative of the appellant, will have adequate opportunity to:

- Appeal any Title IV-D Office action by requesting an Administrative Hearing document to complete and return;
- Examine all documents and records to be used by the Title IV-D Office at the hearing at a reasonable time before the date of the hearing as well as during the hearing;
- Present their case (by themselves, their authorized representative and witnesses);
- Establish all pertinent facts and circumstances and advance any pertinent arguments without undue interference;
- Question or refute any testimony or evidence; or
- Withdraw the request for appeal at any time.

Appeal Types

There are 3 specific types of administrative appeals/hearings:

- State Debt Setoff (SDSO);¹
- Federal Debt Setoff (FDSO);²
- Fair Hearings to determine if the Title IV-D Office can take certain enforcement actions.

Responsibilities of the Local Office

All parties will be informed of the right to a fair hearing and the method of obtaining such hearing.

Immediately upon receipt of notice of an appeal, the attorney will review the Title IV-D Office action. Upon reconsideration, the Title IV-D Office may amend or change its decision at any period before or during the hearing. However, this hearing will not be delayed or canceled due to the preliminary review.

The caseworker and/or attorney will gather and submit documentation to the OAH.

- Appropriate staff will represent the program at the appeal hearing; and
- Staff will promptly implement the decisions of an appeal hearing.

Prior to receipt of a formal written request for an appeal, with a concern presented orally, the caseworker and/or attorney can try to resolve the situation. If the concern remains, and a hearing is needed, the request must be made in writing and submitted to the OAH immediately in order to adhere to the 30-day time frame.

If the caseworker and/or attorney determines that the Title IV-D Office should withdraw from the hearing as it would not be in the best interest of the program to pursue, legal and Child Support Services (CSS) Administration should be consulted. If the decision is to withdraw the previously filed appeal, the withdrawal form must be submitted to OAH.

¹ 45 C.F.R. § 303.102

² 45 C.F.R. § 303.72

State Debt Setoff Appeals

When an NCP appeals the interception of State Debt Setoff money it is called a SDSO appeal. This occurs when the NCP is appealing the validity of their debt that has met the criteria for interception. This includes:

- State tax offset;
- Unemployment offset;
- Lottery winnings;
- Casino winnings;
- Unclaimed property;
- STARS; and
- Monthly KPERS retirement and disability benefits.

When an appeal is filed, the Title IV-D Office is only required to substantiate the case met federal certification requirements. The following evidence should be submitted to support the program's certification for FDSO:

- Copy of the court order and any modifications;
- Evidence the arrearages assigned is at least \$25.00;¹
 - If a court payment record is not available, an affidavit signed by a finance worker may be presented.
- Affidavit of Authenticity signed either by the caseworker or attorney; and
- Verbal Testimony (at the hearing).

State Debt Setoff is appealed through the Accounts Receivables Setoff Program which is a division of Accounts and Reports. If needed, a fair hearing is coordinated with OAH to hear and rule on the appeal.

State Debt Setoff Appeal Procedure

Accounts and Receivables Setoff Program will notify CSS Administration of the appeal by sending a copy of the acknowledgement of appeal letter and inform the appellant to contact the Title IV-D Office. This gives the appellant 45 days to attempt getting the issue settled.

Once CSS Administration has been notified by the Setoff Program, the following actions are taken:

- Email is sent to the assigned caseworker with a CC: to the supervisor.
- Notification to the caseworker that there are 45 days from the date of the letter to resolve the issue with the appellant; and
- Document information on Case Narrative (CSLN) screen.

If the NCP/appellant agrees that the money is owed, the NCP/appellant must send Accounts Receivables Setoff Program a withdrawal notice in writing to Accounts and Receivables Setoff Program. See Withdrawal section below.

If it is determined by the Title IV-D Office that the NCP/appellant does not owe the money and the debt has been adjusted according, the decertification process can stop the appeal process.

If the NCP/appellant and the Title IV-D Office cannot settle the issue, the Accounts and Receivables Setoff Program will contact CSS Administration to determine if the debt is still valid before notifying OAH to set a hearing.

¹ K.S.A. 75-6205

Notice of Hearing for SDSO Appeals

If there is no resolution after 45 days of being notified by Accounts and Receivables, then Accounts and Receivables will notify OAH to schedule a formal hearing. OAH will notify CSS Administration based on contact information provided by Accounts and Receivables. When CSS Administration receives this Notice of Hearing, CSS Administration will:

- Email the Notice of Hearing to the Kansas Department of Revenue (KDOR) point of contact for each contractor and
- Document information on CSLN screen.

Upon receipt of the Notice of Hearing, the point of contact must complete the following:

- An E-file Consent with OAH; and
- File an Entry of Appearance (EOA).

Screens to Complete in the Statewide Child Support System (KAECSSES) for State Debt Setoff Appeal

When the caseworker receives the acknowledgement of appeal information from CSS Administration with the appeal case number, the following screens must be completed:

- Administrative Appeal (AAPP) screen; (See BP 1000-12 CSE Person Requests An Administrative Appeal)
 - Use the last certification date on OBLO for action taken date;
 - Number – must use appeal case number, that should have been provided on appeal letter, this number will end in “AR”;
 - Request Date – The date the appeal was acknowledged by Kansas Department of Revenue (KDOR);
 - Reason – The reason the appellant is appealing.

*Administrative Appeals Page 2 (AAP2) is completed after the hearing takes place.

- Position Statement (POST) screen; (See BP 1000-17 Adding/Updating/ Generating Summary Statement)
 - This screen should include the CSS’ position on the appeal.
- Administrative Appeal Appellant Address (AAAD) screen;
- Administrative Appeal Hearing (AHEA) screen;
 - This screen must be used to enter appeal hearing information.
- Document actions on Case Narrative (CSLN) screen.

Prepping Required Documents for SDSO Appeal

The following documents are required for a SDSO or Unemployment Insurance (UI) Appeal:

- Agency Summary;
 - The KAECSSES system will not let you complete this from the AAPP screen, so a document will need drafted to create summary of the case.
- Administrative Appeal Affidavit of Authenticity from AAPP;
- DSO Appeals Evidence and Testimony from AAPP;
- Copies of all orders and modifications;
- Copy of payment record; and
- Certified Arrears Affidavit.

The supervisor or attorney should review the documents and then e-file and mail copies to the NCP/appellant, and their attorney (if applicable) by the date given on the Acknowledgement and Order. A copy should be also retained in the case file.

Other SDSO Appeals Information

- If the debt amount is less than \$25.00, the debt can be decertified if informal resolution is not possible.
- When the NCP/appellant requests a hearing, all offset monies are held by the KDOR. Once the final decision is made, all monies are forwarded to Title IV-D Office.
- If the offset is allowed, the money will be distributed with other DSO money.
- If the offset is not allowed, the Central Receivables Unit (CRU) must be notified to refund the money.

Federal Debt Setoff Appeals

When an NCP/appellant is appealing the interception of a federal payment it is called a FDSO appeal. The Debt Collection Improvement Act of 1996 authorized the administrative offset of a number of federal payments. Federal Payment Setoff and appeal process criteria are the same as Federal Tax Setoff. This includes:

- Vendor payments;
- Expense reimbursement;
- Travel payments;
- Federal retirement payments; and
- Federal salary payments.
 - It is Kansas' policy to use the income withholding process to collect from federal employee's salary payments, including the military.

When an appeal is filed, the Title IV-D Office is only required to substantiate the case met federal certification requirements. The following evidence should be submitted to support the program's certification for FDSO:

- Copy of the court order and any modifications;
- Evidence the arrearages assigned is at least \$150.00 in a TANF case,¹ or \$500.00 in a Non-TANF case;²
- If a court payment record is not available, a certified arrears calculation completed by a finance worker may be presented;
- Affidavit of Authenticity signed either by the caseworker or attorney; and
- Verbal Testimony (at the hearing).

Federal Debt Setoff/Fair Hearing Appeals are handled by OAH.³

Federal Setoff and Fair Hearing Appeal Procedure

Verbal Request for Appeal

An Administrative Hearing Officer has authority to determine if the Title IV-D action to certify an NCP/appellant to Federal Setoff was correct. In addition, the Administrative Hearing Officer has the authority to rule whether the program has a valid claim against the NCP/appellant, which is at least equal to the amount of offset. If the NCP/appellant wishes to proceed, a Request for Fair Hearing must be sent to the NCP/appellant, the case staffed with a supervisor and CSS Administration notified of the pending appeal. The appeal form can be obtained from:

- The Office of Administrative Hearings website at: www.oah.ks.gov;
- NCP/appellant creating their own document; or

¹ 45 C.F.R. § 303.72(a)(1); 45 C.F.R. § 303.72(a)(2); Federal Offset Program User Guide, p. 1-3

² 42 U.S.C. § 664(b)(2)(A); 45 C.F.R. § 303.72(a)(3)(i); 45 C.F.R. § 303.72(a)(3)(ii); Federal Offset Program User Guide, p. 1-3

³ 45 C.F.R. § 303.72(f); 45 C.F.R. § 303.72(g)

- Request for Fair Hearing from the Administrative Appeal (AAPP) screen in KAECSSES.

A Request for Fair Hearing must be completed and processed with OAH before proceeding with completing any screens in KAECSSES. If a request for Fair Hearing is received in a CSS field office, it must be submitted to OAH immediately at:

Office of Administrative Hearings
1020 S. Kansas Ave
Topeka, KS 66612-1237

Note: If a Request for Fair Hearing is received in CSS Administration for Federal Debt Setoff appeal, it will simply be scanned and emailed to the appropriate CSS field office. It is the responsibility of the CSS field office to forward to OAH and/or ensure it has been filed

Notice of Hearing for Federal Debt Setoff Appeals

OAH will send an OAH Acknowledgement of Appeal and Order to notify of a FDSO appeal via email to DCF.CSSOAHappeals@ks.gov. This mailbox is monitored by CSS Administration. CSS Administration will:

- Add the case to a spreadsheet;
- Send an email to the attorney/point of contact for each contractor;
- Monitor for the Agency Summary to be filed by the date provided on OAH Acknowledgment of Appeal and Order.
 - If the Agency Summary has not been filed one business day prior to date indicated on Acknowledgement, CSS Administration will follow-up with the attorney/point of contact to notify of Agency Summary being due the next day.

Communication and Resolution with Appellant

When an Acknowledgement of Appeal and Order is received, caseworker/attorney must contact the NCP/appellant to inform (s)he of the following:

- Explain the process of requesting an appeal;
- Explain the purpose and limitation of the appeal hearing; and
- Discuss the issue with the NCP/appellant and see if it can be resolved without moving forward with a hearing.
 - If the issue can be resolved and the NCP/appellant no longer believes a hearing is necessary, then a withdrawal must be filed with OAH. See Withdrawal section below.

Screens to Complete in KAECSSES for Federal Debt Setoff Appeal

Upon receipt of the notice of the appeal, caseworker and/or attorney must complete the following screens:

- Administrative Appeal (AAPP) screen: (See BP 1000-12 CSE Person Requests an Administrative Appeal)
 - Use the last certification date on Administrative Actions Taken by Obligor (OBLO) for action taken date;
 - Number – must use appeal case number, that should have been provided on appeal letter or email from CSS Administration;
 - Request Date – The date the appeal was acknowledged by OAH;
 - Reason – The reason the NCP/appellant is appealing.

*Administrative Appeals Page 2 (AAP2) is completed after the hearing takes place.

- Position Statement (POST) screen; (See BP – 1000-17 Adding/Updating/Generating Summary Statement.) and;
 - This screen should include the Title IV-D Office's position on the appeal.
- Administrative Appeal Appellant Address (AAAD) screen;

- AHEA screen; and
 - This screen must be used to enter the appeal hearing information.
- Document actions on Case Narrative (CSLN) screen.

Prepping Required Documents for FDSO or Fair Hearing Appeal

The following documents are required for a FDSO appeal within the timeframe provided on the Acknowledgement and Order prepared by OAH:

- Completed Agency Summary;
 - This must be completed by the date given on the Acknowledgement and Order prepared by OAH.
 - The Agency Summary must include:
 - Identifying information including the NCP/appellant's name, address, gender, age, and telephone number (or note "no telephone" if NCP/appellant has none);
 - Identification of caseworker and/or attorney who will represent the agency at the hearing;
 - A concise statement of the NCP's/appellant's complaint(s);
 - A brief chronological summary of the Title IV-D Office's actions and the basis for the decision with proper manual references to the policy or policies applied; and
 - A list of all pertinent documents attached. Original Request for Administrative Hearing form completed by the NCP/appellant or written request for fair hearing;
- Administrative Appeal Affidavit of Authenticity;
 - This is obtained from the AAPP screen.
- FDSO Appeals Evidence and Testimony;
 - This is obtained from the AAPP screen.
 - The "Evidence and Testimony Required to Prove the CSS Case before the Office of Administrative Hearings," is to be used as a guide to gather evidence and testify for an OAH appeal hearing. It contains information to use when testifying on the amount owed.
- Copies of all orders and modifications;
- Copy of payment record; and
- Arrears Affidavit.
- Any other documents submitted as evidence to substantiate the Title IV-D Office's decision.

The entire packet of information being e-filed for the Hearing Officer must also be sent to:

- NCP/appellant; and
- NCP/appellant's attorney (if applicable); and
- Case file.

Note: When contacting the Hearing Officer for any reason (providing documentation or other communication), the Title IV-D Office must copy the NCP/appellant or NCP's/appellant's attorney. If NCP/appellant or NCP's/appellant's attorney is not copied, it is considered ex-parte (one-sided) contact.

The Hearing Officer will not consider anything submitted at a later date. The Hearing Officer will not prompt hearing participants. If the documentation is not formally mentioned, it will not be considered even though the officer has received it by e-file or mail.

Location and Request for Hearing by Conference Call

All administrative appeal hearings are held in Topeka, Kansas; however, parties may participate via conference call. A written request for a hearing by conference call must be received by the Hearing Officer at least 3 days prior to the scheduled hearing. The request should include:

- Names of persons who will be testifying; and
- Name of the caseworker and/or attorney; and
- Telephone number(s) at which each person may be reached.

The Hearing

Appeal hearings are to be conducted as informally as possible to ensure the NCP/appellant has an opportunity to fully verbalize their situation.

The Hearing Officer will advise the parties of the procedures to be followed in conducting the hearing and will make a preliminary statement of the issues to be presented as shown on the summary of the NCP/appellant.

The NCP/appellant, their representatives and the representatives of the program are then provided a full opportunity to present facts or evidence relevant to these issues for incorporation into the record of the hearing. Complete and concise evidence should be presented, as the decision will be based on the evidence.

Following such presentation, all parties are given opportunity to examine the evidence submitted and may offer testimony in rebuttal, advance any arguments without undue interference, and question any witness.

The decision will be based on the evidence presented, documents, and other materials which the NCP/appellant and the Title IV-D Office examined at the time of the hearing, and which were introduced into the record.

The Decision

The Administrative Hearing Officer may give the parties 10 calendar days after the hearing to resolve the matter by voluntary agreement. If such an agreement is reached, the Administrative Hearing Officer must be personally notified of the settlement so the order can reflect the occurrence.

The parties will be notified of the administrative appeal decision and the right to appeal to the State Appeals Committee within 15 calendar days from the date of the decision.

All state appeal hearing decisions shall be accessible to the public (subject to the provisions of safeguarding confidential information).

The decision of the Hearing Officer shall be implemented promptly if the Title IV-D Office is not appealing to the State Appeals Committee. The NCP/appellant will be notified of their right to judicial review to the extent it is available to them.¹

Decisions unfavorable to the Title IV-D Office must be reviewed by legal and submitted to CSS Administration within 10 calendar days of the date of the decision. The attorney, via a Motion for Reconsideration and Request for Review by the Appeals Committee, can appeal these decisions.

Updating Decision of Hearing

All results of an appeal hearing must be documented on the following screens:

- Administrative Appeal Page 2 (AAP2) screen; and
- AHEA screen; and

¹ K.S.A. 75-3306

- Enter narrative on Case Narrative (CSLN) screen.

After the Decision

After the Hearing Officer has made a final decision, all SDSO monies will be forwarded to the Title IV-D Office regardless of the decision:

- If the Hearing Officer allows the offset, the money will be distributed; and
- If the Hearing Officer rules in favor of the NCP, the money will still be transferred to the Title IV-D Office to refund to the NCP. The finance worker is responsible for notifying CRU to refund the money, or it will be released for distribution.

Fair Hearing

In addition, Fair Hearings are held to make determinations on administrative enforcement actions other than Debt Setoff (DSO). This includes, but not limited to:

- Multi-State Financial Institution Data Match (MSFIDM);
- Passport Denial;
- Internal Revenue Service (IRS) Collection Service;
- Income Withholding Orders (IWO);
- Driver's License Restrictions; and
- Kansas Department for Wildlife, Parks, and Tourism (KDWP) license restrictions.

If the appeal is for multiple appeal types such as DSO and Fair Hearing, both issues could be heard in the same hearing.

The process for Fair Hearings is the same as Federal Debt Setoff Appeals. See Federal Setoff and Fair Hearing Appeal Procedure section above for processing Fair Hearing Appeals.

Withdrawal

If at any time the issue is resolved and/or the NCP/appellant or the Title IV-D Office determines a hearing is not necessary, a withdrawal must be filed. The withdrawal form is located:

- In the DCF CSS All Staff, General Channel, under the Forms and Documents folder; or
- www.oah.ks.gov.

Withdrawals for SDSO must be sent to:

Division of Accounts and Reports
Accounts Receivables Setoff Team
PO Box 2713
Topeka, KS 66601-2713
Telephone: 785.296.4828

Withdrawals for FDSO and Fair Hearings must be sent to:

Kansas Department of Administration
Office of Administrative Hearings
1020 S. Kansas Ave.,
Topeka, KS 66612-1327
Telephone: 785.296-2433

Out-of-State Hearings

The NCP/appellant or CP/appellant may request the appeal hearing in the state submitting the debt, the state that established the order, or the appellant's home state regardless of whether it is a Kansas case or an intergovernmental case.¹ If the appellant does not request the appeal be heard in the other state, normal FDSO appeal procedures will be used.

If the appellant does not request the appeal to be heard in the other state, normal appeal procedures will be used.

If the appellant wants the review handled in the other state, the request for review must be transferred within 10 calendar days.² The other state must render a decision within 45 calendar days of receiving the request and both states are bound by that decision.

If the appellant does request an out-of-state hearing the caseworker should check the Intergovernmental Referral Guide (IRG) for the other state's contact point and verify the documentation that is needed.

An Intergovernmental Transmittal #3 form and Child Support Agency Confidential Information Form should be completed and sent with the necessary documents to the other state. It is important to mark only item #5 (Assistance with Administrative Review) to prevent the other state from taking unnecessary action on the case. If any documents are not available to transmit immediately, e.g., an updated pay history, inform the other state of what documents are omitted and when they will be sent. Notice of the appeal should also be given to any involved CSS attorney.

Dependent upon the procedures of the other jurisdiction, Kansas CSS staff may be required to participate in the actual review process.

If the debt amount is adjusted as a result of the hearing, the state that conducted the hearing is responsible for notifying Kansas Title IV-D Office of the adjustment. Finance staff should make the appropriate adjustments on the system to correct the amount owed.

Forms and Tools

- [Kansas Office of Administrative Hearings](#)
- [Setoff Program | Kansas Department of Administration](#)
- [Notice of Withdrawal of Appeal Form](#)
- [Federal Offset Program User Guide](#)

Frequently Asked Question

- N/A

Related Information

- [Chapter 4: Mandatory Cases, Section 6: Calculating the Amount of Support Retained as a Result of the Assignment](#)
- [Chapter 11: Enforcement, Section 2: Income Withholding Orders Chapter 11: Enforcement, Section 7: Federal Tax Offset](#)

¹ 45 C.F.R. § 303.72(g)

² 45 C.F.R. § 303.72(g)

- [Chapter 11: Enforcement, Section 8: State Tax Offset](#)
- [Chapter 11: Enforcement: Section 12: Driver's License Suspension](#)
- [Chapter 11: Enforcement, Section 13: Kansas Department of Wildlife and Parks](#)
- [Chapter 11: Enforcement, Section 14: Professional License Suspension](#)
- [Chapter 13: Payment Processing, Section 3: Distribution and Disbursement of Support Payments Collected](#)
- [BP 1000-12](#) - CSS Person Requests an Administrative Appeal
- [BP 1000-17](#) - Adding/Updating/Generating Summary Statement

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 19: Contempt

Version: 1	Effective Date: 1/1/2024
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Background

Contempt is the process by which a civil court may punish an individual for failure to comply with the Court's orders. In Kansas, a civil court may utilize the contempt power to coerce compliance with a child support order.¹

A Court may punish an individual found to be in contempt of court by a fine, incarceration, or both.² A person may not be incarcerated by the state without first being advised of his or her right to counsel.³ If the Non-Custodial Parent (NCP) is found to be indigent, and there is a possibility for incarceration, he or she may not be incarcerated without first having counsel appointed upon request by the NCP to represent him or her.⁴

Policy

Contempt proceedings can be initiated by the Title IV-D Office by filing verified information for an Order to Appear and Show Cause with the Court.⁵ After issuing an Order to Appear and Show Cause, the Court must hold a hearing to give the NCP the opportunity to answer as to the truth of the allegations contained in the Order to Appear and Show Cause or to show that even if true, the facts do not constitute contempt of court.⁶ Further, contempt must be supported by the Court's finding that the NCP had the ability to comply with the court order.⁷ The Court may impose various sanctions against the NCP if found in contempt.⁸ However, the Order for Contempt issued by the Court must offer the NCP an opportunity to purge himself or herself of the contempt.⁹ The decision of whether to proceed with a contempt action rests in the discretion of the Title IV- D Office, subject to the following requirements:

- Prior to initiating a contempt action, the Title IV-D Office shall screen the case for information regarding the NCP's ability to pay support or otherwise comply with the order. Factors to be considered in this screening are below in the procedures section.
- The Title IV-D Office must provide clear notice to the NCP that his or her ability to pay constitutes the critical question in the civil contempt action; and
- The Title IV-D Office must provide the Court with available information regarding the NCP's ability to pay or otherwise comply with the order.¹⁰

The above requirements do not prohibit the Title IV-D Office from initiating a contempt action after thoroughly screening the case and having determined that there is no information regarding the NCP's ability to pay. Contempt actions are

¹ K.S.A. 20-1204a

² K.S.A. 20-1204a

³ Johnson v. Johnson, 721 P.2d 290 (Kan. App. 1986)

⁴ Johnson v. Johnson, 721 P.2d 290 (Kan. App. 1986)

⁵ 45 C.F.R. § 303.6(c)(4); K.S.A. 20-1204a(a)

⁶ K.S.A. 20-1204a(b)

⁷ 45 C.F.R. § 303.6(c)(4)

⁸ K.S.A. 20-1204a(b), (f), (g)

⁹ K.S.A. 20-1204a(b)

¹⁰ 45 C.F.R. § 303.6(c)(4)

usually a last resort used when all other enforcement actions have failed. The attorney will exercise this option when there has been little or no success using other methods, as a last resort.

References

- [K.S.A. 20-1204a](#): Indirect contempt; procedure
- [Johnson v. Johnson, 721 P.2d 290 \(Kan. App. 1986\)](#): Right to Counsel
- [45 C.F.R. § 303.6](#): Enforcement of support obligations

Procedure

Screening Cases for Possible Contempt Action

The Title IV-D Office shall consider the NCP's ability to pay when screening a case to determine if a contempt action is appropriate.¹ Below are several factors that the Title IV-D Office may consider, including but not limited to:

- The obligation is older than 90 days;
- There have been no payments in the past 90 days (with reasonable effort);
- If NCP has other obligations they are paying on, determine why payments are not coming in on all orders;
- Confirm with recently verified employer(s), Income Withholding Order (IWO) has been received, payments will begin;
- Phone calls/texts have been made to the NCP to attempt to obtain payment or reason for nonpayment;
- An NCP Contact Letter has been sent to the NCP to obtain information to determine ability to pay;
- If NCP is represented by private counsel, a letter has been sent to the attorney requesting information;
- NCP is not in bankruptcy;
- NCP is not in jail/prison;
- NCP is not open Temporary Assistance for Needy Families (TANF);
- Contact has been made with the Custodial Parent (CP) to attempt to obtain information for the NCP;
- There is no indication NCP has applied for SSDI or SSI (check narrative, SSP and SVES), narrate actions taken to confirm;
- Title I-VD Office has a positive locate in Kansas verified in the past 6 months (no PO Box, jail/prison, homelessness, etc.);
- Aid in Execution has been filed with no response from NCP (in applicable jurisdictions);
- NCP is capable of working (INCS or Kansas wages search shows past employment history);
- Review Financial Institution Data Match (FIDL) for possible garnishment resource;
- All automated enforcement actions have been activated (hunting/fishing license suspension, Debt Set Off (DSO) certified, etc.);
- Contempt done previously that resulted in payments;
- There is no active bench warrant for failure to appear at prior contempt hearing;
- No known source of funds to attach, leads on employment;
- No known reason NCP is unable to pay;
- NCP has ability to pay, and conversation has been conducted with NCP regarding noncompliance and case will be recommended for legal action if NCP has ability to pay but is not willing to pay.

¹ 45 C.F.R. § 303.6(c)(4)(i)

- Document all actions by narrating in the statewide child support system (KAECSSES) the justification to proceed with contempt filing, including NCP ability to pay reasoning.

Ability to pay information for the NCP must be presented to the court via testimony;

the ability to pay constitutes the critical question in the civil contempt action.¹ Information from the NCP can be per verbal communication; the NCP Contact Letter does not have to be returned.

Forms and Tools

- [Contempt Guide](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11: Enforcement, Section 20: Posting Security, Bond Guarantees](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 303.6(c)(4)(ii), (iii)

CHAPTER 11: ENFORCEMENT

Section 20: Posting Security, Bond Guarantees

Version: 1	Effective Date: 1/1/2024
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Background

Surety bonds differ from purge and criminal bonds. Each may be used as enforcement tools to ensure the Non-Custodial Parent's (NCP's) compliance with a child support order but are used under different circumstances. Generally, a surety bond serves to ensure the payment of ongoing and/or future child support obligations, whereas purge and criminal bonds may be used to obtain payment towards a child support delinquency through contempt or other proceedings.

Definitions

1. **"Surety bond"** is a written agreement between the NCP and a surety or a commercial insurance company that is filed with the Court to assure that the NCP will comply with making consistent, future child support payments.¹ The Court may require the NCP to post a surety bond when he or she earns income from self-employment or commission, has irregular income, makes sporadic payments, or has an employment situation that makes issuance of an Income Withholding Order (IWO) impractical or inappropriate.²
2. **"Purge bond"** is ordered by the Court when an NCP is past due on child support payments. The NCP is typically ordered to pay a purge bond either to:
 - a. Avoid going to jail on a contempt finding;
 - b. Be released from jail following a contempt finding; or
 - c. Be released from jail after he or she is picked up on a warrant for failing to appear at a previous contempt hearing.

The Court may set a purge amount that is less than or up to the total arrearage amount. Once the purge amount is paid, the entire amount of the purge bond is applied towards child support.³

3. **"Criminal bond"** is required by the Court to guarantee the appearance of the obligor/defendant at his or her criminal hearing as ordered. A criminal cash bond is held by the Clerk of Courts and may be returned to the obligor/defendant at the conclusion of his or her criminal case pending the results of the legal proceedings. Also, a criminal surety bond may be paid by a bondsman, as an agent of an insurance company, to the Clerk of Courts to guarantee the appearance of the obligor/defendant as ordered.

Policy

When an initial order is issued in an action for dissolution, legal separation, establishment of child support, or establishment of parentage, a Court may provide for security, bond, or other guarantee the Court deems appropriate to secure the obligation to make child support payments.⁴ The Court may likewise provide for such security, bond, or other

¹ 45 C.F.R. § 303.104

² OCSS-AT-85-06; K.S.A. 23-3111

³ OCSS-AT-12-01

⁴ K.S.A. 23-3111

guarantee as it deems appropriate as part of a modification order. Surety bonds are ordered at the discretion of the Court, regardless of the existence of any child support delinquency in a case.

A surety bond ordered by the Court remains in place until the child support order terminates, another Court assumes jurisdiction over the child support order, the Court's order discharges the bond, or the Court orders the bond forfeited. If forfeited by the Court's order, the proceeds from the bond will be used to reimburse the non-violating party for costs in upholding the order and other expenses before being applied toward the support of the child.

References

- [45 C.F.R. § 303.104](#): Procedures for posting security, bond or guarantee to secure payment of overdue support
- [K.S.A. 23-3111](#): Bond requirement when obligor self-employed or withholding otherwise impracticable
- [OCSS-AT-85-06](#): Final Rule: Implementation of Child Support Enforcement amendments of 1984
- [OCSS-AT-12-01](#): Turner v. Rogers Guidance
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

Procedure

The Title IV-D Office may require NCPs to post security, bond or give some other guarantee to secure payment of overdue support.¹ The Title IV-D Office shall initiate the legal action for posting of security, bond, or other guarantee unless the case is determined to be inappropriate when one of the following conditions exist:

- Other enforcement remedies are readily available, including mandatory income withholding;
- There are doubts or questions regarding the ability of the NCP to post the security if required;
- The obligated NCP owns no identifiable real or personal property of sufficient value to provide collateral for a security;
- The NCP has filed a petition in bankruptcy and the proceeding is pending; and
- The address of the NCP cannot be verified so that personal service can be achieved.

The Title IV-D attorney shall file a motion with the court for an order requiring the posting of a security, bond or other guarantee.

Forms and Tools

- N/A

Frequently Asked Questions

- ? *What are examples of "other guarantees" the Court may accept to secure the obligation of child support payments?*

¹ 42 U.S.C. § 666(a)(6); K.S.A. 23-3111

- ✓ Kansas courts may require personal property be attached in order to secure payment of a child support obligation. For example, the Court may order the NCP to deposit funds from an inheritance, a lawsuit settlement, or lottery winnings into escrow. If the NCP/obligor fails to make child support payments as ordered, funds from the escrow account would be used to satisfy the child support obligation. The Court may also require the obligor to pledge property (e.g., a house, motor vehicle) as a guarantee of payment. Non-payment would result in forfeiture of the property.

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 11: ENFORCEMENT

Section 21: Statute of Limitations and Dormancy

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that states have in effect laws requiring administrative and judicial procedures for the enforcement of child support obligations.¹ Statute of limitations refers to the timeframe set by legislation where affected parties need to take action to enforce rights.

Policy

Support judgments for “the support of a child” that are entered after July 1, 2007, or prior judgments that had not become extinct before July 1, 2007, will never go dormant and therefore never become extinct.²

Judgments that will never go dormant after July 1, 2007, include:

- Child support orders; and
- Portions of K.S.A. § 39-718b judgments relating to support of a child.

Types of judgments **not** included or affected by the July 1, 2007; amendment include:

- Maintenance which is not for a child; and
- Attorney fees.

Types of cases with no dormancy issues following the 2007 and 2015 changes:

- Orders entered for children who were born on or after July 1, 1987, should not have become void before this statutory change and therefore should continue to remain enforceable;
- Likewise, any support order entered on or after July 1, 2000, regardless of the age of the child, should not have become void before this change and should continue to be fully enforceable; and
- Court costs, fees, fines, and restitution judgments after July 1, 2015, never go dormant. If there were not void on July 1, 2015, they will never go dormant.

Judgments which had already become extinct under the old rule ceased to exist and are not affected by this change. They remain extinct and unenforceable.

Kansas Department for Children and Families (DCF) can bring an action to determine parentage until the child reaches 18 years of age. A child, or a representative of the child, can bring an action to determine parentage at any time if a presumption exists or at any time until three years after the child reaches 18 years of age where no presumption of parentage exists.³

¹42 U.S.C. § 666(a)(2)

² K.S.A. 60-2403

³ K.S.A. 23-2209

Note: The 2007 change does not affect liens on real property which arise as a result of an order. While child support debts may no longer become dormant, they still can cease to operate as a lien if actions are not taken to keep the debt alive. Regular use of Renewal Affidavits is required.¹ If a Renewal Affidavit is not timely filed a Revivor needs to be filed, if possible.²

Types of cases that may continue to have dormancy and extinction issues include:

- Orders entered for children born prior to July 1, 1987, would likely have dormancy and extinction issues unless appropriate actions were taken throughout the history of the case; and
- Cases with maintenance or other non-support debts.

Dormancy and Extinction policy prior to July 1, 2007, amendment of KSA 60-2403:

The following were guidelines for Kansas support orders and lump sum judgments for reimbursement and should still be used to insure a lien on real property:

- Unless renewed timely (by Renewal Affidavit) a judgment (installment or lump-sum) becomes dormant if court enforcement is not attempted within 5 years of the date judgment is entered;
- If a dormant judgment is not revived in a timely manner, it is extinct and ceases to exist. For most judgments, including maintenance, the Revivor must be done within 2 years after dormancy occurs. Once a child reaches age 20, support judgments for that child must always be revived within 2 years of dormancy. Child support may be revived as late as 2 years following emancipation of the child (i.e., age 20), if the child support;
 - Accrued after July 1, 1981; or
 - Accrued before July 1, 1981, and was not extinct as of July 1, 1998.

Because dormant installments cannot be enforced through judicial remedies until they have been formally revived, it will sometimes be necessary to revive support judgments well before the child's 20th birthday.

Dormancy can be prevented for an additional 5 years by filing a Renewal Affidavit and by most judicial enforcement procedures. The law changed July 1, 1992, so certain actions that had not previously prevented dormancy will do so after that date.

The following examples will prevent dormancy:

- Lump-sum judgment of an arrearage;
- Order of attachment, execution or garnishment;
- Income withholding proceedings that are filed with the court; and/or
- Hearing in Aid of Execution.

The following activities that are filed with the Court prevent dormancy but **only** if the activity occurs after July 1, 1992, and must be filed with the Court;

- Intergovernmental income withholding (from Kansas to another state);
- UIFSA (registration or full petition based on the Kansas order); and/or
- Contempt proceedings (sometimes referred to as "Order to Appear and Show Cause").

The following activities do **not** prevent dormancy:

¹ K.S.A. 60-2403(a)(2)

² K.S.A. 60-2404

- Voluntary payments or allotments;
- Credit bureau reporting; and/or
- Other administrative remedies, such as vehicle liens or demand letters.

References

- [28 U.S.C. § 1738B](#): Full Faith and Credit for Child Support Orders
- [42 U.S.C. § 666](#): Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement
- [K.S.A. 23-2209](#): Determination of Father and Child Relationship; who may Bring Action; When Action may be Brought; Revocation of Acknowledgement
- [K.S.A. 60-2403](#): Judgment, When Dormant; Release of Record; Child Support Judgments After July 1, 2007, Never Dormant; Court Costs, Fees, Fines and Restitution Judgments After July 1, 2015, Never Dormant
- [K.S.A. 60-2404](#): Revivor of Dormant Judgment
- [ABA Ethics Op. 94-387](#): Disclosure to Opposing and Court that Statute of Limitations has Run

Procedure

When the caseworker recognizes an arrearage total includes dormant installments, the caseworker is expected to note that fact when requesting legal action by the IV-D Attorney. The caseworker is expected to staff the case with the IV-D Attorney for a Revivor or enforcement action (to prevent dormancy) if:

- A child turns 18, or has turned eighteen 18 within the preceding 2 years; and/or
- There is an arrearage owed; and
- More than 5 years have passed since the last court enforcement action.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 12: REVIEW AND ADJUSTMENT/ MODIFICATION OF THE CHILD SUPPORT ORDER

Section 1: Time Frames

Version: 2	Effective Date: 2/22/2024
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Background

Pursuant to 466(a)(10) of the Act, federal regulations require the Title IV-D Office to provide notice to parties every 36 months of their right to request a review of the current support order if:

- There is an assignment under part A; or
- A request is received by either party on the case. For purposes of the review only, the requesting party does not need to provide evidence of a substantial change of circumstances.¹

Federal regulations require the Title IV-D Office to provide notice to parties of a Title IV-D case of their right to request a review of the current child support after learning that a child support payor will be incarcerated for more than 180 days.²

Within 180 calendar days of receiving a request for a review or locating the non-requesting parent, whichever occurs later, the state must conduct a review of the order and adjust the order or determine that the order should not be adjusted.³ The IV-D Office must also allow either party to contest the adjustment, within 30 days after the date of the notice of the adjustment.⁴

Definitions

1. **Adjustment** an upward or downward change in the child support obligation. Kansas statutes use the term “modification” instead of “adjustment”.
2. **Modification** is the Kansas equivalent to the federal term “adjustment”. In Kansas, modifications to child support may be made only by order of a court. Some states, however, do permit child support to be adjusted through administrative procedures.
3. **Parent** includes any Custodial Party (CP) or Non-Custodial Parent (NCP) or for purposes of requesting a review, any other person or entity who may have standing to request an adjustment to the child support order.
4. **Review** is an objective evaluation of information necessary for the application of the Kansas Child Support Guidelines (CSW). The review procedure requires completion of a current Child Support Worksheet. The new worksheet must then be compared to the current order to determine if, pursuant to Kansas law and guidelines, there is a basis for modifying the order.
5. **“Review and Adjustment”** refers to a federal mandate that the Title IV-D Offices have a policy whereby they periodically ‘review’ the current support order to determine if the current child support order is appropriate or should be ‘adjusted’.

¹ 45 C.F.R. 303.8

² 45 C.F.R. 303.8(b)(2)

³ 45 C.F.R. 303.8(e)

⁴ 45 C.F.R. 303.8(b)(3)

Policy

Upon determining a case must be reviewed under 45 C.F.R. 303.8 as set forth above, or upon receiving a request from either party, the review and adjustment must be completed within 180 calendar days from date of determination or request.

Kansas law permits a modification of child support where: At least 3 years have passed since the date of the most recent child support order and there is at least a 10% difference (increase or decrease) between the current order and the amount indicated by the CSW; or

- There has been a showing of changed circumstances;
- Change in income or employment;
- Additional child(ren) in the home;
- Change in age bracket in the child support worksheet; or
- Change in residence of the children) of the order.

Note: Incarceration is identified under Kansas and federal law as a condition that may constitute a substantial change in circumstances, requiring modification of the current child support order as appropriate. There is no interface to determine incarceration status in local or federal facilities. The Title IV-D Office must enter incarceration information for an NCP if it independently becomes aware of an incarceration lasting more than 180 days.

The Title IV-D Office should manually initiate a Notice of Right to Request Review to parties when the incarceration duration is unknown or is known to be over the 180-day threshold.

Note: Because orders for child support and modifications to those orders may only be made by a Court, the Title IV-D Office may not have sufficient control over the process to ensure that the modification is completed within 180 days. The Title IV-D Office must account for potential delays by filing a modify to modify early in the process, if appropriate and documenting any delays. If the federal requirement cannot be met, the Title IV-D Office shall document the circumstances in the statewide child support system.

Establishment vs. Modification

Situations when a case would need an order established versus when an order would need modified/adjusted:

Establishment

- There has never been a court order;
- There is a court order, but no mention of current child support is made;
- There is an existing order (paternity, parenting time, or /other judgment), but the issues of current child support or medical support was reserved; or
- There is a divorce order (with or without an ordered child support amount) but the NCP was served by publication only, not personal service. Service by publication is insufficient to establish parentage or child support.

Modification

- There is an existing divorce order, but parenting time has changed; or
- There is an existing court order that addresses child support in general, but a specific monthly child support amount is not listed in an order.

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders
- [OCSE-AT-92-02](#): Final Rule on Income Withholding; Review and Adjustment; Notice of Assigned Support Collected
- [OCSE-AT-08-13](#): Final Rule on the Child Support Provisions in the Deficit Reduction Act of 2005
- [OCSE-AT-06-02](#): Final Rule on Reasonable Quantitative Standards for Review and Adjustment of Child Support Orders

Procedure

- [Chapter 12, Sec. 2 – Review and Adjustment](#)

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 12, Section 2 – Review and Adjustment Procedures](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version
Version 2	2/22/2024	Minor Edits to Wording

CHAPTER 12: REVIEW AND ADJUSTMENT/ MODIFICATION OF THE CHILD SUPPORT ORDER

Section 2: Review and Adjustment Procedures

Version: 2	Effective Date: 2/22/2024
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Background

In a case that has mandatory cooperation under Title IV-D, the Title IV-D Office will within 36 months after establishment of an order or the most recent review of the order or upon the request for a review from either a Non-Custodial Parent (NCP) or Custodial Party (CP), whichever occurs later: conduct a review of the order.¹ If it is determined an adjustment may be needed, the caseworker will send necessary paperwork to the parties and follow the procedure set forth below to complete the modification within 180 calendar days.² If a change in the order is not appropriate, the caseworker must notify both parties within 180-days that the order will not be changed.³

Policy

- N/A

Procedure

Requested Review for Modification

Upon the request of either party, the caseworker shall mail modification packets within two business days of receiving a request to both parties and issue employment letters for both parties at the same time. The caseworker must set a reminder to follow up within 14 calendar days for receipt of the modification packets.

The modification packet will include:

- Cover letter;
- Modification disclosure; and
- Short Form Domestic Relations Affidavit (DRA).

If adequate information is received from at least one of the parties, the caseworker should complete a MOD LGRQ and complete a referral to the legal department for a modification review within 10 business days.

Adequate information is:

- Signed and dated DRA's from both parties; or
- Signed and dated DRA for one party and an Employment Letter (EVL) for the other party. If the other party is not employed, the caseworker should use the most recent history of employment.

Failure to submit adequate information:

- If neither party returns the paperwork, the caseworker will complete the MOD CRME and discontinue the modification.

¹ 45 C.F.R. 303.8

² 45 U.S.C. 303.8(e)

³ 45 U.S.C. 303.8(e)

One DRA must be received to proceed with a modification review.¹ If only one parties' DRA is on file, an Employer Letter should be requested for the other party. If no employment is known, the DRA on file should be sent to the attorney to review.

Non-Parent Modification

Upon the request of a non-parent, the caseworker shall mail modification packets within two business days to both biological parents and issue employment letters for both biological parents at the same time. The caseworker must set a reminder to follow up within 14 calendar days for receipt of the modification packets.

The modification packet will include:

- Cover letter;
- Modification disclosure; and
- Short Form Domestic Relations Affidavit (DRA).

If adequate information is received from at least one of the parents, the caseworker should complete a MOD LGRQ and complete a referral to the legal department for a modification review within 10 business days.

Adequate information is:

- Signed and dated DRA's from both parents; or
- Signed and dated DRA for the NCP and an Employment Letter (EVL) for the other parent.

Failure to submit adequate information:

- If the NCP does not return a DRA, but an Employment Letter (EVL) has returned, the case worker should complete a MOD LGRQ and complete a referral to the legal department for a modification review within 10 business days.
- The legal department may file a motion stating lack of DRA due to custodial party is a non-parent 3rd party.

Required Review/Modification (Mandatory)

If the child(ren) is/are currently receiving TANF, the Title IV-D Office is required to review for modification if it has been more than 36 months since the order was established or last modification review.²

The caseworker shall mail modification packets within 2 business days of receiving a request to both parties and issue Employment Letters for both parties at the same time. The caseworker will follow up within 14 calendar days for receipt of the modification packets.

The modification packet will include:

- Cover letter;
- Modification disclosure; and
- Short Form Domestic Relations Affidavit (DRA).

If adequate information is received from at least one of the parties, the caseworker should fill out a MOD LGRQ and complete a referral to the legal department for a modification review within 10 business days.

¹ K.S.A. 23-3002(b)

² 45 C.F.R. § 303.8

Adequate information is:

- Signed and dated DRA's from both parties; or
- One signed and dated DRA for one party and an Employment Letter (EVL) for the other party. If the other party is not employed, the worker should use the most recent history of employment.

Failure to submit adequate information:

- If the CP fails to return the paperwork attempt to call/text the CP about the modification paperwork. If the CP does not have a phone number or the caseworker is unable to reach the CP, the caseworker will email/mail another modification packet to the CP and will follow up within 14 calendar days for receipt.
- If CP fails to return the paperwork, the caseworker will complete the MOD CRME and discontinue the modification.

Modification Only Requests

Modification only of a support order is offered as a limited service. A CP and/or an NCP may enroll for Title IV-D services to modify an existing child support order. Once the case is open, the same steps in the above should be followed regarding paperwork.

- Complete Legal Request (LGRQ) for Modification (MOD).
- If the CP does not request child support services during the modification process, this case should be closed once the modification review process is completed, either at denial or after an order is on file.
 - If the support order is modified, the IWO should be modified and sent to the employer prior to closure of the case.
- If case is a modification only request from the NCP, identify the case in the statewide child support system (KAECSES) as expedited paternity. This will stop the case from moving into enforcement once the modification review is completed, either at denial or after an order is on file.
- The MOD LGRQ must be closed upon completion of all legal actions.

Incarcerated NCP¹

Upon the Title IV-D Office learning through a phone call, email, system-generated notification, or any other means, that an NCP will be incarcerated with at least 180-calendar days remaining, or if the incarceration period is unknown the caseworker must take the following action:

Incarcerated Information Received Directly from the NCP:

- Within two business days, send modification packets to both parents at last known address; and;
 - Modification packet must be mailed to an NCP at the inmate facility with the inmate number listed after inmate's name on envelope.
- Verify through independent means (e.g., Kansas Department of Corrections (KDOC), Federal Bureau of Prisons (BOP), or jail letter) NCP's anticipated release date.
 - Update JAIL screen with incarceration information including address of inmate facility, inmate number, and anticipated release date; and;
 - Update ADDR screen with inmate number on the first line so that inmate number will download next to name on document.

¹ 45 C.F.R. § 303.8(b)(2); 45 C.F.R. § 303.8(b)(7)

Incarceration Information Received from Someone Other Than the NCP:

- The caseworker must first verify incarcerated NCP's location through independent means (e.g., Kansas Department of Corrections (KDOC), Federal Bureau of Prisons (BOP), or phone call to jail) to confirm incarceration or jail status and anticipated release date; and
- Update JAIL screen with incarceration/jail information, including address of inmate facility, inmate number, and anticipated release date; and
- Update ADDR screen with inmate number on the first line so that inmate number will download next to name on documents.
- Within two business days, send modification packets to both parents at last known address.
 - Modification packet must be mailed to NCP at the inmate facility with the inmate number listed after inmate's name on envelope.

The caseworker must set a reminder to follow up within 14 calendar days for receipt of the modification packets.

The modification packet will include:

- Cover letter;
- Modification disclosure; and
- Short Form Domestic Relations Affidavit (DRA).

If adequate information is received from at least one of the parties, the caseworker should complete a MOD LGRQ and complete a referral to the legal department for a modification review within 10 business days.

Adequate information is:

- Signed and dated DRA's from both parties; or
- Signed and dated DRA for one party and an Employment Letter (EVL) for the other party. If the other party is not employed, the caseworker should use the most recent history of employment.

Failure to submit adequate information:

- If neither party returns the paperwork, the caseworker will complete the MOD CRME and discontinue the modification.
- One DRA must be received to proceed with a modification review.¹ If only one parties' DRA is on file, an Employer Letter should be requested for the other party. If no employment is known, the DRA on file should be sent to the attorney to review.

Social Security

Title II, Social Security Disability Insurance (SSDI) Cases²

In situations where there is already an order established and the NCP is now on SSDI or gets approved for SSDI, a modification review must be started. KAECSSES must match the court order. This means that until there is a court order changing the amount of child support, the order in the system must match the court order. Depending on the unique

¹ K.S.A. 23-3002(b)

²Title II of the Social Security Act is administered by the Social Security Administration. Title II appears in the United States Code as §§601-679c, subchapter II, chapter 7, Title 42.

Regulations relating to Title II are contained in chapter III, Title 20, Code of Federal Regulations.

facts of the case, it may be appropriate to place a case on manual distribution (MDIS) while a court order is sought. Any case on manual distribution should be expedited through the judicial process.

Auxiliary benefits are the benefits that are paid directly to a child's household by the Social Security Administration due to the disability of a parent. These benefits shall be noted and included on a child support worksheet.¹

Title XVI, Supplemental Security Income (SSI) Cases²

If the Title IV-D Office learns that a parent paying support is receiving Title XVI, Supplemental Security Income only (SSI), and there is no other known source of income, the IV-D Office can no longer enforce a current obligation. The parent paying support should seek a modification of the case to zero. The caseworker will terminate the Income Withholding Order (IWO) and set the case for closure.³ No modification is sought by the Title IV-D office unless it is requested by one of the parties to the case.

Intergovernmental

Incoming intergovernmental cases are not part of the 3-year modification review. The initiating state has the responsibility to initiate the review.

Jurisdiction

When can Kansas modify a registered foreign order?

- All parties in Kansas: If all parties reside in Kansas, then Kansas law allows Kansas to modify the order, thereby becoming the state of Continuing Exclusive Jurisdiction (CEJ). If any of the parties reside outside Kansas, then Kansas can only modify the order if: 1) no one resides in the issuing state, 2) a non-resident party requests the modification in Kansas, and 3) Kansas has jurisdiction over the respondent OR at least one party is a resident of Kansas and all other parties' consent in writing to allow Kansas to modify and assume CEJ.⁴ The written consents must be filed with the state that issued the registered order.

When can another state modify a Kansas order?

- The same rules apply in reverse on a Kansas order registered in another state. The other state may not modify the order if a party continues to reside in Kansas unless that party consents in writing to allowing the other state to modify and assume CEJ.

When neither party resides in the home state of the order?

- The request for modification review must go to the state where the non-requesting party resides.⁵

Should a DRA or General Testimony be Sent?

A General Testimony would be appropriate to send when Kansas does not have jurisdiction to complete the review for modification. The following examples presume there is an open child support case in Kansas.⁶

- Original Kansas order: when Kansas no longer has jurisdiction over at least one party of the case (CP/NCP/CH).

¹ Kansas Child Support Guidelines II. Effect of Social Security Disability Insurance (SSDI) Benefits or Retirement Benefits; Kansas Child Support Guidelines IV.F. 5 Social Security Disability or Retirement Dependent/Auxiliary Benefits

² 42 U.S.C. 902(a)(5) and 1381-1383d

³ State ex rel. Secretary, Kansas Dept. Of Social and Rehabilitation Services v. Moses 39 Kan.App.2d 1054

⁴ K.S.A. 23-36,611; K.S.A. 23-36,613

⁵ K.S.A. 23-36,609

⁶ K.S.A. 23-36,311

- Case example – CP resides in Missouri, but Kansas is enforcing directly via IWO, NCP in California. NCP requests a modification review. A General Testimony would be sent to the NCP.
- Out-of-State order: when a request to review for modification is received from either party of the case and at least one party is in the home state of the order.
- Case example – Incoming intergovernmental case from Missouri for registration and enforcement of a Missouri order. CP in Missouri, NCP in Kansas. NCP requests a review for modification. Kansas would send a General Testimony to the NCP.

A DRA would be appropriate in all other circumstances.

Documenting Modification Review

Upon receipt of sufficient information, the caseworker shall take the following actions:

- Review received paperwork in its entirety for completion;
- Complete MOD LGRQ; and
- Send referral to the legal department requesting a review for modification.

Information gathered to complete the review may include:

- Who requested the review;
- Where payor is employed;
- Does the NCP have other court orders known on the state child support system and making payments;
- Is this review mandatory due to TANF being open;
- If either party is disabled;
- Does the child receive SSA auxiliary benefits from either parent;
- If either party is active military;
- The current amount of child support ordered;
- Is either parent ordered to provide health insurance and are they providing;
- Is this a Kansas child support order; and
- Who is to claim the child for taxes.

Legal Review/Actions

Determining whether an Adjustment is Warranted

An adjustment to the child support obligation is warranted if:

- At least one participant has returned a completed Domestic Relations Affidavit¹; and
- There is at least a 10% change in the child support obligation.²

The CSS attorney will:

- Complete a MOD CRME review within 30 days of receipt of a referral using option 2 for modification reviews;
 - If additional narration space is needed, the attorney must go to CSLN screen and select the CRME review to add the additional narrative to ensure that all narration is tied together on CSLN screen.
- Create a Bradley Child Support Worksheet;
 - Tax adjustment page must be completed.
- Save worksheets in electronic case file; and

¹ K.S.A. 23-3002(b)

² Kansas Child Support Guidelines V.B.1. Change of Circumstances 10% Rule

- File an order modifying support if appropriate.

Notification of the Results of the Review

If the review determines that an adjustment to the child support obligation is warranted:

- A letter is sent to both parties advising them that the review has been completed and a modification is warranted.
- A motion to modify child support should be filed with the appropriate district court within 7 business days along with a Bradley Child Support Worksheet with tax detail page, and the DRA of each party that was received.
 - Parties shall be sent a copy of the Motion to Modify Child Support and proposed Child Support Worksheet with a Certificate of Service at the last known address.

If the review determines that an adjustment to the child support order is not warranted:

- A letter is sent to both parties advising them that the review has been completed and a modification is not warranted.
- If one or both parties disagree with the Title IV-D Office's decision, they have the right to seek a modification of support in the Court that issued the support order.

Note: Parties may be referred to the Kansas Judicial Council Self-Service Legal Center for pro se materials.¹

Retroactive Modification of Support

A modification of child support may only be retroactive up to one month following the date of the filing of the Motion to Modify.

Completion of Modification Review

Upon completion of a modification review, the MOD LGRQ should be closed.

References

- [U.S.C. §§601-679c](#)
- [42 U.S.C. 902](#): Commissioner; Deputy Commissioner; other officers
- [42 U.S.C.1381](#): Statement of purpose; authorization of appropriations
- [42 U.S.C.1383d](#): Outreach program for children
- [20 C.F.R. §§ 400-499](#)
- [45 C.F.R. 303.8](#): Review and adjustment of child support orders
- [K.S.A. 23-36,311](#): Pleadings and accompanying documents
- [K.S.A. 23-36,609](#): Procedure to register child support order of another state for modification
- [K.S.A. 23-36,611](#): Modification of child support order of another state
- [K.S.A. 23-36,613](#): Jurisdiction to modify child support order of another state when individual parties reside in this state
- [K.S.A. 23-3002](#): Determining amount of child support
- [State ex rel. Secretary, Kansas Dept. Of Social and Rehabilitation Services v. Moses 39 Kan.App.2d 1054](#)

Forms and Tools

- [Kansas Judicial Council Self Service](#)

¹ [Kansas Judicial Council](#) | [Kansas Judicial Council](#)

- https://www.acf.hhs.gov/sites/default/files/documents/ocse/at_06_02a.pdf
- [Child Support Guidelines](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 4: Mandatory Cases](#)
- [Chapter 10: Child Support Establishment: Section 2: Elements of a Child Support Order](#)
- [Chapter 10: Child Support Establishment: Section 3: Child Support Guidelines](#)
- [Chapter 12: Review and Adjustment, Section 1: Timeframes](#)
- [Chapter 15: Intergovernmental](#)
- [Chapter 19: Other Child Support Related Topics, Section 1: Family Violence and Good Cause](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version
Version 2	2/22/2024	

CHAPTER 13: PAYMENT PROCESSING

Section 1: Definitions

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Definitions

1. **“Arrears only case”** is a child support case in which the current support obligation has been terminated, but past due child support is owed to the state and/or the Custodial Party (CP).
2. **“Assignment of support rights”** occurs when, as a condition of receiving Temporary Assistance for Needy Families (TANF) assistance, the applicant or recipient of TANF assigns to the state any rights to child support from any other person which accrues during the period the family receives assistance.¹ The assignment of rights shall not exceed the total amount of assistance paid to the family.²
3. **“Business day”** means a day on which state offices are open for regular business.³
4. **“Current support”** is the amount of the monthly child support obligation due for a particular month.⁴
5. **“Direct deposit”** is an electronic bank transaction through which child support payments may be deposited to the CP’s bank account.
6. **“Disbursement”** is the process of transmitting funds to the appropriate recipient via debit card, check, or direct deposit.
7. **“Distribution”** is the allocation of child support collections to the appropriate subaccounts based on the distribution hierarchy established in federal law.
8. **“Excess Over URA”** is a payment made to a TANF recipient when the Title IV-D Program collects current child support for a month that is greater than the TANF grant for that month and reimbursement for past TANF assistance paid to the CP has been paid in full.⁵ The child support collected in excess of the TANF assistance amount for that month is worked and released manually to the CP.⁶
9. **“Federal tax refund offset”** is an administrative enforcement action used to collect past due child support by intercepting part or all of the Non-Custodial Parent’s (NCP’s) federal income tax refund.
10. **“ReliaCard”** is a bank card through which child support payments may be electronically disbursed to a CP and which may be used to make purchases.
11. **“Kansas Payment Center (KPC)”** is Kansas’ state disbursement unit (SDU), which collects, processes, and distributes all non-cash child support payments.
12. **“Overpayment”** is when any child support payments collected and distributed to an individual exceed the amount the individual is entitled to receive, a payment to an individual not entitled to receive the payment, or fraudulent payments. This also includes when a payment is received from an NCP, processed to the CP, and CSS subsequently is informed the NCP’s payment was not honored, such as for insufficient funds, by the financial institution on which it was drawn.

¹ 42 U.S.C. § 608(a)(3); K.S.A. 39-709; K.S.A. 39-756; K.S.A. 39-756a

² 42 U.S.C. § 608(a)(3)

³ 42 U.S.C. § 654b(d)

⁴ 42 U.S.C. § 657(c)(5)

⁵ 42 U.S.C. § 657(a)(1)(C); 42 U.S.C. § 657(a)(3)

⁶ 42 U.S.C. § 657(a)(1)

13. **“Past due support”** is the amount of support ordered by the Court and has not been paid.¹
14. **“Past public assistance”** is the total amount of public assistance that has been paid to the CP for the duration of time the family received TANF assistance.
15. **“Permanently assigned arrears”** includes arrears that accrued during periods when the payee received TANF assistance and past due support assigned to the state prior to October 1, 1997 up to the amount of the past public assistance disbursed.
16. **“Post-assistance arrears”** are arrears that accrued after a family’s most recent period of assistance and are payable to the CP.
17. **“Pre-assistance arrears”** is past due child support that accrued prior to the CP’s receipt of TANF assistance. These arrears were temporarily assigned to the state while the CP was receiving TANF assistance and became conditionally assigned arrears when the CP was no longer receiving TANF assistance. Conditionally assigned arrears are owed to the CP. However, if a federal tax refund offset collection is applied to conditionally assigned arrears, the collection is retained by the state to reimburse any unreimbursed past public assistance. The requirement of temporarily assigning pre-assistance arrears ended September 30, 2009.
18. **“Unreimbursed past public assistance”** is the amount of public assistance that has been paid during the entire time the payee received assistance less the amount collected and used to reimburse the state and federal government for the payment of that assistance.

Policy

- N/A

References

- [42 U.S.C. § 608](#): Prohibitions; requirements
- [42 U.S.C. § 654b](#): Collection and disbursement of support payments
- [42 U.S.C. § 657](#): Distribution of collected support
- [45 C.F.R. § 301.1](#): General definitions
- [K.S.A. 39-709](#): Eligibility requirements for temporary assistance for needy families, food assistance, childcare subsidies, and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; penalties; lien procedures and enforcement; fraud investigations and eligibility; rules and regulations
- [K.S.A. 39-754](#): Support rights assigned to secretary; secretary's rights; court record of support collected by secretary
- [K.S.A. 39-756](#): Support enforcement services available to certain persons; assignment of support rights; limited power of attorney; continuation of services after discontinuance of public assistance; fees for services; distribution of collections; attorneys representing Kansas department for children and families; attorney-client relationship

Procedure

- N/A

Forms and Tools

- N/A

¹ 45 C.F.R. § 301.1



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 12: REVIEW AND ADJUSTMENT/ MODIFICATION OF THE CHILD SUPPORT ORDER

Section 2: Paying Through the Kansas Payment Center (KPC)

Version: 1	Effective Date: 1/1/2024
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Background

Prior to September 29, 2000, the Kansas Courts required payors to pay all child support through the Clerk of District Courts.¹

Effective September 29, 2000, payors are directed to make all support payments through the Kansas Payment Center (KPC).² KPC serves as Kansas' State Disbursement Unit (SDU), as mandated by federal law.³ KPC receives and processes payments and disburses the payments via direct deposit, debit card, or check.

Policy

The Court shall order that the payment of child support be made through KPC, unless the Court has reasonable grounds for approving another method of payment.⁴

All Income Withholding Order payments are required to be paid through a centralized location.⁵ Employers must remit all support payments to the following address:

Kansas Payment Center
P.O. Box 758599
Topeka, KS 66675-8599

References

- [42 U.S.C. § 654b](#): Collection and disbursement of support payments
- [KPC | Kansas Payment Center \(kspaycenter.com\)](#)
- [42 U.S.C. § 654b\(a\)\(1\)](#): Collection and disbursement of support payments
- [K.S.A. 39-7,135](#): Title IV-D agency designated; maintenance of Kansas payment center for collection and disbursement of support payments; contracts for administration and operation; disposition of certain payments under unclaimed property act
- [K.S.A. 23-3004](#): Child support payments paid through the central unit for collection and disbursement of support payments; exception for good cause shown
- Kansas Supreme Court Amended Administrative Order No. 168; Admin-order-168-Amended.pdf ([kscourts.org](#))

Procedure

If a Non-Custodial Parent (NCP) wants to make a payment in an office or court, unless otherwise ordered by a court in this State, Title IV-D Staff will complete the *KPC Payor Form* for the NCP and provide them with a postage paid envelope

¹ Kansas Supreme Court Amended Administrative Order No. 168; Admin-order-168-Amended.pdf ([kscourts.org](#))

² Kansas Supreme Court Amended Administrative Order No. 168; Admin-order-168-Amended.pdf ([kscourts.org](#)); K.S.A. 39-7,135

³ 42 U.S.C. § 654b

⁴ K.S.A. 23-3004

⁵ 42 U.S.C. § 654b(a)(1)

addressed to the KPC. The NCP will then be responsible for mailing the *KPC Payor Form* and payment to the KPC. Title IV-D Staff must fully document the specific details of the NCP's office visit on the Statewide Child Support System (KAECSES).

Cash Payments

If the NCP is intending to make a cash payment in an office, Title IV-D Staff should inform the NCP that the KPC does not accept cash and provide all payment options as set forth below in this section.

Court Payments

Due to liability concerns, it is no longer a Title IV-D Office practice to accept responsibility of payments during court; however, if an NCP brings a payment to a court hearing or is ordered to make a payment by a judge, the Title IV-D Staff/Attorney will complete the *KPC Payor Form* and provide both the completed *KPC Payor Form* and a postage paid envelope to the NCP. It is then the NCP's responsibility to mail the *KPC Payor Form* and payment to the KPC. The attorney shall request the court notes reflect the amount of payment and the date it is to be paid. If possible, an NCP should not be excused from court until payment is made and received by the KPC with the preference being the NCP utilize one of the immediate payment methods available such as Pay-Near-Me or Moneygram same-day.

- In the event that a judge orders the Title IV-D Staff/Attorney to accept a check or money order payment and not allow the NCP to mail it themselves, only then should the Title IV-D Staff/Attorney take the check or money order payment and provide a receipt to the NCP. When possible, a court note should be made that neither the Title IV-D Program/Department for Child and Families (DCF) nor its contracted counsel are responsible for any lost payments.
- In the event that a judge orders the Title IV-D Staff/Attorney to accept a cash payment, only then should the attorney take the cash payment and provide a receipt to the NCP. Additionally, if cash is received, Title IV-D Staff will need to obtain a money order prior to mailing and the NCP needs to be advised of such and the payment will be reduced by the cost of the money order as a result. Again, a court note should be made and NCP advised that the Title IV-D Program/DCF and counsel are not responsible for any lost payments.
- Prior to mailing any form of payment, Title IV-D Staff will complete the *KPC Payor Form* and submit the payment to the KPC within one business day.
- The attorney should ensure that the payment amount, the method, and any other relevant information is fully documented in the court record. This is in addition to documenting the payment within their narrative regarding court.
- The person accepting payment and the person receipting payment should be different individuals.

An NCP should be strongly encouraged to make future payments via the following:

- Pay online via the KPC website kspaycenter.com by using a debit/credit card, direct transfer from a bank account or by using one of the e-wallet options of Apple Pay, Google Pay or Venmo;
- PayNearMe (cash payments) at 7-Eleven, Family Dollar, ACE Cash Express, CVS, Casey's General Store, and other participating retail locations nationwide;
- MoneyGram (cash payments) at Walmart, Ace Cash Express, CVS, Quick Cash, Advance America and many more; or
- By check or money order via US mail to the KPC, P.O. Box 758599, Topeka, KS 66675- 8599.

Forms and Tools

- [KPC Payor Form](#)
- [KPC | Kansas Payment Center](#)



- [Kansas Judicial Branch](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 13: PAYMENT PROCESSING

Section 3: Distribution and Disbursement of Support Payments Collected

Version: 1	Effective Date: 1/1/2024
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Background

After a payment is posted to a child support case in the statewide child support system (KAECSSES), the payment is distributed to the appropriate subaccounts within the case. The order of distribution among the subaccounts is based on the distribution rules found in federal law and explained in detail below. After the payment is distributed to the appropriate subaccounts, the funds are disbursed to the appropriate recipient via direct deposit, debit card, or paper check.

Policy

The Title IV-D Office follows the federal rules explained in the procedure section.

The disbursement of any payment of child support is required to be made to either:

1. The resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children;
2. A conservator representing the Custodial Party (CP) and the child or children directly with a legal and fiduciary duty; or
3. An alternate caretaker designated in a record by the CP.¹

References

- [42 U.S.C. § 657](#): Distribution of collected support
- [42 U.S.C. § 664](#): Collection of past-due support from Federal tax refund
- [45 C.F.R. § 302.38](#): Payments to the family
- [45 C.F.R. § 302.51](#): Distribution of support collections
- [45 C.F.R. § 302.52](#): Distribution of support collected in Title IV-E foster care maintenance cases
- [45 C.F.R. § 302.54](#): Notice of collection of assigned support
- [45 C.F.R. § 303.72](#): Requests for collection of past due support by Federal tax refund offset
- [45 C.F.R. § 303.100](#): Procedures for income withholding

Procedure

Distribution of Support Payments Collected on Non-Assistance (NA) Cases

- KAECSSES forwards all current child support payments and any arrears owed directly to the CP.²

¹ 45 C.F.R. § 302.38

² 42 U.S.C. § 657(a)(4)

Distribution of Support Payments Collected for Temporary Assistance for Needy Families (TANF) Recipients

- KAECSSES forwards to the Title IV-D Program all current child support and arrearage payments applied to the state's assigned arrearages on active TANF cases.¹
- TANF recipients may receive payment out of the child support collected on their behalf in the form of an excess disbursement payment. A recipient receives a payment when the Title IV-D Program collects child support paid for a month that is greater than the TANF grant for that month and reimbursement for past TANF assistance paid to the CP has been paid in full.²
- All child support monies paid on behalf of a particular CP to the Title IV-D Program from active TANF cases or arrears owed to the state are applied to any remaining unreimbursed past public assistance (URA).³

Distribution of Support Payments Collected on Former TANF Assistance Cases

- KAECSSES forwards current support payments and any arrears owed to the CP.⁴ If there is money owed to the state, it will not be forwarded to the CP until current support and arrears owed to the CP have been paid in full.⁵ Exception: The Title IV-D Program will apply federal tax refund offset money to state arrears before distributing money to CP arrears.⁶

Distribution of Support Payments Collected on a Current Title IV-E Cases

- KAECSSES forwards current support payments and any arrears owed to the Department for Children and Families (DCF), Kansas' IV-E agency.⁷ DCF then distributes the funds in accordance with its distribution schedule detailed in Chapter 5: Prevention & Protection Services (PPS) Child Welfare, Foster Care (FC), and Kansas Department of Corrections – Juvenile Services (KDOC-JS), Section 5: Distribution of Child Support Collections.

Distribution of Support Payments Collected on Former Title IV-E Cases

- KAECSSES forwards any payment towards arrears to the DCF, Kansas' IV-E agency.⁸ DCF then distributes the funds in accordance with its distribution schedule detailed in Chapter 5: Department for Children and Families (DCF) Child Welfare Child Support Cases, Section 5: Distribution of Child Support Collections.

Undistributed Child Support Payments

- Due to various reasons (no current mail address, payment entered but no current child support order, no existing subaccount balance, etc.), child support payments may be undistributed. Having undistributed funds on either the case or participant level is money that is not helping kids. Further, federal law requires the Title IV-D Program return funds to the NCP that have been improperly withheld.⁹

To lower any undistributed amounts, the Title IV-D Program may check the daily report for payments posted or assign staff to work the state posted undistributed reports.

¹ 42 U.S.C. § 657(a)(1)

² 42 U.S.C. § 657(a)(1)(C); 42 U.S.C. § 657(a)(3)

³ 42 U.S.C. § 657(a)(1)

⁴ 42 U.S.C. § 657(a)(2)

⁵ 42 U.S.C. § 657(a)(2); 42 U.S.C. § 664(a)(2); 45 C.F.R. § 303.72(h)(1)

⁶ 42 U.S.C. § 664(a)(2); 45 C.F.R. § 303.72(h)(1)

⁷ 42 U.S.C. § 657(e); 45 C.F.R. § 302.52(b)

⁸ 42 U.S.C. § 657(e); 45 C.F.R. § 302.52(b)

⁹ 45 C.F.R. § 303.100(a)(8)

Forms and Tools

- N/A

Frequently Asked Questions

- ✓ Arrears owed to the CP will be paid before the arrears owed to the state unless the case is a current TANF case or the collection is through a federal tax refund offset. All federal tax refund offset collections must be paid towards the state's arrearages first.
- ? *Q. Can a CP receive TANF assistance and still receive a payment?*
- ✓ Yes. If child support payments received in a 1-month period are sufficient to satisfy the current support obligation and any arrears owed to the state, the remainder of the payments will be distributed to the CP if there are any arrears due to the CP on the case.
- ? *Q. If the NCP has multiple cases, how are the payments allocated among the cases?*
- ✓ If the received payment is based on an enforcement action that requires allocation among the NCP's multiple cases, and the payment amount is not sufficient to pay the full ordered amount for current support and arrears on each eligible Title IV-D case, the payment will be prorated among all of the NCP's eligible Title IV-D cases. If the payment type is one that allocates based on case and not on NCP, then the full payment will be applied to that case.

The chart displayed below provides an overview of how the state distributes and disburses child support collections based on case type and type of payment.

Type of Case	Type of Payment	Distribution Order	Disbursement
Never TANF ¹	Non-federal tax refund offset	1. Current Support, then 2. CP Arrears	To the CP
	Federal tax refund offset	1. CP Arrears	To the CP
Current TANF ²	Non-Federal tax refund offset	1. Current Support, then 2. Pre-Assistance Arrears, then 3. Permanently Assigned Arrears, then	To State and Federal Government
		4. CP Arrears	To the CP

¹ 42 U.S.C. § 657(a)(4); 42 U.S.C. § 664(a)(2)

² 42 U.S.C. § 657(a)(1); 42 U.S.C. § 664(a)(2); 45 C.F.R. § 303.72(h)(1)

	Federal tax refund offset	1. Pre-Assistance Arrears, then 2. Permanently Assigned Arrears, then	To State and Federal Government
		3. CP Arrears	To the CP
Former TANF ¹	Non-Federal tax refund offset	1. Current Support, then 2. CP Arrears, then 3. Pre-Assistance Arrears, then	To the CP
		4. Permanently Assigned Arrears	To State and Federal Government
	Federal tax refund offset	1. Pre-Assistance Arrears, then 2. Permanently Assigned Arrears, then	To State and Federal Government
		3. CP Arrears	To the CP

Type of Case	Type of Payment	Distribution Order	Disbursement
Current IV-E Foster Care ²	Non-Federal tax refund offset	1. Current Support up to amount of the monthly Foster Care maintenance payment, then	To State and Federal Government
		2. Excess up to the amount of past Foster Care maintenance paid to be used to serve the best interests of the child, then	To State Government
		3. Balance to DCF to be retained for past Foster Care maintenance payments	To State Government
	Federal tax refund offset	1. Arrears up to the amount of past Foster Care maintenance paid, then	To State and Federal Government

¹ 42 U.S.C. § 657(a)(2); 42 U.S.C. § 664(a)(2); 45 C.F.R. § 302.51(a)(1); 45 C.F.R. § 303.72(h)(1)

² 42 U.S.C. § 657(e); 45 C.F.R. § 302.52(b)

		2. Balance to DCF to be used to serve the best interests of the child	To State Government
Former IV-E Foster Care ¹	Non-Federal tax refund offset and Federal tax refund offset	1. Arrears up to the amount of past Foster Care maintenance paid, then	To State and Federal Government
		2. Balance to DCF to be used to serve the best interests of the child	To State Government

Related Information

- [Chapter 4: Mandatory Cases](#)
- [Chapter 5: Prevention & Protection Services \(PPS\) Child Welfare, Foster Care \(FC\), and Kansas Department of Corrections – Juvenile Services \(KDOC-JS\)](#)
- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 42 U.S.C. § 657(e); 45 C.F.R. § 302.52(b)

CHAPTER 13: PAYMENT PROCESSING

Section 4: Recoupments

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

When funds have been improperly disbursed to the Custodial Party (CP) or the Non-Custodial Parent (NCP) by the Title IV-D Program or the Kansas Payment Center (KPC), the Title IV-D Program or KPC shall attempt to recoup those funds.

Situations where a recoupment may be necessary against a CP are:

1. When a payment is misapplied to a case;
2. When a payment was made due to fraudulent activity;
3. When a payment exceeded the amount due based on an accounting error; and
4. When a downward modification is backdated.

Situations where a recoupment may be necessary against an NCP are:

1. When a payment was incorrectly refunded to the NCP;
2. When a payment was made due to fraudulent activity;
3. When a payment exceeded the amount due based on an accounting error; and
4. When a federal tax payment distributed to a CP has been recalled by the Internal Revenue Service (IRS).¹

References

- [OCSS-PIQ-02-01](#): Recoupment of a Child Support Overpayment, Guidance 2002

Procedure

Potential recoveries are the result of a disbursement that has been overpaid. Timely working of alerts and reports will significantly reduce the creation of a recovery. Certain recoveries cannot be avoided such as, IRS Negatives. Each potential recovery is different and must be reviewed by Central Receivables Unit (CRU) staff to determine the actual recovery amount. An email should be sent to DCF.CSSRecoveries@ks.gov and CRU will provide the appropriate procedure for finance workers on a case-by-case basis.

If the IRS makes a negative adjustment to setoff collections, CRU will be responsible for recovery activity and making all system adjustments and narratives pertaining to the recovery situation. If an injured spouse claim results in a recovery situation, CRU will handle the recovery obligation.

CRU handles recovery debts for the Title IV-D Program. Those recoveries include:

¹ OCSS-PIQ-02-01

- Retained child support while on Temporary Assistance for Needy Families (TANF);
- Injured spouse claims (FDSO reversals);
- Collection adjustment resulting in a negative debit;
- Misdirected payment recoveries (misdirected by agency or by courts);
- Retroactive program changes;
- Retroactive role changes;
- Direct payments to CP either from NCP or another state while on TANF;
- Cost recovery fees; and
- Stop payments

A potential recovery is created on the Potential Recovery Obligation (OREL) screen when a negative situation is caused by retro processing. Retro processing is triggered by an adjustment made on the debt (i.e. payment adjusted off, CP role change, retroactive person program change, payment with a retro date added or debt adjustments, etc.)

- The same day a potential recovery is created, the system will also net out any payments that are distributed to the CP. This will reduce the recovery amount.
- Upon activation, the system defaults to 100% recapture of arrears on all cases associated with the CP.
- In addition to 100% recapture, SDSO is certified for offset.

To view a recovery obligation:

- Next to the List Obligations by AP/Payor (OPAY) screen;
- Key in obligor's person number;
- PF2;
- Select the recovery debt; and
- PF15 to the Maintain Recovery Obligations (OREC) screen.

The following steps should be followed when finance caseworker receives request that may result in a recovery:

1. Review request for appropriateness. If request is incorrect, this should be rejected for further review. If appropriate, proceed.
2. If request will result in potential recovery—do not proceed until the following has occurred.
 - a. Prepare calculation. Send calculation, (split calculation if necessary) orders and full explanation as to why potential recovery will occur to DCF.CSSRecoveries@ks.gov.
 - b. Narrate the full explanation and that this has been sent to CRU Recovery Specialist for review.
 - c. CRU Recovery Specialist will review and if valid, will approve you to proceed in making adjustments that will create the potential recovery.
 - d. If this is agency error, you will then need to contact the CP or NCP to discuss recovery and payment options. The money can either be removed from their KeyBank Key2Benefits card prior to 8/22/22, U.S. Bank ReliaCard after 8/22/22 or they can enter a repayment agreement.
 - e. The system will automatically set SDSO certification for offset and 100% recapture of arrears.
 - f. Narrate their choice of repayment and let CRU Recovery Specialist know.
3. The next day CRU Recovery Specialist will process potential recovery and set up the actual debt. This will generate a letter to the CP/NCP.
4. CRU Recovery Specialist will finalize the repayment process based upon the email you sent indicating the CP/NCP's choice of either taking off card or repayment agreement.
5. CRU Recovery Specialist will monitor for repayment.

All other recoveries caused by IRS Negative Adjustment, TANF or Foster Care (FC) opening will be handled by CRU Recovery Specialist.

Appeals:

If an CP/NCP appeals the recovery, this shall be handled by the Title IV-D Office that created the recovery, unless it was an IRS negative adjustment, TANF or FC opening that caused the recovery which will be handled by the CRU Recovery Specialist, while in the informal stage. Formal appeals are handled by the Title IV-D Office.

KPC Procedure:

Bank Return Item (BRI) Notification:

KPC is notified about a BRI in the following manner:

- Paper Checks – Via US Bank
- KPCpay Credit Card Chargebacks – Via US Bank
- KPCpay eCheck Payments - Via JPMorgan Chase

In some cases, KPC receives the BRI notification the same day the payment is received in the KPCpay file. If this occurs, the BRI eCheck payment will be removed from the KPCpay file and a BRI notification letter will be mailed/emailed to the check maker.

BRI Notation in Systems:

- In BRI database – All BRI information is researched and entered into the database, which includes (but is not limited to) all check maker contact information, date payment was processed and date of return, check number and amount, and NCP's pin and court order number
- In KPC system – Notes are entered under the NCP participant with the name of the check maker and details for the BRI including the amount, check number, and reason for return

In KAECSSES – For IV-D cases, the notes are entered on the List Narrative (CSLN) screen with the name of the check maker and details for the BRI including the amount and reason for return as well as the guidelines for payments KPC will accept until the debt is paid. Updates will be entered in KAECSSES if contact has been made with the check maker and if the replacement payment has been received or if payment plan is arranged.

Approved Note Template for KAECSSES:

After Initial Return:

Payment of <\$NNN.NN> received and processed by KPC on <MM/DD/YYYY> from <Payor Name> (paying for case # - if not the NCP making payment) has returned due to <Return Reason> and is not a legitimate payment. KPC cannot accept payments from the check maker's bank account in the form of either personal checks, electronic checks, or self-employed business checks until this debt to the KPC is paid in full (for one year from <MM/DD/YYYY> due to multiple returns – if certified funds for one year).

Call Ended <HH:MM>

If Contact has been made with check maker:

In reference to the returned payment of <\$NNN.NN> processed by KPC on <MM/DD/YYYY>, the check maker has agreed to submit a replacement payment (by <MM/DD/YYYY>). We will advise once received and the debt to KPC is paid in full.

Call Ended <HH:MM>

Once payment has been received:

In reference to the returned payment of <\$NNN.NN> processed by KPC on <MM/DD/YYYY>, the replacement payment was received on <MM/DD/YYYY> and the debt to KPC is now paid in full. KPC will now accept personal payments from the check maker for support.

Call Ended <HH:MM>

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 14: MEDICAL SUPPORT

Section 1: Establishing Medical Support Orders

Version: 1	Effective Date: 1/1/2024
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Background

Federal regulations require that states establish guidelines for setting and modifying child support awards that address how the parents will provide for the child(ren)'s health care needs through health insurance coverage and/or cash medical support.¹

The Title IV-D Office must ensure that new and modified child support orders contain provisions whereby 1 or both parents are required to provide medical support for the child(ren) so long as it is available at a reasonable cost.²

Health insurance and cash medical support are considered reasonable in cost if the cost to the parent does not exceed 5% of the parent's gross income, or at the state's option, a reasonable alternative income-based numeric standard.³

Definitions

1. **"Cash medical support"** is an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent, or for other medical costs not covered by insurance.⁴ The Kansas Child Support Guidelines state that support orders shall provide that all necessary medical expenses not covered by insurance shall be assessed to the parties in accordance with the parties' proportional share of combined income, which satisfies the federal requirement for a cash medical support order.⁵
2. **"Individual mandate"** is the common phrase for a provision of the Affordable Care Act (ACA) that requires an individual who is responsible for paying taxes in any given month to maintain minimum essential health insurance coverage for themselves and any dependent for such month.⁶

Policy

A child support order must require either one or both parents to provide medical support for the child(ren) through health insurance coverage if the health insurance coverage is available to the parent at a reasonable cost.⁷

Health insurance may be public (for example, Medicaid (KanCare)), Children's Health Insurance Program (CHIP), or private (for example, through an employer, a retirement plan, Tricare, a Veteran's Health Care Program, or the federal healthcare marketplace).⁸

Kansas guidelines say, the court has the discretion to determine whether the proposed insurance cost is reasonable, taking into consideration the income and circumstances of each of the parties and the quality of the insurance proposed,

¹ 45 C.F.R. § 302.56(c)(2)

² 45 C.F.R. § 303.31(b)

³ 45 C.F.R. § 303.31(a)(3)

⁴ 45 C.F.R. § 303.31(a)(1)

⁵ Kansas Child Support Guidelines Sections IV.D.4., IV.D.7., and III.B.7.a.(1)(c); 45 C.F.R. § 303.31

⁶ 26 U.S.C. § 5000A; 42 U.S.C. § 18091

⁷ 45 C.F.R. § 303.31(b); K.S.A. 23-3114(a)

⁸ 45 C.F.R. § 302.56(c)(2)

and to make an adjustment as appropriate. The cost of insurance coverage should be entered in the column of the parent or parent's household which is providing it, and the total entered on line D.7.¹

When establishing parentage, the Title IV-D Office may seek for the court to order payment of necessary medical expenses incident to the child's birth. The court may also award an additional judgment to the mother or any other party who made expenditures for support and education of the child from the date of birth to the date the order is entered. Further, if the determination of parentage is based upon a presumption arising under K.S.A. 23-2208, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption arose to the date the order is entered, except that no additional judgment needs to be awarded for amounts accrued under a previous support order.²

References

- [26 U.S.C. § 5000A](#): Maintenance of minimum essential coverage
- [42 U.S.C. § 18091](#): Requirement to maintain minimum essential coverage; findings
- [45 C.F.R. § 302.56](#): Guidelines for setting child support awards
- [45 C.F.R. § 303.30](#): Securing medical support information
- [45 C.F.R. § 303.31](#): Securing and enforcing medical support obligations
- [K.S.A. 23-2208](#): Presumption of paternity
- [K.S.A. 23-2215](#): Judgment or order; other authorized orders
- [K.S.A. 23-3101 et. seq.](#): Kansas Income Withholding Act
- [OCSE-AT-08-08](#): Final Rule: Child Support Enforcement Program Medical Support
- [OCSE-PIQ-07-01](#): Federal Income Tax Refund Offset Program to Recoup Medical or Birthing Expenses Owed to State
- [Kansas Child Support Guidelines and Worksheet](#)

Procedure

When the Title IV-D Office becomes aware of a Title IV-D case where the existing support order does not provide for medical support or a support order needs to be established, the Title IV-D Office shall petition the Court for an order for medical support.³

A medical support order shall include a provision for health insurance coverage, as well as a provision for how parents will split the cost of any uninsured health care expenses.⁴

The Title IV-D Office is strongly encouraged to gather health insurance information from the parties prior to the establishment of a medical support order. This information includes any health insurance coverage available to either party, the cost of adding the child(ren) of this case to an existing insurance policy, and whether or not the child is eligible for or enrolled in public health insurance.⁵

If the Title IV-D Office learns that the parent providing health insurance will obtain it from the Federal Healthcare Marketplace, the Title IV-D Office may suggest to the Court that the parent ordered to provide health insurance is

¹ Kansas Child Support Guidelines Section IV.D.4.a.; K.S.A. 23-3114(a)

² Kansas Child Support Guidelines Section III.B.10.; K.S.A. 23-2215(c), (f)

³ 45 C.F.R. § 303.31(b)

⁴ 45 C.F.R. § 303.31(b); K.S.A. 23-3114(a)

⁵ 45 C.F.R. § 303.30

awarded the dependent tax exemption(s) for the child(ren) of the case. The parties are encouraged to maximize the tax benefits of the dependency exemption and credits for a minor child and to share those actual economic benefits. If the parties do not agree to share the actual economic benefits of the dependency exemption for a minor child or, if after agreeing, the parent having primary residency refuses to execute IRS Form 8332, the court shall consider the actual economic effect to both parties and may adjust the child support. The party seeking the income tax consideration adjustment shall have the burden of proof. The Court also may consider any other income tax impacts, regardless of an agreement upon the dependency exemption and tax credit issues.¹

The Title IV-D Office shall enter into the statewide child support system (KAECSSES) any new or modified orders that provide for health insurance coverage, including the insurance policy name, policy number, and names of persons covered. The Title IV-D Office is responsible for checking KAECSSES to ensure that this information is entered.

Medical Support

The Title IV-D Office will pursue medical support in all cases except for the following situations:

- A Custodial Party (CP) provides proof of current satisfactory health care coverage, that is not Medicaid related; and
- Case is open with emancipated children for arrears only.

Data Gathering and Transmission

Federal regulations require the Title IV-D Office to obtain mandatory data in all cases receiving medical support services. Federal regulations also require the Title IV-D Office to provide health insurance coverage policy information to the CP. If the case is public assistance related, policy information must also be provided to the Medicaid agency. KAECSSES does this through an automatic batch processing with Kansas Department for Health and Environment (KDHE).²

If at any time, the Title IV-D Office receives a health care coverage benefit card for the child(ren), the Title IV-D Office must forward the card or copy of the card to the parties.

For incoming intergovernmental cases, policy information only needs be supplied to the contact person in the initiating state. It is the responsibility of the initiating state to share the information with their Medicaid agency and/or the CP.

Medical Support Establishment

When petitioning to establish a medical support order, the Title IV-D Office must lean toward ordering the CP to be accountable for providing health insurance coverage, unless the Non-Custodial Parent (NCP) has steady employment with viable health insurance coverage or health insurance coverage is already being provided for the child(ren). The Title IV-D Office should request the party providing health insurance coverage/medical support is also given the tax adjustment. However, if the parties request a different tax arrangement the Title IV-D Office should make the appropriate findings and have both parties sign the Journal Entry. If a private order does not have a medical support order, the Title IV-D Office will pursue for a party to be ordered to provide health care coverage.³

¹ Kansas Child Support Guidelines Section IV.E.3.

² 45 C.F.R. § 303.30

³ Kansas Child Support Guidelines Section IV.E.3.; K.S.A. 23-3114

When referring a case for establishment of medical support, the cost of insurance (the information on which any viability determination was made) should accompany the legal referral.

- The NCP or CP receives health insurance premium credit on the child support worksheet only if insurance is being carried at the time of establishment or if insurance is available and viable and will soon be carried. In addition, credit is given only for the cost to add the child(ren); not for the cost to add the NCP/CP to health care coverage plan.

When a medical support order is obtained the following actions must be taken:

- Enter any health insurance coverage (HIC) related legal details (LDET) to KAECSSES; and
 - The HIC legal detail must be tied to a 'J' or 'O' classification legal action on the (LACT) screen.
- Accompany the LDET with a Legal Obligation Persons (LOPS) screen to show who is the responsible party and who is the supported person; and
- Complete Legal Role (LROL) screen; and
- Add file date; and
- Document actions on the list narrative (CSLN) screen.

Forms and Tools

- [Medical Support PowerPoint](#)
- [Federal Healthcare Marketplace](#)
- [IRS Form 8332](#)
- [Medical Support Screens](#)

Frequently Asked Questions

- ? *If the only reason to modify a child support order is to include a medical support order, where one does not already exist, is that sufficient grounds to file a petition to modify?*
- ✓ Yes. Federal and state requirements mandate the inclusion of a medical support order within a child support order.¹

Related Information

The following information, if available, is provided through the IV-A/IV-D and IV-E/IV-D interfaces:²

1. Name of NCP;
2. Social Security number of NCP;
3. Social Security number of CP;
4. Home address of NCP;
5. Name and address of NCP's employer;
6. Names and Social Security numbers of children;
7. Whether NCP has health insurance coverage; and
8. Health insurance policy name, number and persons covered.

¹ 45 C.F.R. § 303.31(b); K.S.A. 23-3114

² 45 C.F.R. § 303.30



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 14: MEDICAL SUPPORT

Section 2: Enforcing Medical Support Orders

Version: 1	Effective Date: 1/1/2024
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Background

The state must secure medical support information and establish and enforce medical support obligations.¹ The provision for medical support shall be enforced, where appropriate (such as when the Non-Custodial Parent (NCP) has been ordered to provide medical support and is employed), using the National Medical Support Notice (NMSN).² The state must use the NMSN to give notice of the provision for health care coverage of the child(ren) to the employer.³

States are not required to use the NMSN when the court order states alternative health care coverage to employer-based health care coverage is to be provided.⁴

Definitions

1. **Available** - Health insurance is available if it can be obtained through an employer sponsored health insurance plan. Medical support also includes other health care coverage such as Medicaid, Kancare (CHIP), and other state coverage plans, as well as cash medical support.⁵
2. **Duration of Coverage** - Medical support enforcement will continue until emancipation of the child(ren).
3. **Medical Withholding Orders (MWO)** - 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 Services (OCSS).⁶
4. **Viability** - determining if 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.⁷

References

- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [29 C.F.R. § 2590.609-2](#): National Medical Support Notice
- [45 C.F.R. § 302.80](#): Medical support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.32](#): National Medical Support Notice
- [65 F.R. 82154](#): National Medical Support Notice
- [81 F.R. 93492](#): Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs
- [K.S.A. 23-3101 et seq.](#): Kansas Income Withholding Act
- [OCSS-PIQ-02-03](#): Medical Support Enforcement Policy Clarifications
- [OCSS FAQ: Medical Support – Answers to Employers’ Questions](#)

¹ 45 C.F.R. § 302.80(b)

² 45 C.F.R. § 303.32; 42 U.S.C. § 666(a)(19)(A)

³ 42 U.S.C. § 666(a)(19)(B)(i); 45 C.F.R. § 303.32(c)(1)

⁴ 45 C.F.R. § 303.32(b); 42 U.S.C. § 666(a)(19)(B)

⁵ 45 CFR §303.31(a)

⁶ 42 U.S.C. § 666(a)(19); 45 C.F.R. § 303.32; see K.S.A. 23-3101 et seq.

⁷ 45 C.F.R. § 303.31(a)(3); K.S.A. 23-3104(f)

- [DEERS/TRICARE Website](#)
- [Healthcare.Gov Website](#)
- [Kansas Child Support Guidelines](#)

Procedure

Medical Support Enforcement

Once medical support has been ordered, the Title IV-D Office is responsible for taking steps to ensure maintenance of the coverage. If at any time the Title IV-D Office becomes aware the required coverage is available and not in force, steps to enforce the order must be taken.¹

Contact to Custodial Party (CP), Non-Custodial Parent (NCP) or Employer for Health Care Coverage Information²

Annually, the Title IV-D Office must inquire with ordered party to check status or availability and determine viability of health care coverage.

- An exception to inquiring with a CP who is ordered to provide health care coverage, is when child is receiving Medicaid with the CP as the case head.
- the Title IV-D Office will not inquire with a CP's employer.

Verifying health care coverage information with the CP or NCP must be completed by:

- Sending K-1 Insurance Inquiry letter from the Case Composition (COMP) screen in the statewide child support system (KAECSSES) to the ordered party, providing a due date that allows 14 calendar days for response; and
- If the ordered party is the NCP and employment information is available:
 - Send an Employer Verification letter from the Income Source Detail (INCS) screen; or
 - Send an AP Insurance Information letter from the INCS screen.
- A minimum of two attempts must be made to inquire with the ordered party or ordered party's employer regarding health care coverage. If a medical inquiry letter is sent to an NCP or a CP and he/she fails to respond, it must be assumed that health care coverage is not in place. Therefore, medical enforcement must proceed.
- If the ordered party has been carrying health care coverage through an employer and it has been documented in KAECSSES from the past, and the ordered party is still employed by the same employer, a new inquiry is not required. Since employment has not changed, we will assume coverage has remained the same.
- All attempts to obtain health care coverage information must be documented on List Narrative (CSLN) screen.

Monitoring for Return of Health Insurance Information

The caseworker must monitor for the return of health care coverage information and enter the data on the appropriate health insurance screens on the system.

When employment letters or Enrollment Forms are returned, any medical insurance information included in the response must be documented on the CSLN screen and the appropriate medical screens.

After the NMSN has been sent to the employer, the caseworker must follow up in 30 calendar days to verify if the child(ren) has been enrolled. Verification of enrollment should be completed with the health insurance provider as well. If unable to obtain verification, an alert must be set for 60 calendar days to follow up again.

¹ 45 C.F.R. § 303.31

² 45 C.F.R. § 303.30

If the participant is in a 'waiting period' for health insurance coverage (for example, coverage is available, but the participant cannot enroll for 90 calendar days because he/she is a new employee) the caseworker should set an alert for 30 calendar days after the participant is able to be enrolled to verify if the child(ren) is covered.

Recording Health Care Coverage Information

If health care coverage information¹ is obtained and either the CP or NCP is carrying coverage, such information must be updated on the following screens:

- Health Insurance Coverage by Policy Holder (HIPH) with the policy information; the Social Security Number (SSN) for policy holder must never be entered on this screen (even if that is true policy number);
- Health Insurance Coverage by Person (HICP) for the child(ren) who is being covered; and
- Health Insurance Coverage Viability (HICV); the HICV is to document the viability of health care coverage for the child(ren).
 - The HICV screen is child specific and must be completed when necessary for each child on the case.
- Document on the CSLN screen.

If there is coverage available to the ordered party, but they are not currently carrying coverage, the following actions must be taken:

- Complete Available Health Insurance by Person (HIAV) screen; and
 - This screen should only be completed if party has coverage available but is not carrying for anyone, including self.
- Determine viability; and
 - Cost of insurance for ordered party + cost to add any child(ren) must not exceed 5% of ordered party's gross income.²
 - Total cost of insurance + monthly child support orders (any we know of) must not exceed 50% of ordered party's disposable (net) income.³
- Complete HICV screen; and
 - HICV is to document the viability of health care coverage for the child(ren).
 - The HICV screen is child specific and must be completed when necessary for each child on the case.
 - If health care coverage is determined to be viable:
 - Determine if there is a valid MWO on file;
 - If so, issue NMSN to employer to enforce medical support; or
 - NMSN is obtained from LACT screen with document name as Notice to Withhold for Health Care Coverage.
 - If MWO is not on file consult with legal department to file Motion for MWO.
 - The cost of insurance (the information on which the viability determination was made) should accompany the legal referral.
 - Once MWO has been filed with court, then issue NMSN to employer.
 - Document availability and viability on the CSLN screen.

Note: The Title IV-D Office will not send a NMSN to order a CP to provide health care coverage.

¹ 45 C.F.R. § 303.30

² 45 C.F.R. § 303.31(a)(3)

³ K.S.A. 23-3104(f)

If ordered party has coverage on themselves but does not carry the children on the case, the following actions must be taken:

- Complete HIPH screen; and
 - This screen should be completed if the ordered party is carrying coverage for themselves and anyone else.
- Determine viability;
 - Cost of insurance for ordered party + cost to add any child(ren) must not exceed 5% of ordered party's gross income.
 - Total cost of insurance + monthly child support orders (any we know of) must not exceed 50% of ordered party's disposable (net) income.
- Complete HICV screen; and
 - HICV is to document the viability of health care coverage for the child(ren).
 - The HICV screen is child specific and must be completed when necessary for each child on the case.
- If Health Insurance Coverage (HIC) is determined to be viable:
 - Determine if there is a valid MWO on file;
 - If so, issue NMSN to employer to enforce medical support and follow below section on NMSN for follow-up on child(ren) being added to plan.
 - NMSN is obtained from LACT screen with document name as Notice to Withhold for Health Care Coverage.
 - If MWO is not on file consult with legal department to file Motion for MWO.
 - Once MWO has been filed with court, then issue NMSN to employer and follow below section on NMSN for follow-up on child(ren) being added to plan.
- Document availability and viability on the CSLN screen.

Note 1: If NCP has coverage for other dependents and there is no additional cost to add more children, HIC is considered viable whether it exceeds our 5% threshold or not.

Note 2: If there is an additional cost to add more children to the coverage, then viability needs to be determined and if it exceeds 5% of gross incomes, then it must be considered not viable.

Notifying the CP of Health Care Coverage Information¹

When the caseworker updates the HIPH screen with healthcare coverage information, KAECSSES will automatically generate a letter to the CP to notify them of existing healthcare coverage information. This letter is required to be provided to the CP when there is a health insurance coverage order and the child(ren) becomes enrolled under the NCP's group plan. KAECSSES will also create a History (HIST) record to display on CSLN indicating a letter was sent to CP.

Coverage Not Available/Viable

If it is determined health care coverage available but is not viable, the following actions must be taken:

- Complete HICV screen; and
 - The 'Health Insurance Viable' field should be completed with an 'N'.
 - Note line on HICV must include the how it was determined the health care coverage was not viable. If cost/income is the reason, include the NCP earning information and the health care cost information.
- Document on the CSLN screen.

¹ 45 C.F.R. § 303.31; OCSS-PIQ-02-03 Question #6

- The narrative on CSLN must include that the health care coverage was determined not viable and how this determination was made. If the reason is cost, include the NCP earning information and the health care cost information.

If it is determined health care coverage is not available, the following action must be taken:

- Document on the CSLN screen.
 - The narrative on CSLN must indicate that party does not have health care coverage available to ordered party.

In the event that child support and medical costs exceed 50% of NCP's disposable (net) income, consider lowering the amount of arrearage collected in order to fall below the cap and proceed with medical support enforcement.

Medical Withholding Order (MWO)

The Kansas Income Withholding Act¹ includes procedures for enrollment of a child(ren) in a group health insurance coverage plan when a party has been ordered to provide coverage. Like a cash Income Withholding Order, the MWO continues in effect as employment changes and is binding on any new employer that provides group health coverage for dependents.

Note: An MWO or Qualified Medical Support Order (QMSO) must exist before a NMSN can be sent.

It is the Title IV-D Program's policy to use the provisions of the Kansas Income Withholding Act to enforce the medical support obligation of a parent whenever appropriate, including the procedures for transferring a MWO to a new employer.

Generally, an MWO properly prepared under the Kansas Act will conform to QMSO requirements, but if an Employee Retirement Income Security Act (ERISA)² plan administrator decides otherwise, the Title IV-D Office Attorney is expected to obtain an order that will be accepted as a QMSO by the plan administrator. The Administration Program Attorney may be consulted for advice.

The time frames for employer compliance with a cash Income Withholding Order do not apply to medical withholding provisions, except as provided in the notice itself. Employers should promptly enroll the child(ren) and begin premium deductions.

National Medical Support Notice (NMSN)

Federal guidance in 45 C.F.R. § 303.32 requires states to have procedures in place to utilize the NMSN, to enforce health care coverage for children of NCPs and/or CPs who are required to provide health care coverage through an employer pursuant to a child support order.

The NMSN instructs employers to enroll an NCP in the health insurance plan if their participation is required in order to enroll the child(ren).

The NMSN allows the plan administrator to report that more than one plan option is available for the child being enrolled. Before enrollment may be completed, a plan option must be chosen. When a plan administrator reports that more than one plan option is available, it is the Title IV-D Program's policy to consult with the CP, then to promptly notify

¹ K.S.A. 23-3101 et seq.

² See 29 C.F.R. § 2590.609-2

the plan administrator of the plan option selected by the CP. In an open Foster Care or Kansas Department of Corrections- Juvenile Services (KDOC-JS) case,¹ the representative of the custodial agency will be consulted as the “Custodial Party.” If the CP, including a custodial agency, does not make a selection or fails to respond, the Title IV-D Office shall select the plan which is most suitable to the overall circumstances of the case, documenting the basis for the selection in the case record.

The NMSN must be used to notify employers and plan administrators of their duties related to a medical support order. The medical withholding forms generated by KAECSSES meet the federal requirements for the NMSN. Also, the NMSN is a standard format prescribed by the Secretary of Department for Children and Families (DCF) for use under the Kansas Income Withholding Act, as provided in K.S.A. 23-3103 et seq. The terms “medical withholding order,” “National Medical Support Notice” and “NMSN” all refer to the notice to employers and plan administrators of their medical support duties.²

It is the Title IV-D Program’s policy to use the provisions of the Kansas Income Withholding Act to enforce MWO’s when appropriate, to transfer an MWO to new employers when appropriate, to seek sanctions when appropriate and to modify or terminate the MWO. The NMSN must be served on a new employer within 2 business days of new employment being entered by the Kansas Department of Labor (KDOL) in the Kansas Directory of New Hires (KDNH), except as otherwise provided below.³

The NMSN must be used in all appropriate IV-D cases. As used in this context, “appropriate IV-D case” means a IV-D case in which:

- A medical support order is in effect which requires the party to provide coverage for the child(ren) under a group health benefit plan;
- The Title IV-D Office has enough information to complete the NMSN and serve it correctly;
- If the features of the plan’s dependent coverage are known, the plan includes one or more of the features required by the medical support order;
- Any specific condition, limitation or restriction set out in the medical support order is satisfied; and
- No legal impediment exists which would make service of the NMSN inappropriate.

With respect to item #3 (features of the plan), if the employer has been identified through the Directory of New Hires and the 2-day time frame applies, it shall be assumed that the plan includes one or more of the features required by the medical support order.

If there is an MWO and the ordered party is employed but the NMSN is not served on the employer, the reason why the case is not appropriate for service of the NMSN based on the criteria above must be documented in the case record. Documentation of any legal impediment must be entered on the case record by the Title IV-D Office Attorney or staff designated by the Title IV-D Attorney to do so.

Note: In the Kansas Income Withholding Act, the NMSN is referred to as a “medical withholding order.”⁴

¹ For more information about Foster Care or KDOC-JS cases, see Chapter 5: Prevention & Protection Services (PPS), Foster Care, and Kansas Department of Corrections – Juvenile Services (KDOC-JS)

² See K.S.A. 23-3102(i); 45 C.F.R. § 303.32

³ 45 C.F.R. § 303.32(c)(2); 42 U.S.C. § 666(a)(19)(B)(iii)

⁴ K.S.A. 23-3102(i)

If the reason for not serving the NMSN is only temporary (for instance, the participant cannot enroll until he/she has worked there a minimum period), the caseworker will need to re-evaluate the case when the temporary condition ends.

Legal impediments that make service of the NMSN inappropriate would include, but are not limited to:

- Litigation concerning the medical support order (including an administrative or judicial appeal) is pending; or
- Kansas does not have jurisdiction over the NCP and/or plan administrator sufficient to meet Due Process requirements.

Whether access is reasonably available must be determined on a case-by-case basis. In public assistance cases, the public assistance program's standard of 'availability', if any, should be used. Otherwise, the CP's preferences should be given great weight. Other factors might include the availability or lack of transportation, the child's age and condition, the remoteness of the service area, etc. Also, rural families are often prepared to travel farther for routine health care.

Requirement to Send a NMSN¹

Unless an exception to the requirement applies, the Title IV-D Office shall send the NMSN to an NCP's employer when:

- A new child support order is issued requiring the NCP (or both parties) to provide health care coverage;
- An existing order to provide health care coverage is modified and the NCP (or both parties) must newly provide health care coverage; or
- The NCP ordered to provide health care coverage has a change in employment;
- If employer provided health care coverage is issued as the result of a NMSN, the Title IV-D Office shall also notify the employer when the obligation to provide health care coverage is no longer in effect; or
- Kansas only sends the NMSN to the employer of the NCP (i.e., the parent who has been ordered to pay child support).

Exceptions to Requirement to Send a NMSN

The Title IV-D Office is not required to send a NMSN to an employer under the following circumstances:²

- When an alternative to employer-offered health care coverage has been specifically ordered. This may include an order for public health care coverage or a person other than the NCP to provide health care coverage;
- When the Title IV-D Office knows that the child(ren) are currently covered and this coverage has been entered in KAECSSES;
- When the Title IV-D Office knows that the employer does not offer health care coverage to dependents;
- When the Title IV-D Office knows the employer does not offer health care coverage for the employee's job classification (i.e., employee works on an as needed basis or part-time and health care coverage is only available to full-time employees); or
- When the court order requires the NCP to carry insurance if available at a reasonable cost and the Title IV-D Office knows that the employer's available insurance exceeds a reasonable cost (as defined under the Kansas Child Support Guidelines).

If the Title IV-D Office does not send a NMSN that would otherwise be required under the above circumstances or for any reason, the Title IV-D Office shall make a note in the statewide child support system as to why the NMSN was not sent.

¹ See 45 C.F.R. § 303.32; K.S.A. 23-3101 et seq.

² Kansas Child Support Guidelines Section IV.D.4.a.; 45 C.F.R. § 303.31(a)(3); 81 F.R. 93492 at 93548-93549 Comment #11; 45 C.F.R. § 303.32(b); OCSS-PIQ-02-03 Question #1

Sending the NMSN¹

The Title IV-D Office must make the determination of whether a NMSN is required or meets one of the exceptions within 2 days of when the NCP is entered as a newly hired employee in the State Directory of New Hires.

The Title IV-D Office sends the NMSN to the employer of the child support NCP who is ordered to provide health care coverage either:

- At the time the order to provide health care coverage is issued or modified when the employer is known; or
- Within 2 days after the NCP is entered as a newly hired employee in the State Directory of New Hires and an order to provide medical coverage is in effect.
- If the Title IV-D Office determines that an exception to the NMSN requirement exists, the Title IV-D Office shall make a note in the statewide child support system as to why the NMSN was not sent where otherwise required.

Employer's responsibilities upon receipt of the NMSN²

The Title IV-D Office enforces the provisions of medical support order in the court order by issuing an NMSN to the employer. The employer must comply with the provisions in this form. When the employer receives this form, the employer must:

- Treat it as an application for health benefit plan coverage for the child if the health benefit plan requires an application; and
- Complete and return Part A, "Employer Response," to the Title IV-D Office within 20 business days from the date on the form if:
 - The employer does not maintain or contribute to a health insurance plan that provides dependent or family health care coverage; or
 - The employee is among a class of employees (for example, a part-time employee) not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or
 - The health care coverage is not available because the employee is no longer employed by the employer; or
 - Limits on withholding prevent enrollment. The amount that an employer withholds from the NCP's disposable income, including the amount for health insurance premiums, is subject to the requirements of the Consumer Credit Protection Act (CCPA). If met, the employer cannot complete enrollment due to limits established for withholding. Refer to the income withholding procedures for more information on the CCPA limits.
- Forward Part B, "Plan Administrator Response," to each appropriate plan administrator within 20 business days from the date on the form if health insurance is available to the child.³
- Upon notification from the plan administrator of the child's enrollment, withhold from the ordered party's compensation, the ordered party's share (if any) of the required premium for the health benefit plan and forward the premium to the insurer.⁴

¹ 45 C.F.R. § 303.32(c)(1)-(2); 42 U.S.C. § 666(a)(19)(B)(i),(iii)

² See 45 C.F.R. § 303.32(c)(3)-(6); 42 U.S.C. § 666(a)(19)(B)(ii)

³ 45 C.F.R. § 303.32(c)(3); 42 U.S.C. § 666(a)(19)(B)(ii)

⁴ 45 C.F.R. § 303.32(c)(4)

Note: The plan administrator notifies the employer if the participant is subject to a waiting period that expires more than 90 days from the date of receipt of the NMSN or that the participant is subject to a waiting period measured in a manner other than the passage of time. When requirements are met, the employer notifies the plan administrator that the participant is eligible.

The plan administrator enrolls the child and the participant, if necessary, in the plan.

- Continue health insurance enrollment for the child unless one of the following conditions exists:
 - A court or administrative order requiring coverage in a health benefit plan ends; or
 - The employer receives form 470/3729, Discontinuation of Medical Support Enforcement, form 470/3917, Change in Medical Support Enforcement, or form 470-3933, Termination of the NMSN, from the Title IV-D Office.
 - The child is eligible for or will be enrolled in a comparable health benefit plan to take effect no later than the effective date of revocation of enrollment in the other plan.
 - The employer eliminated dependent health coverage for all employees.
- Provide notice to the Title IV-D Office within 10 days of termination of the participant's employment. The employer is not required to maintain coverage for the child if the premium is no longer paid because:
 - The employer no longer owes compensation to the participant; or
 - The participant's employment is terminated, and the party does not elect to continue coverage.
- Provide notice to the CP or legal custodian of the child and the Title IV-D Office 10 days before termination of coverage under a health benefit plan because:
 - The employer no longer offers a health insurance plan; or
 - The employer changed insurers.

Plan Administrator Responsibilities¹

The plan administrator must:

- Accept Part B of the NMSN and comply with its provisions.
- Complete and return Part B of the NMSN to the Title IV-D Office within 40 business days from the date on the form.
- Treat the NMSN as an application for health insurance for the child if an application is required to enroll the child.
- Notify the employer, the Title IV-D Office, the NCP, and the CP if the participant is subject to a waiting period that expires more than 90 days from the date of receipt of the NMSN or that is measured in a manner other than the passage of time. Complete the enrollment upon satisfaction of any waiting period or requirement.
- Enroll the child, and the participant, if necessary, to enroll the child, in the appropriate plan selected.

If more than one plan is available and the participant is not enrolled, forward plan descriptions and documents to the Title IV-D Office to choose a plan. If the Title IV-D Office does not choose a plan within 20 business days, enroll the child in the default plan (if available) and return part B of the NMSN to the Title IV-D Office.

In addition, the plan administrator must:

- Allow enrollment of the child at any time unless there is a restriction on the participant's enrollment in coverage.
- Allow enrollment of the child at any time (regardless of seasonal enrollment restrictions) if the child is otherwise eligible to be enrolled in the plan under the terms and conditions of the plan itself.

¹K.S.A. 23-3114(d); OCSS FAQ: Medical Support – Answers to Employers' Questions, Question #17; 45 C.F.R. § 303.32(c)(8)

- Enroll a child in the health benefit plan regardless of whether the child is born out of wedlock, the child is not claimed as a dependent on the participant's federal income tax form, or the child does not reside with the participant or live within the plan's service area.
- Upon completion of enrollment, notify the employer to determine whether the necessary employee share of the premium is available.
- Complete and send the Plan Administrator Response in Part B of the NMSN to the Title IV-D Office if the employer is subject to the federal Employee Retirement Income Security Act and the NMSN does not constitute a QMSO.

When the NMSN does not constitute a QMSO, the child is not enrolled in a health insurance plan. The plan administrator must also notify the NCP, CP, and child of the specific reason for the determination.

- Make claim forms or enrollment membership cards available to the CP or to the Title IV-D Office if these forms are required to obtain medical services.
- Accept the signature of the CP, the legal custodian of the child, or the Title IV-D Office as valid authorization for processing medical expense claims on behalf of the child for payment or reimbursement of medical services.
- Make payments directly to:
 - The CP, for claims submitted by the CP.
 - The Title IV-D Office, for claims submitted by the Title IV-D Office.
 - The health care provider, for claims submitted by the health care provider, if the CP approves of this arrangement.
 - Accept an application for enrollment of the child and medical expense claim forms signed by the CP, legal custodian of the child, or the Title IV-D Office.

Selecting a Health Insurance Plan¹

The plan administrator must enroll the child, and if necessary, the participant in a health insurance plan. The Title IV-D Office must select a plan when more than one health insurance plan is available, and the participant is not enrolled in a plan.

The Title IV-D Office may find out about this when the plan administrator returns Part B of the NMSN, and selects number 3, indicating there is more than one option available under the plan and the participant is not enrolled.

The plan administrator provides a summary of the plan description for each plan or other documents that describe available coverage, including health insurance premium costs and whether the plan has a limited-service area.

The following sections explain the process:

- When the ordered party is enrolled.
- When the ordered party is not enrolled; and
- Consulting with the CP.

When the Ordered Party Is Enrolled

When KAECSSES generates a NMSN to the employer, the employer forwards Part B to the plan administrator when health insurance is available. The plan administrator returns Part B and checks number 2, part a, b, c, or d, which notifies the Title IV-D Office that the participant is or will be enrolled in a health insurance plan. If the participant is or will be

¹ 45 C.F.R. § 303.32(c)(8)

enrolled in a health insurance plan that offers dependent coverage, the plan administrator must enroll the child in the same plan.

When the caseworker adds the plan information to KAECSSES, KAECSSES generates a Notice of Health Insurance Information, to notify the CP of coverage under the plan.

When the Ordered Party Is Not Enrolled

When the ordered party is not enrolled in a health insurance plan, and only one health insurance plan is available to the ordered party, the plan administrator must enroll the child and participant, if necessary, in that plan.

If more than one health insurance plan is available, the plan administrator checks number 3, indicating multiple options for health insurance plans, and returns Part B of the NMSN. The plan administrator may provide a summary of the plan description for each plan, or the Title IV-D Office may call the plan administrator and ask the following questions:

- Which health insurance plans are accessible to the child?
- Which of the accessible plans provide basic coverage?
- What is the health insurance premium for the health insurance plans?

When multiple health insurance plans exist and only one plan is accessible to the child, the plan administrator enrolls the child in the accessible health insurance plan. The plan administrator may also enroll the participant, if it is necessary to enroll the child, in that plan.

When more than one accessible health insurance plan offers basic coverage, the plan administrator enrolls the child in the plan with the lowest premium cost for the participant. If multiple plans provide dependent coverage, yet no plan is accessible to the child, the Title IV-D Office terminates the NMSN by sending a Termination of the NMSN to the employer.

The plan administrator may contact the Title IV-D Office when:

- All the plans are accessible, and the participant's share of the premium is the same, but none of the plans offer basic coverage; or
- All plans are accessible, offer basic coverage, and the participant's share of the premium is the same.

Consulting with the CP¹

The caseworker contacts the CP when multiple health insurance plans exist, the NCP is ordered to provide but not enrolled, and all the following conditions exist:

- More than one plan is accessible to the child;
- More than one plan provides basic coverage; and
- The NCP's share of the health insurance premiums is the same.

The caseworker provides the CP with information about each available plan that meets the above criteria, such as the premium costs, deductibles, copayments, and types of coverage available through the plan.

Allow the CP 10 days to respond.

¹ 45 C.F.R. § 303.32(c)(8); OCSS-PIQ-02-03 Question #9

- If the CP responds, the Title IV-D Office contacts the plan administrator to enroll the child in the plan chosen by the CP.

If the CP does not respond, the caseworker contacts the plan administrator to enroll the child in the company's default plan, if any exists. If no default plan exists, the plan administrator must enroll the child in the plan with the lowest cost for deductibles and copayments.

After the caseworker receives the health insurance policy information, add the policy information to KAECSSES.

Recording Changes in Health Care Coverage

Coverage for a child may change after you enter the initial health insurance plan information. Any changes should be recorded on the health insurance screens. For example, if the caseworker is notified that HIC has ended, the system needs to be updated with the policy end date.

If the employer switches carriers, the health insurance company, policy numbers, group numbers, etc. will most likely change, and need to be updated on the system.

Coverage Ends or Changes

Health insurance coverage for the child may end or change for a variety of circumstances. Circumstances which affect the health insurance coverage may include, but are not limited to, the following:

- The participant is no longer required to provide health insurance because the child emancipates.
- The participant's employment ends and health insurance coverage for the child ends.
- The participant's employment ends, and the participant continues to provide health insurance coverage through COBRA or some other arrangement.
- The child is covered by a policy carried by another party and that policy ends.

If the Title IV-D Office is providing medical support services and the ordered party's duty to provide group coverage under a medical support order ends, it is the Title IV-D Program's policy to notify the employer promptly of the change in circumstances.¹ However, the employer and plan administrator should be strongly encouraged to provide the participant an opportunity to continue coverage voluntarily before dis-enrolling the child. The participant may wish to take advantage of dependent coverage that is available beyond the age of majority.

Duration of Coverage

A child is eligible for medical support through the Title IV-D Office for the duration of the minority of the child. However, the plan's provisions govern the child's eligibility for coverage under the plan. These provisions may include, but are not limited to, the eligibility and insurability standards of the plan.

An MWO must be discontinued when the child emancipates. The court does not have statutory authority to order medical support beyond the child's emancipation date. The Title IV-D Office could enforce medical support to the end of that school year, or into the next year if the court extends the child support order into the child's 19th year.²

¹ 45 C.F.R. § 303.32(c)(7)

² K.S.A. 39-7,148; K.S.A. 23-3107

Health Insurance for Military Dependents (TRICARE and DEERS)

When there is an order for health care coverage for a party who is an active or retired member of the military to provide health insurance for the child, assist the party in enrolling the child in the military's health insurance coverage if necessary.

TRICARE is the Department of Defense's worldwide health care program for active duty and retired uniformed service members and their families. TRICARE provides health insurance coverage for the children of active duty, retired, or deceased members of the military, including unmarried children under 21 and stepchildren who are adopted. In certain circumstances, former military spouses are also eligible for this health insurance.

The Defense Enrollment Eligibility Reporting System (DEERS) is a computerized database of military personnel who are entitled, under the law, to TRICARE benefits. DEERS registration is required for TRICARE eligibility.

The CP initiates enrollment of the child with TRICARE and provides the necessary documents to enroll the child. These documents include, but are not limited to, a paternity determination, a birth certificate, and a court order for support.

The CP must go to a Realtime Automated Personnel Identification System (RAPIDS) enrollment site to register on DEERS. RAPIDS sites are located throughout the country.

The CP can locate the nearest site by contacting the nearest military base, recruiting station, or other military facility; going to the RAPIDS Site Locator on the internet (<https://idco.dmdc.osd.mil/idco/locator>); or calling the DEERS telephone center (800-583-9552).

The CP may contact staff at the DEERS site and find out which documents to bring and how to proceed with enrollment. The CP may begin the enrollment process by mail (e.g., sending copies of documents, completing, and returning forms, etc.), but the CP must sign the final enrollment forms.

Since the military takes the official ID photo, the CP and the child must go to the RAPIDS enrollment site in person to complete the enrollment. The military issues a military dependent's photo identification card to a child over 10 years old.

It may be necessary for you to assist families with TRICARE enrollment. For example, you may contact the RAPIDS enrollment site by telephone to determine what paperwork is necessary for enrollment and provide copies of documents such as court orders.¹

Forms and Tools

- [HIC Viability Calculator](#)
- [How to Avoid SA Medical Failures](#)
- [Medical PowerPoint](#)
- [Medical Support Screens](#)

Frequently Asked Questions

? *How do we handle intergovernmental cases?*

¹ DEERS Website: <https://www.tricare.mil/deers/>; TRICARE Website: <https://www.tricare.mil>

- ✓ For initiating intergovernmental cases, do not petition for medical support by NCP if the children are on Medicaid or CHIP, unless we know the NCP is a viable source of insurance (e.g., in military). Ask the other state in the petition to order the CP to provide the insurance and to include a finding that she is entitled to the dependent deduction.
- ✓ For responding intergovernmental cases, do not order the NCP unless he/she is a viable source. If he/she is not a viable source, include a provision that the CP is to provide through public or private means and is entitled to the dependent deduction.
- ? *In caretaker cases, where the CP is not a biological parent, who is ordered to provide the insurance? This is only an issue when the children are not on Medicaid or KanCare CHIP.*
- ✓ Order the NCP to provide through employer or exchange. Since there can be two NCPs, order the first in time before the court.
- ? *The guidelines allow for a tax-dependent adjustment. In low-income cases, applying this adjustment would result in a minimal order. Do we apply this adjustment across the board?*
- ✓ Follow the judicial practices within your judicial district. Section IV.E.3 of the Guidelines reads: The parties are encouraged to maximize the tax benefits of the dependency exemption and credits for a minor child and to share those actual economic benefits. If the parties do not agree to share the actual economic benefits of the dependency exemption for a minor child or, if after agreeing, the parent having primary residency refuses to execute IRS Form 8332, the court shall consider the actual economic effect to both parties and may adjust the child support. The party seeking the income tax consideration adjustment shall have the burden of proof. The court also may consider any other income tax impacts, regardless of an agreement upon the dependency exemption and tax credit issues.
- ? *Do we send a National Medical Support Notice (NMSN) on CP's?*
- ✓ No. This is not necessary. This is a self-enforcing requirement, as the CP will be penalized by the IRS if she does not comply with the order, and she is the primary caretaker of the child.
- ? *In Medicaid-Only cases can we close the case once the CP is ordered to provide the insurance through public or private means?*
- ✓ Yes, close the case.
- ? *In Medicaid-Only cases, if the CP is not cooperating and he/she has been served, can we move forward with the order requiring him/her to provide insurance (assuming the NCP is not a logical candidate for steady insurance), and then close the case?*
- ✓ Yes.
- ? *Should the Journal Entry include language that the court retains continuing jurisdiction on the tax dependency issue?*
- ✓ Yes.
- ? *In cases where the child is not on Medicaid or KanCare CHIP, do we have to wait until the CP or NCP provides proof of insurance and the cost of that insurance before we calculate the guidelines. Alternatively, can we use the estimated figures from the Federal Marketplace for the child's proportionate share for purposes of the guideline's calculation.*
- ✓ Use the estimated figures from the federal marketplace, either provided by the party or obtained through local office efforts. The cost of individual coverage as well as family coverage can be calculated at <https://www.healthcare.gov/find-premium-estimates/>.

? *In foster care cases since the children are on Medicaid, how do we handle the insurance?*

- ✓ The order should state: Should the children return to the home of the NCP NAME, the
- ✓ NCP NAME shall obtain and maintain health care coverage for the minor children and provide DCF and the other parent with the policy and identification numbers and a card or other indicia of insurance sufficient to obtain medical services for the children. All necessary medical expenses including, but not limited to, dental, orthodontic and optometric, which are not covered by insurance, including deductible, should be assessed to the parties in accordance with the parties' proportional shares of income as shown on line D.2. of the Child Support Worksheet. A Medical Withholding Order or National Medical Support Notice shall be issued pursuant to K.S.A. 23-3115 and/or 42 U.S.C. § 666(a)(19). Should the children return to the home of the NCP NAME, the NCP shall have the right to claim the child/ren on all income tax filings since NCP NAME is providing the health care coverage for the child/ren.

? *If the caretaker of a child not on Medicaid or CHIP has legal guardianship and is claiming the child as a tax deduction, can we order that individual to carry the insurance?*

- ✓ It should be the caretaker's choice, but the caretaker needs to understand that he/she is considered by IRS as being responsible for providing health care coverage and may face penalties. We need to be convincing in explaining the implications of the dependent deduction and the responsibility to carry the insurance. If the caretaker chooses to provide, put it in the order that the caretaker has chosen to provide health insurance for the child and claim the child as a tax deduction so no order will be established against the noncustodial parent.

? *There will be situations in some higher income cases where the parties have two children and want to each take a tax deduction. What should our position be on those cases?*

- ✓ Our job is to explain the implications of splitting the deduction if at any point insurance lapses. Assign the medical support obligation to one parent.

? *Looking ahead to modifications, should the language on our motions change, and if the CP was not a party to the action, should we serve the CP on all motions to modify. Are there any cost considerations for the State and vendors in doing so?*

- ✓ If in the original order the CP was not a party to the action, then staff may need to use a motion to modify and join the CP as a party to the case. Ideally, we can have the CP consent to this, but the Title IV-D Office will draft a form motion to join to support those instances where CP will not consent. Also, if the court did not reserve the issue of the dependent deduction the court no longer has jurisdiction to modify it. Any modifications to the dependency exemption would need to be by consent of the parties and Form 8832 executed. If the order did not address the dependency exemption, we should still request it follow the medical support obligation.

? *In a MA Only case where we know the CP does not want child support and we know the NCP is not a viable source of insurance; do we even need to make the NCP a party to the action? Can we just work out a consent agreement with the CP?*

- ✓ The NCP needs to be a party to the action. If the CP comes back to us six months later to establish child support, then we will have issues because the NCP is not a party to the action.

Related Information

- N/A

Revision History

Version	Date	Description of Revision
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Kansas Child Support Services Title IV-D Policy Manual

Version 1	1/1/2024	Final Approved Version
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CHAPTER 15: INTERGOVERNMENTAL

Section 1: Definitions and Documents

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Definitions

1. The following definitions apply to this Chapter.
2. **“Child Support Enforcement Network (CSENet)”** is a nationwide communication network linking child support enforcement agencies allowing them to transmit information other than documents through statewide child support systems.
3. **Communication Center** is an application on the Federal Office of Child Support Services (OCSS) Child Support Portal that supports secure message and document exchanges among stakeholders.
4. **“Convention”** is the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007.¹ Countries who have adopted the Convention are referred to as **“Convention countries”**.
5. **“Electronic Document Exchange (EDE)”** is an ancillary application provided by the OCSS’ Federal Parent Locator Service (FPLS) which permits Title IV-D agencies to securely send and receive documents through the FPLS Portal.
6. **“Foreign country”** is a country, or a political subdivision of a country, other than the United States that authorizes child support orders to be issued and:
 - a. Is a foreign reciprocating country;
 - b. Has a reciprocal arrangement for child support with Kansas;
 - c. Has laws or procedures for the establishment and enforcement of support orders that are substantially similar to the Uniform Interstate Family Support;
 - d. Act (UIFSA); or
 - e. Is a Convention country.
7. **“Intergovernmental Title IV-D case”** is a case that has been referred by an initiating agency to a responding agency for Title IV-D services.² An intergovernmental Title IV-D case may include any combination of referrals between states, tribes, and countries.³
8. **“Initiating State”** is the state, tribe, or country that forwards a request or pleading to another state, tribe, or country.
9. **“Register”** means to file in a Kansas Court a support order or judgment determining parentage of a child that was issued in another state, tribe, or country.
10. **“Responding State”** is the state, tribe, or country that receives and acts on a request or pleading sent by another state, tribe, or country.

¹ K.S.A. 23-36,102(c)

² 45 C.F.R. § 301.1

³ 45 C.F.R. § 301.1

11. **“Query Interstate Cases for Kids (QUICK)”** is an electronic communication tool used by Title IV-D agencies to view case data from another state.
12. **“Tribe”** refers to the organizational unit that has been given authority by OCSS to administer a Title IV-D program in an Indian or Alaska Native Tribe, band, nation, or community which has been recognized by the Secretary of the Interior as an Indian Tribe.¹
13. **“Tribunal”** is a court, administrative agency, or a quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. In Indiana, the tribunal is a court authorized to establish, enforce, or modify child support orders, or determine parentage.
14. **“UIFSA”** is the acronym for the model act, Uniform Interstate Family Support Act, drafted by the National Conference of Commissioners on Uniform State Laws.

Documents

Required Documentation for UIFSA Packet

OCSS created documents to be used uniformly for states to perform duties the same.² One of the most important roles of the Central Registry is to screen cases before referring the case for action. It is not unusual to receive requests from other states that lack the needed documents or lack the original signatures. Kansas also receives requests for actions not allowed by UIFSA. Listed below are guides used by Central Registry staff to determine what documentation is required to proceed with a case and for field staff to determine what is needed to prepare an outgoing intergovernmental case.

Establishment of Parentage and Establish and Enforce a Support Order

Child Support Enforcement Transmittal 1 – Initial Request	
Declaration in Support of Establishing Parentage	One for each child being referred, only if parentage is an issue.
Child Support Agency Confidential Information Form	
Uniform Support Petition	
General Testimony	
Personal Information Form for UIFSA §311	
Pay stubs/copy of last year’s tax return	Copy- Strongly Suggested
Birth Certificate	Copy- Strongly Suggested
Verified Postmaster/Employer Letter	Copy- Strongly Suggested

¹ 45 C.F.R. § 309.05

² OMB 0970-0085

Establishment of Support

Child Support Enforcement Transmittal 1 – Initial Request	
Child Support Agency Confidential Information Form	
Uniform Support Petition	
General Testimony	
Personal Information Form for UIFSA §311	
Pay stubs/copy of last year’s tax return	Copy- Strongly Suggested
Birth Certificate	Copy- Strongly Suggested
Verified Postmaster/Employer Letter	Copy- Strongly Suggested

Request by Responding State for Modification of Kansas Order

Child Support Enforcement Transmittal 1 – Initial Request	
Child Support Agency Confidential Information Form	
Uniform Support Petition	
General Testimony	
Personal Information Form for UIFSA §311	
Kansas Court Order	
Pay stubs/copy of last year’s tax return	Copy- Strongly Suggested
Birth Certificate	Copy- Strongly Suggested
Verified Postmaster/Employer Letter	Copy- Strongly Suggested

Registration of Responding State’s Order for Enforcement

Child Support Enforcement Transmittal 1 – Initial Request	
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Court order to be registered	Copy
Arrears computation	Original- Notarized
Letter of Transmittal Requesting Registration	
Child Support Agency Confidential Information Form	
Personal Information Form for UIFSA 311	
Birth Certificate	Copy- Strongly Suggested
Verified Postmaster/Employer Letter	Copy- Strongly Suggested

References

- [45 C.F.R. § 301.1](#): General definitions
- [45 C.F.R. § 309.05](#): What definitions apply to this part?
- [K.S.A. 23-36,102](#): Definitions
- [OMB 0970-0085](#): Intergovernmental Child Support Enforcement Forms

Procedure

- N/A

Forms and Tools

- [Intergovernmental Services Training](#)
- [Preparing a UIFSA](#)
- [Interstate Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

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Version 1	1/1/2024	Final Approved Version

CHAPTER 15: INTERGOVERNMENTAL

Section 2: Intergovernmental Case Processing Laws

Version: 1	Effective Date: 1/1/2024
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Background

Historically, because child support was a matter of state law, it was difficult to establish or enforce a child support order when the parents lived in different states. In the 1950s and 1960s, states adopted the model Uniform Reciprocal Enforcement of Support Act (URESA) which permitted a child support action that was filed in the Custodial Party's (CP's) state to be transmitted to the state where the Non-Custodial Parent (NCP) resided.

URESA was somewhat successful in establishing and enforcing child support orders, but it suffered from several weaknesses:

1. URESA did not provide for enforcing an existing order but instead resulted in the establishment of a new order in the NCP's state;
2. As the NCP moved to additional states, additional orders were created; and
3. There was no clear guidance as to which order was in effect and how and where these orders could be modified.

In 1990, the National Conference of Commissioners on Uniform State Laws developed a new model act, the Uniform Interstate Family Support Act (UIFSA), to address the shortcomings of URESA. There are several versions of model UIFSA with the most recent being UIFSA 2008.

In October 1994, Congress enacted the Full Faith and Credit for Child Support Orders Act (FFCCSOA). At the time FFCCSOA was enacted, there was no federal mandate that states enact UIFSA. Under FFCCSOA, a state is required to enforce a child support order of a Court in another state and to not modify that order unless modification is otherwise permitted by law.¹

In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). PRWORA required states, excluding Indian nations and tribes, to adopt the model UIFSA 1996 and amended FFCCSOA for consistency with UIFSA 1996.

The U.S. is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). The Convention enables the U.S. to work with other Convention countries to ensure that children living abroad receive support. The provisions of the Convention were incorporated into the UIFSA 2008 amendments. All states were required to enact UIFSA 2008 in order for the U.S. to ratify the Convention.

While UIFSA 2008 as a whole covers all international cases, and the procedures for cases with

Convention countries are similar, there are provisions that differ under the chapter that covers Convention cases. If there are UIFSA provisions that differ between the Convention chapter and the other chapters of UIFSA, the Convention chapter controls for Convention countries.

¹ 28 U.S.C. § 1738B(a); OCSS-AT-02-03

The Federal Office of Child Support Services (OCSS) has developed standardized forms that Title IV-D agencies are required to use in UIFSA cases.¹ Indian nations and tribes are not required to use these UIFSA forms. To further help the states in processing intergovernmental cases, OCSS has developed an Intergovernmental Reference Guide (IRG) that is accessible through the Child Support Portal. The IRG contains contact information and summaries of child support laws and procedures within each state.

States may receive UIFSA cases from foreign countries. These countries may fall under 1 or more of the following categories:

1. Foreign countries that have also adopted the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007, (also called Convention countries);
2. Foreign reciprocating countries (FRCs) that have agreements with the U.S.; and
3. Foreign countries that individual states have declared as reciprocating countries.

It is also possible for a foreign resident to apply directly to a state child support agency for services.²

Actions brought under UIFSA provisions confer jurisdiction only to establish, enforce, and modify support orders, and establish paternity/parentage. The Uniform Child Custody Jurisdiction Act governs interstate custody and parenting time.

Hague Child Support Convention and Foreign Reciprocating Countries

The following countries participate in the Hague Child Support Convention or are a Foreign Reciprocating Country:

Albania	Australia	Austria
Belarus	Belgium	Bosnia and Herzegovina
Brazil	Bulgaria	Canada
Croatia	Cyprus	Czech Republic
El Salvador	Estonia	Finland
France	Germany	Greece
Honduras	Hungary	Ireland
Israel	Italy	Latvia
Lithuania	Luxembourg	Malta
Montenegro	Netherlands	Nicaragua
Norway	Poland	Portugal
Romania	Serbia	Slovakia
Slovenia	Spain	Sweden
Switzerland	Turkey	Ukraine
United Kingdom (England, Wales, Scotland, Northern Ireland and Gibraltar)		

Policy

- N/A

¹ 45 C.F.R. § 303.7(a)(4)

² OCSS-DCL-94-45; OCSS PIQ-99-01

References

- [28 U.S.C. § 1738B](#): Full faith and credit for child support orders act
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [OCSS-AT-02-03](#): Applicability of the Full Faith and Credit for Child Support Orders Act to States and Tribes
- [OCSS-DCL-94-45](#): Residency Requirements for IV-D services
- [OCSS-PIQ-99-01](#): Direct Application for Title IV-D Services from International Residents

Procedure

- N/A

Forms and Tools

- [Intergovernmental Reference Guide \(IRG\): State and Tribal Child Support Users' Guide](#)
- [International Information](#)
- [Members of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 15: INTERGOVERNMENTAL

Section 3: Jurisdiction Over Non-Resident

Version: 1	Effective Date: 1/1/2024
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Background

Certain minimal contacts, set forth by provisions in the Uniform Interstate Family Support Act (UIFSA), are required to establish a basis for personal jurisdiction. When the Kansas Court has jurisdiction over non-residents pursuant to provisions of UIFSA, the Court is able to receive evidence and issue an order that is binding over non-residents.¹ Because of this authority, proceedings can be initiated and held in Kansas even though all the parties are not in Kansas.

The Title IV-D agency in Kansas also has the authority to transfer and initiate a petition to a responding agency for establishment when the requisite minimal contacts do not exist in Kansas.²

Policy

The Title IV-D Office may exercise jurisdiction over a non-resident if:

1. The individual is personally served in Kansas;³
2. The individual submits to the jurisdiction of Kansas by:
 - a. Consent in a record;⁴
 - b. Entering a general appearance;⁵ or
 - c. Filing a responsive document that has the effect of waiving any contest to personal jurisdiction.⁶
3. The individual resided with the child in Kansas;⁷
4. The individual resided in Kansas and provided prenatal expenses or support for the child;⁸
5. The child resides in Kansas as a result of acts or directives of the individual;⁹
6. The individual engaged in sexual intercourse in Kansas and the child may have been conceived by that act of intercourse;¹⁰
7. The individual asserted parentage of a child in the putative father registry;¹¹ or
8. There is any other basis consistent with the constitutions of Kansas and the United States for the exercise of personal jurisdiction.¹²

¹ K.S.A. 23-36,201

² K.S.A. 23-36,203

³ K.S.A. 23-36,201(a)(1)

⁴ K.S.A. 23-36,201(a)(2)

⁵ K.S.A. 23-36,201(a)(2)

⁶ K.S.A. 23-36,201(a)(2)

⁷ K.S.A. 23-36,201(a)(3)

⁸ K.S.A. 23-36,201(a)(4)

⁹ K.S.A. 23-36,201(a)(6)

¹⁰ K.S.A. 23-36,201(a)(6)

¹¹ K.S.A. 23-36,201(a)(7)

¹² K.S.A. 23-36,201(a)(8)

If the Title IV-D Office elects not, or is unable, to exercise jurisdiction over a non-resident, a UIFSA action shall be initiated to a tribunal with jurisdiction.¹

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D case
- [K.S.A. 23-36,201](#): Bases for jurisdiction over nonresident

Procedure

The Title IV-D Office evaluates the case to see if there is a basis to exert jurisdiction over a non-resident and, if so, assert the basis in the petition to establish, enforce, or modify a support order or determine parentage of a child.

Forms and Tools

- [Intergovernmental Services.pptx](#)
- [Preparing a UIFSA.pdf](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 303.7(c)(4)(ii)

CHAPTER 15: INTERGOVERNMENTAL

Section 4: Controlling Order

Version: 1	Effective Date: 1/1/2024
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Background

The purpose of the Uniform Interstate Family Support Act (UIFSA) is to have only one order governing current support for each parent and child relationship. That order is called the controlling order.

Policy

Before taking action to establish a new order, the Title IV-D Office must verify that no other orders exist for the child and parties. If multiple orders are identified, the Kansas Court with personal jurisdiction over the parties will determine which order is controlling and the total amount of consolidated arrears.¹

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental Title IV-D cases
- [K.S.A. 23-36,207](#): Determination of controlling child support order

Procedure

When opening a new case, the Title IV-D Office searches Query Interstate Cases for Kids (QUICK), the Federal Case Registry (FCR), KPC secure, and the statewide child support system (KAECSES) to determine if any other orders exist.² If there is a question about whether an order was entered in another state, an inquiry can be made directly to that state or the FCR to determine the status of any order.

Registering another state's order does not make the registered order the controlling order.

If only 1 tribunal has issued a child support order, the order issued by that tribunal is the controlling order and must be recognized.³

If there are multiple support orders, a Kansas Court with personal jurisdiction over both parties must determine the controlling order using the following rules:

- If only one tribunal has continuing, exclusive jurisdiction (CEJ), the child support order of the tribunal with CEJ is the controlling order and must be recognized.⁴
- If more than 1 tribunal has CEJ, the child support order issued by the tribunal in the current home state of the child must be recognized.⁵

¹ K.S.A. 23-36,207

² 45 C.F.R. § 303.7(c)(1)

³ K.S.A. 23-36,207(a)

⁴ K.S.A. 23-36,207(b)(1)

⁵ K.S.A. 23-36,207(b)(2)(A)

- If more than 1 tribunal has CEJ and the current home state of the child has not issued a child support order, the most recently issued order must be recognized.¹
- If more than 1 tribunal has issued a child support order and none of the tribunals have CEJ, the Kansas Court shall issue a child support order that is controlling and must be recognized.²

When the Kansas court determines the controlling order or issues a new controlling order, the order shall state:

- The basis for the determination of the controlling order;³
- The amount of prospective child support;⁴ and
- The total amount of consolidated arrears as part of the child support order.⁵

Within 30 days after the Kansas Court determines the controlling order, the party who obtained the order shall file a certified copy of the order in each tribunal that has issued or registered an earlier order.⁶

Forms and Tools

- [Intergovernmental Finance Training](#)
- [Intergovernmental Services Training](#)
- [Preparing a UIFSA](#)
- [UIFSA & CEJ Controlling Order Guide](#)
- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 15: Intergovernmental, Section 9: Determining Continuing, Exclusive Jurisdiction \(CEJ\) and Modification of Support Orders](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 23-36,207(b)(2)(B)

² K.S.A. 23-36,207(b)(3)

³ K.S.A. 23-36,207(f)(1)

⁴ K.S.A. 23-36,207(f)(2)

⁵ K.S.A. 23-36,207(f)(3)

⁶ 45 C.F.R. § 303.7(d)(5)(ii); K.S.A. 23-36,207(g)

CHAPTER 15: INTERGOVERNMENTAL

Section 5: Initiating an Action Under Uniform Interstate Family Support Act (UIFSA)

Version: 1	Effective Date: 1/1/2024
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Background

The process of sending a request to another state for assisting in establishing parentage or establishing or enforcing a child support order is called initiating a case or action under *Uniform Interstate Family Support Act (UIFSA)*.

Policy

Upon determining that it is necessary to initiate a case to a responding jurisdiction, the Title IV-D Office shall initiate and process an intergovernmental request for services within the appropriate federal time frames.¹

Outgoing Intergovernmental Cases

Caseworkers are responsible for identifying Kansas Title IV-D cases in which requesting the assistance of another state in establishment or enforcement action is appropriate. Before an outgoing UIFSA can be sent, the following should be determined:

Determine whether the Non-Custodial Parent is in another jurisdiction and whether it is appropriate to use its one-state remedies to establish parentage and establish, modify, and enforce a support order, including medical support and income withholding.

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental Title IV-D cases

Procedure

Prior to Initiating a Case

In preparing to initiate a case, the Title IV-D Office shall:

- Determine whether there is a child support order(s) in effect;²
 - When there are multiple child support orders, determine in which state the determination of controlling orders should be made;³ and
- Determine whether the NCP is in another jurisdiction and whether one state remedies are appropriate.⁴

Within 20 calendar days of making these determinations and receipt of any additional information needed to proceed on the case, the Title IV-D Office shall:

¹ 45 C.F.R. § 303.7(c)

² 45 C.F.R. § 303.7(c)(1)

³ 45 C.F.R. § 303.7(c)(2)

⁴ 45 C.F.R. § 303.7(c)(3)

- Either ask the appropriate Kansas Court or refer the case to the appropriate State Central Registry for a determination of controlling order;¹ and
- Refer the case to the appropriate State Central Registry, Tribal Title IV-D program, or central authority of a country for action.²

Actions of the Initiating State

Providing Information

The Title IV-D Office shall provide the responding agency with sufficient and accurate information by submitting any necessary documentation required by the responding agency.³

Within 30 calendar days of receipt of a request for additional information, the Title IV-D Office shall provide the responding agency with any necessary additional documentation or notify the responding agency when the information will be provided.⁴

The Title IV-D Office shall notify the responding agency, at least annually and upon request, of what is owed on overdue support.⁵

Enforcement

When Kansas is the initiating State, the Title IV-D office shall submit cases that qualify for federal tax offset to the Office of Child Support Services (OCSS).⁶

The Title IV-D Office is strongly encouraged to send a status request to the responding agency if payments are not being made pursuant to the court order.

Foreign countries may have different enforcement remedies than the United States. Enforcement that requires the cooperation of a foreign country should be handled on a case-by-case basis.

Payment Processing

The initiating state is required to distribute and disburse child support collections pursuant to the federal rules of distribution.⁷

If, as the initiating agency, the Title IV-D Office has closed its case and has not notified the responding agency to also close its case, the initiating agency is required to accept, distribute, and disburse any payment received from the responding agency.⁸

¹ 45 C.F.R. § 303.7(c)(4)(i)

² 45 C.F.R. § 303.7(c)(4)(ii)

³ 45 C.F.R. § 303.7(c)(5)

⁴ 45 C.F.R. § 303.7(c)(6)

⁵ 45 C.F.R. § 303.7(c)(7)

⁶ 45 C.F.R. § 303.7(c)(8)

⁷ 45 C.F.R. § 303.7(c)(10)

⁸ 45 C.F.R. § 303.7(c)(13)

Review and Adjust

The Title IV-D Office shall send a request for a review of a child support order to the responding jurisdiction within 20 calendar days of determining that a review is necessary.¹

When the responding state requests information necessary for the review, the Title IV-D Office shall send necessary documentation within 20 calendar days of receipt of the request.²

Case Closure

The Title IV-D Office shall notify the responding agency that it has closed its case and the basis for case closure within 10 business days of closing the case.³

The Title IV-D Office shall instruct the responding agency to close its case and stop any Income Withholding Order (IWO) or notice the responding agency has sent to an employer.⁴ The Title IV-D Office shall not send an IWO or notice on the case until instructing the responding agency to terminate its IWO to the same or new employer unless an alternative agreement is made between the agencies as to how to proceed.⁵

Forms and Documents

OCSS forms must be used in all intergovernmental cases.⁶ However, Tribal Title IV-D agencies and foreign countries are not required to use OCSS forms. OCSS and the Title IV-D Program have each created an informational forms matrix, linked below in Forms and Tools, to assist the Title IV-D Office in selecting the correct forms to use for each case action.

UIFSA requires that a foreign petition or pleading must “conform substantially” with the federal forms. OCSS, recognizing that foreign countries may use alternative forms, have made agreements with each Foreign Reciprocating Country (FRC) as to which forms and documents the child support agency should send to the FRC when requesting child support action.⁷ Many foreign jurisdictions use the OCSS forms when seeking action by a State Tribunal; however, a Title IV-D agency cannot refuse a case if information is omitted from the forms.

Forms and Tools

- [Intergovernmental Forms Matrix \(OCSE\)](#)
- [Intergovernmental Services PowerPoint](#)
- [Preparing a UIFSA](#)
- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

¹ 45 C.F.R. § 303.7(c)(9)

² 45 C.F.R. § 303.7(c)(9)

³ 45 C.F.R. § 303.7(c)(11)

⁴ 45 C.F.R. § 303.7(c)(12)

⁵ 45 C.F.R. § 303.7(c)(12)

⁶ 45 C.F.R. § 303.7(a)(4)

⁷ 45 C.F.R. § 303.7(a)(4)



Related Information

- [Chapter 13: Payment Processing, Section 3: Distribution and Disbursement of Support Payments Collected](#)

Revision History

Version	Date	Description of Revision
Version 1	11/1/2024	Final Approved Version

CHAPTER 15: INTERGOVERNMENTAL

Section 6: Responding to an Action Under Uniform Interstate Family Support Act (UIFSA)

Version: 1	Effective Date: 1/1/2024
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Background

Communication between states is critical. Whether attempting to obtain the status of a case or updating another state with information, it is important to follow the prescribed lines of communication. The Office of Child Support Services (OCSS) has provided guidance and policy to address many of the issues faced when communicating with other states.

The initiating state is responsible for updating the Custodial Party (CP) with case status; however, there are occasions when the CP will contact the responding state. OCSS policy clearly states this practice is not appropriate.¹ Once the out-of-state CP has contacted Kansas staff, it is appropriate to answer basic questions and then encourage future contact with the initiating state.

Policy

Upon receipt of a request for services from an initiating agency, the Title IV-D Office shall accept and process an intergovernmental request for services within the appropriate federal time frames.

Initiating and responding states must respond to requests received by postal mail, email, fax, CSENet, or phone for a case status review inquiry from the other state, within 5 business days.²

The intergovernmental case is subject to the same casework requirements of an in-state case. Whether the case is located with Central Registry or a local office, the following is required:

- Within 10 business days of locating the Non-Custodial Parent (NCP) in a different state, the responding state agency must return the forms and documentation, including the new location, to the initiating state agency, or, if directed by the initiating state agency, forward/transmit the forms and documentation to the Central Registry in the state where the NCP has been located and notify the responding state's own Central Registry where the case has been sent.³
- Within 10 business days of receiving new information on a case, notify the initiating -state.⁴
- Within 10 business days of receipt of instructions for case closure from an initiating state agency under paragraph (c)(12) of this section, stop the responding state's income withholding order or notice and close the intergovernmental Title IV-D case, unless the two states reach an alternative agreement on how to proceed.⁵
- Within 30 business days of receiving a request, provide any order and payment record information requested by a state Title IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the state Title IV-D agency when the information will be provided.⁶
- Within 75 calendar days of receipt of a referral, the caseworker must:

¹ AT-20-14 Action Transmittal: Interstate Child Support Policy, Questions and Answers, Communication, Question 64 Action Transmittal: Interstate Child Support Policy (hhs.gov); 45 C.F.R. § 303.7

² 45 C.F.R. § 303.7(b)(4)

³ 45 C.F.R. § 303.7(d)(3)

⁴ 45 C.F.R. § 303.7(a)(7)

⁵ 45 C.F.R. § 303.7(c)(11); 45 C.F.R. § 303.7(c)(12); 45 C.F.R. § 308.2(g)(1)(iv); 45 C.F.R. § 303.7(d)(9); 45 C.F.R. § 308.2(g)(2)(vii)

⁶ 45 C.F.R. § 303.7(c)(6); 45 C.F.R. § 308.2(g)(1)(vi)

- Provide location services;¹ and
- Provide the initiating state agency with timely advance notice of any formal hearings which may result in establishment or adjustment of an order.²

Child Support Enforcement Network (CSENet)

Child Support Enforcement Network (CSENet) is a vital communication tool for incoming and outgoing intergovernmental cases. CSENet transactions received from other states generate an electronic notification the caseworker. It is vital that these alerts are treated as a high priority.

Note: Business practices 1300-1 thru 1300-19 cover most of the issues involving CSENet.

- CSENet is the key to intergovernmental case processing. CSENet transactions or referrals have become so automated that they are virtually invisible to the Title IV-D professional.
- CSENet is the Child Support Enforcement Network, a nationwide communications network that transfers child support case data between states.
- CSENet is not a database.
- CSENet, in conjunction with the expanded Federal Parents Locator Service (FPLS), is one of the most useful tools in intergovernmental child support enforcement.
- CSENet uses technology to provide secure network transmissions from state to state. CSENet is a central network management platform which provides for efficient and timely processing of intergovernmental case information.
- CSENet was originally conceived in 1988 to expedite intergovernmental case processing in an automated fashion among all states.
- The primary purpose of CSENet was to overcome the barriers of different system architectures and languages, since each state would have its own unique child support system.
- The initial installation of hardware in states was done in 1992.
- The CSENet host operation is run out of Manassas, Virginia.
- CSENet offers speedier, less costly, more accurate and dependable information exchange between states on intergovernmental cases.
- CSENet serves as a conduit for data transfer between all statewide automated systems - despite differences in system languages, architecture, and hardware structure.
- CSENet communicates standard transactions to request or provide case data or child support services between states.
- CSENet is designed to support state follow-up on Federal Central Registry (FCR) data matches.
- If an FCR proactive match is received, caseworkers should send a Case Information Transaction (CSI) "Request" to the other state from the Outgoing Interstate Information (OINR) Screen for outgoing intergovernmental cases and use the Incoming Interstate Outgoing Information (IIOI) screen to send a transaction on incoming intergovernmental cases for outgoing information, only after the case has been researched and determination has been made that a CSENet transaction is to be sent to the other state;
- The process of automating CSI transactions is generated based on the receipt of an FCR proactive match, where another state has a case on one or more participants on a Kansas case and vice versa. Requests for information will be sent and received on the other state's case and other state will be sending requests for Kansas to provide transactions.

¹ 45 C.F.R. § 303.7(d)(2)(i)

² 45 C.F.R. § 303.7(d)(7)

Ultimately, CSENet can eliminate the need for caseworker intervention on routine information gathering and case processing tasks.

The primary uses of CSENet Communication:

- Information Gathering;
- Quick Locate;
- Case Information (CSI);
- Parentage Establishment;
- Order Establishment;
- Enforcement;
- Collection Information; and
- Case Processing.

There are two basic CSENet Case Information Transaction types:

- Request Information; and
- Provide Information.

The Case Information Transaction (CSI) completes the information loop from the FCR. The FCR simply acts as a speedy and reliable locate source. The CSI Transaction contains FCR data, because that will be the most up-to-date and reliable locate data available on intergovernmental cases.

The CSI transaction allows states to query or provide case information to each other when the FCR has indicated that there is a participant match. This allows for further automated processing on the next intergovernmental case activity.

Currently the process of sending CSI requests to other states is manual. If an FCR proactive match is received, caseworker could send a CSI Request to the other state from the Outgoing Interstate Information (OINR) screen if appropriate.

Since the process of sending a “CSI Provide” to the other state is automated, caseworkers will not know the other state has requested information or that our system provided information to them. The process where information from another state has been requested will be automated as well and the system will create a batch run after receiving FCR proactive matches.

CSENet Transaction Types

- L01 Quick Locate
- PAT Paternity Establishment
- EST Order Establishment
- ENF Enforcement
- COL Collection
- MSC Miscellaneous
- CSI Case Information

For each transaction type, there are standard format transactions. The combination of codes determines whether a CSENet transaction is valid. There must be an accurate function and reason combination for a valid CSENet transaction to be permitted for state-to-state communication.

Note: If the case number for the other state is not the current, correct case number, the CSENet transaction may be rejected by the other state or the worker in the other state may not receive the transaction correctly.

The expansion of the FPLS ushers in two of the most useful resources on the national level in the history of the child support program: The National Directory of New Hires (NDNH) and the FCR.

Without CSENet, the NDNH and FCR would be powerful databases, but states could not quickly (or automatically) exchange the data that they receive from these databases. CSENet is the data transmitter that will allow each state to exchange information with every other state.

In the future, when all statewide automated systems are fully functional and operating with direct interfaces to CSENet, intergovernmental information exchange and (many aspects of) case processing will be invisible to the caseworker, because they will happen automatically and quickly. Caseworker intervention will be practically unnecessary, and the caseworker will be free to concentrate on the child support tasks that need human intelligence.

The caseworker can also expect to see a lot more direct wage withholding activity as a result of the NDNH. When NCPs are known to be employed, and the employer's name and address are easily accessible, withholding orders across state lines will increase.

Child Support Portal

The Child Support Portal is a secured internet application that provides real-time access to FPLS data. All state child support agencies can access the portal. Kansas CSS Administration determines who has access to the various applications within the Child Support Portal.

The benefits of using the Child Support Portal are:

- Information can be requested as frequently as needed without relying on the statewide child support system (KAECSSES) to generate actions.
- Some applications have more functionality. For example, the Federal Offset Program and Passport Denial Applications have improved update capabilities from the previous TSO Application.
- Some information is only available on the portal, for example, DoD Entitlement.
- Caseworkers may immediately receive new hire, quarterly wage and unemployment data from the National Directory of New Hires (NDNH) for Title IV-D case participants.
- Caseworkers can obtain information about NCPs in Kansas who are eligible to receive lump sum and other payouts from employers and insurers.
- Caseworkers can view case activity and financial data from another state in real time.

The applications contained within the Child Support Portal are:

- Locate;
- Department of Defense (DoD) Entitlement;
- Debt Inquiry;
- Employer Search;
- Federal Collections and Enforcement;
- Intergovernmental Reference Guide (IRG);
- Query Interstate Cases for Kids (QUICK); and
- Electronic Document Exchange (EDE).
- Communication Center.

Locate

The Child Support Services Portal

Locate application gives states access to the following:

FPLS locate sources:

- National Directory of New Hires (NDNH);
- Department of Defense (DoD);
- Federal Bureau of Investigation (FBI);
- Internal Revenue Service (IRS);
- Social Security Administration (SSA);
- Department of Veterans Affairs (VA); and
- Department of Defense (DoD) Entitlement.
 - The DoD Entitlement application provides monthly base pay, bonus and entitlement pay information. This income information lets you fairly and uniformly establishes and modifies child support orders for active-duty military members and reservists based upon your state's guidelines. Using the application should decrease costly and time-consuming requests for financial information to DoD and service members in addition to significantly reducing the need for court hearings.

Debt Inquiry

The Debt Inquiry Service application allows insurance companies to notify state agencies about payments being made before they occur.

Employer Search

The Employer Search Application provides a centralized location to obtain information about those employers that accept Electronic Income Withholding Orders (e-IWO).

Federal Collection and Enforcement -Federal Offset Program and Passport Denial

The Federal Collection and Enforcement Application allows expanded access and update capability to case information that is maintained in OCSS's Debtor File. Only the Title IV-D Programs' Administration Office staff have full access to this application. There are select SS field staff who have view only access to this this application.

This application will provide a single process for submitting and updating cases to the Debtor File for Federal Offset (FO), Passport Denial (PPD), Multistate Financial Institution Data Match (MSFIDM), and Insurance Match (IM).

Query Interstate Cases for Kids

Query Interstate Cases for Kids (QUICK) is an electronic communication tool used by Title IV-D agencies to improve the quality and timeliness of intergovernmental case processing and customer service responses. This internet-based application allows an authorized user to view case data from another state in real time.

The Financial Module presents financial and basic case data. The Case Activities Module provides business actions taken by the other state, including locate, paternity, order establishment and enforcement activities, as well as case status and contact information for the worker in the other state.

Intergovernmental Reference Guide

The Intergovernmental Reference Guide can be used for obtaining information on other states child support policies, procedures, agency contact information and location codes for states, tribes, and international countries.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [C.F.R. 45 § 308.2](#): Required program compliance criteria

- [AT-20-14 Action Transmittal](#): Interstate Child Support Policy

Procedure

Receipt of an Intergovernmental Case

Central Registry (CR)

All new Title IV-D Uniform Interstate Family Support Act (UIFSA) cases from another state or country are first processed by the CR. Within 10 business days of receiving the packet, CRU:

- Reviews the UIFSA packet to determine completeness;¹ and
- Create a new intergovernmental case, if the case does not currently exist, reopen, or tie referral to the existing case; and
- Updates the Incoming Interstate Manual Conversion (IIMC) screen; and
- Acknowledge receipt of the case and request any additional documents or information needed;² and
- Notifies the initiating agency where the UIFSA packet has been sent for further processing.³

Note: If two or more states are involved in a case, a separate IIMC screen must be completed for each state.

CR determines which Title IV-D Office to send the UIFSA packet to by reviewing KAECSSES to determine if a Kansas court order exists for the case. If a Kansas court order exists, CR forwards the UIFSA packet to the Title IV-D Office in that county. If a Kansas court order does not exist, CR reviews the UIFSA packet to determine the location of the party in Kansas and forwards the UIFSA packet to the Title IV-D Office in that county.

Title IV-D Office

Within 75 calendar days of CRU's receipt of an intergovernmental request, the Title IV-D Office shall:

- Provide location services if the UIFSA packet does not include adequate location information for the Non-Custodial Parent (NCP);⁴
- If unable to proceed with the case because of a lack of information, notify the initiating agency of the need for additional information;⁵ and
- If the documentation is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending receipt of additional information from the initiating agency.⁶

Actions of the Responding State

Locating the NCP

The locate procedures of Chapter 8: Parent Locate also apply to locate activities in intergovernmental cases.

Within 10 business days of locating the NCP in a different state, the Title IV-D Office must either:

¹ 45 C.F.R. § 303.7(b)(2)(i)

² 45 C.F.R. § 303.7(b)(2)(iii)

³ 45 C.F.R. § 303.7(b)(2)(iv)

⁴ 45 C.F.R. § 303.7(d)(2)(i)

⁵ 45 C.F.R. § 303.7(d)(2)(ii)

⁶ 45 C.F.R. § 303.7(d)(2)(iii)

- Return the UIFSA packet, including the new location information, to the initiating agency;¹ or
- If directed by the initiating agency, forward the UIFSA packet to the Central Registry in the state where the NCP has been located.²

Within 10 business days of locating the NCP in a different Kansas county and there is not a Kansas court order, the Title IV-D Office shall:

- Forward the UIFSA packet, to the Title IV-D Office where the NCP has been located;³
- Notify the initiating agency;⁴

Determination of Controlling Order

If the request is for a determination of controlling order, the Title IV-D Office shall file the petition within 30 calendar days of receipt of the request or of locating the NCP.⁵ Within 30 calendar days of receipt of the court order determining the controlling order, the Title IV-D Office shall notify the initiating agency, the controlling order state, and any state where the order was issued or registered.⁶

Provide Title IV-D Services

The Title IV-D Office shall provide services to an intergovernmental case in the same manner as in an intrastate case.⁷ These services include:

- Establishing parentage;⁸
- Establishing a child support order;⁹
- Enforcing a child support order;¹⁰
- Collecting, monitoring, and forwarding child support payments;¹¹ and
- Reviewing and adjusting child support orders.¹²

Case Closure

Within 10 business days of receiving a request for case closure from the initiating agency, the Title IV-D Office shall stop any income withholding order and close the Title IV-D case unless the Title IV-D Office and initiating agency have an alternate agreement on how to proceed on the case.¹³

¹ 45 C.F.R. § 303.7(d)(3)

² 45 C.F.R. § 303.7(d)(3)

³ 45 C.F.R. § 303.7(d)(4);

⁴ 45 C.F.R. § 303.7(d)(4)

⁵ 45 C.F.R. § 303.7(d)(5)(i)

⁶ 45 C.F.R. § 303.7(d)(5)(ii)

⁷ 42 U.S.C. § 654(6)(a); 45 C.F.R. § 303.7(d)(6)

⁸ 45 C.F.R. § 303.7(d)(6)(i)

⁹ 45 C.F.R. § 303.7(d)(6)(ii)

¹⁰ 45 C.F.R. § 303.7(d)(6)(iv)

¹¹ 45 C.F.R. § 303.7(d)(6)(v)

¹² 45 C.F.R. § 303.7(d)(6)(vi)

¹³ 45 C.F.R. § 303.7(d)(9)

Forms and Documents

OCSS forms must be used in all intergovernmental cases.¹ However, Tribal Title IV-D agencies and foreign countries are not required to use OCSS forms. OCSS has created an informational forms matrix, linked below in Forms and Tools, to assist the Title IV-D Office in selecting the correct forms to use for each case action.

UIFSA requires that a foreign petition or pleading must “conform substantially” with the federal forms. OCSS, recognizing that foreign countries may use alternative forms, have made agreements with each foreign reciprocating country (FRC) as to which forms and documents the child support agency should send to the FRC when requesting child support action.² Many foreign jurisdictions use the OCSS forms when seeking action by a State Tribunal; however, a Title IV-D agency cannot refuse a case if information is omitted from the forms.

Forms and Tools

- <http://www.acf.hhs.gov/programs/cse/newhire/csetnet/contacts/csetnet.htm>
- [Intergovernmental Services PowerPoint](#)
- [Intergovernmental Forms Matrix](#) (OCSE)
- [Preparing a UIFSA](#)
- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 7: Inter-County Cases, Section 2: Inter-County Case Initiation and Processing](#)
- [Chapter 8: Parent Locate](#)
- [Chapter 15: Intergovernmental, Section 4: Controlling Order](#)
- [Chapter 16: Case Closure](#)
- [Business Practices 1300](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 303.7(a)(4)

² 45 C.F.R. § 303.7(a)(4)

CHAPTER 15: INTERGOVERNMENTAL

Section 7: Establishing Parentage or a Child Support Order

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Establishment of Parentage/Support Obligations Procedures

Incoming intergovernmental parentage and establishment cases are handled much like Kansas cases. After the orders are established, state policy should be followed regarding debts, NOA's, Child Paternity Maintenance (CPAT) and enforcement referrals.

Care should be taken to ensure the place of birth of the child is accurate and added on the Child Details (CHDS) screen. Kansas Vital Statistics should be checked so the CPAT screen can be completed accurately. The place of birth of the child is not always provided by the other state on establishment cases.

Parentage and establishment cases involving Non-Custodial Parents (NCPs) in prison should be referred for both paternity and establishment. Kansas courts vary regarding establishing orders if NCPs are in prison. Title IV-D Office attorneys will know the local court rules and can determine if it is appropriate to request establishment of a child support order in these situations.

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases.
- [K.S.A. 23-36,204](#): Simultaneous proceedings.
- [K.S.A. 23-36,316](#): Special rules of evidence and procedure.
- [K.S.A. 23-36,401](#): Establishment of support order.

Procedure

Within 20 days of receiving an incoming intergovernmental case from Central Registry, caseworker must do the following:

- Check Person Program Maintenance Screen (PEPR) to ensure the correct programs are showing;
 - No Kansas programs should be showing.
 - If there are Kansas programs;
 - Check status of those programs in Kansas Eligibility Enforcement System (KEES);
 - Reach out to Custodial Party (CP);
 - Does the CP need to request closure of the Kansas child support case or assistance case.
 - Determine if the case needs to be open in both states;
 - If this cannot be resolved, send a request to finance for a workaround.
- Complete a case review using the Case Review Menu Screen (CRME) screen;
- Determine if all documentation is included in the packet; and
 - If not, follow up with the initiating state for needed documentation.

- If all documentation is received, determine if the case belongs to establishment or enforcement and make an appropriate referral.
- Document all actions on Case List Narrative Screen (CSLN).

Appearance of Out-of-State Party

The physical presence of a party who resides in another state shall not be required at a hearing.¹ Kansas shall permit an out-of-state party to be deposed or testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated Tribunal or another location.² Kansas must cooperate with other Tribunals to designate an appropriate location in Kansas for deposition or testimony.³

Notice to Other State

The Title IV-D Office shall provide timely notice to the initiating agency in advance of any hearing that may result in establishment of an order.⁴

Orders

The Court may issue a child support order if the Court determines that such an order is appropriate, and the individual ordered to pay is:

- A presumed father of the child;⁵
- Petitioning to establish the individual's parentage;⁶
- Identified as the father of the child through genetic testing;⁷
- An alleged father who has declined to submit to genetic testing;⁸
- Shown by clear and convincing evidence to be the father of the child;⁹
- An acknowledged father of the child;¹⁰
- The mother of the child;¹¹ or
- An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.¹²

Simultaneous Proceedings

If a pleading to establish support is filed in another state or foreign country and then subsequently filed in Kansas, the Kansas Court may exercise jurisdiction only if:

- The pleading in Kansas is filed prior to the expiration of time for a responsive pleading to be filed challenging the jurisdiction of the other state or foreign country;¹³

¹ K.S.A. 23-36,316(a)

² K.S.A. 23-36,316(f)

³ K.S.A. 23-36,316(f)

⁴ 45 C.F.R. § 303.7(d)(7)

⁵ K.S.A. 23-36,401(b)(1)

⁶ K.S.A. 23-36,401(b)(2)

⁷ K.S.A. 23-36,401(b)(3)

⁸ K.S.A. 23-36,401(b)(4)

⁹ K.S.A. 23-36,401(b)(5)

¹⁰ K.S.A. 23-36,401(b)(6)

¹¹ K.S.A. 23-36,401(b)(7)

¹² K.S.A. 23-36,401(b)(8)

¹³ K.S.A. 23-36,204(a)(1)

- The contesting party timely challenges the jurisdiction of the other state or foreign country;¹ and
- Kansas is the home state of the child.²

If a pleading to establish support is filed in Kansas and then subsequently filed in another state or foreign country, the Kansas Court may not exercise jurisdiction if:

- The pleading filed in another state or foreign country is filed prior to the expiration of time for a responsive pleading to be filed challenging the jurisdiction of the Kansas Court;³
- The contesting party timely challenges the jurisdiction of Kansas;⁴ and
- The other state or foreign country is the home state of the child.⁵

Forms and Tools

- <http://www.acf.hhs.gov/programs/cse/newhire/csenet/contacts/csenet.htm>
- [Intergovernmental Services PowerPoint](#)
- [Intergovernmental Forms Matrix](#) (OCSE)
- [Preparing a UIFSA](#)
- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 9: Establishing Parentage](#)
- [Chapter 10: Child Support Order Establishment](#)
- [Chapter 14: Intergovernmental, Section 5: Initiating an Action Under UIFSA](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 23-36,204(a)(2)

² K.S.A. 23-36,204(a)(3)

³ K.S.A. 23-36,204(b)(1)

⁴ K.S.A. 23-36,204(b)(2)

⁵ K.S.A. 23-36,204(b)(3)

CHAPTER 15: INTERGOVERNMENTAL

Section 8: Enforcing a Child Support Order

Version: 1	Effective Date: 1/1/2024
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Background

Under the Uniform Interstate Family Support Act (UIFSA), orders issued by a tribunal may be enforced in any jurisdiction where the respondent resides, earns income, or has property. Some of the processes for enforcement actions require registration of the order in the state for enforcement while others do not.

Policy

Enforcing Another State's Child Support Order Without Registration

The Title IV-D agency may enforce a child support order with a direct Income Withholding Order (IWO). If the Non-Custodial Parent (NCP) does not contest enforcement, no registration is required.¹ An IWO may be sent directly to an NCP's employer in another state without the order first being registered in that state.² The employer must comply with IWOs sent by other states and may reply to IWOs sent by foreign countries.³ A tribal employer is not required to honor an IWO sent by another state. If the tribal employer does not honor the IWO, the state must initiate a UIFSA to the tribe for enforcement.

Registering Another State's Child Support Order for Enforcement

A child support order or an IWO issued by another tribunal may be registered in Kansas for enforcement.⁴ If there is no challenge to the registered order, Kansas must give full faith and credit to the order.⁵

The law of the state that issued the registered order governs interpretation of the order, including the support amount and the duration of support.⁶ Kansas will apply its statute of limitations or that of the issuing state, whichever is longer, in a proceeding for arrears under a registered support order.⁷ If a child support order from another state is registered for enforcement in Kansas, the Kansas tribunal may enforce the order, but may not modify the order if it does not have continuing exclusive jurisdiction.⁸ A registered order of another jurisdiction is enforceable in the same way as an order of Kansas.⁹

When an out of state order is registered in Kansas and modified, the child support accrual will follow Kansas guidelines, but the age of majority will remain that of the originating state.

¹ K.S.A. 23-36,507

² K.S.A. 23-36,501

³ K.S.A. 23-36,502

⁴ K.S.A. 23-36,601

⁵ 28 U.S.C. § 1738b(a)(1)

⁶ K.S.A. 23-36,604(a)

⁷ K.S.A. 23-36,604(b)

⁸ K.S.A. 23-36,205(d); K.S.A. 23-36,603(c)

⁹ K.S.A. 23-36,603(b)

Registering a Convention Country's Child Support Order for Enforcement

If a party is seeking recognition of an order issued by a Convention Country, the party is required to register the order in the same manner as other UIFSA orders.¹

A request for registration of a Convention Support Order may include a request for recognition and partial enforcement of the order.² If a Kansas Court does not recognize and enforce a Convention Support Order in its entirety, the Court shall enforce any part of the order that is severable.³

Cases Retained by Central Registry

There are situations when it is appropriate for Central Registry not to refer or assign the case to the Title IV-D Office.

Request for Change of Support Payment Location

Request for Change of Support Payment Location Pursuant to UIFSA §319 (UIFSA 319) notices are requests from other states to change the payment location to their state.⁴ If a UIFSA §319 is the only action requested on the Child Support Enforcement Transmittal #1 – Initial Request, Kansas does not consider them an intergovernmental case and is not opened on the system.

Request for Change of Support Payment Location Pursuant to UIFSA §319 can influence existing Kansas cases and existing incoming intergovernmental cases. Adjustments to our system may be required to properly disburse payments. The Kansas Payment Center (KPC) must be notified of the UIFSA §319 notice to properly code the case.

Unemployment Only Compensation Cases

Improved location information provides other states with more updated information about an NCP drawing unemployment benefit in Kansas. As a result, more states request Kansas to offset unemployment. If the NCP is living in another state, offset is the only action Kansas can take.

Unemployment withholding does not require registration of another state's order. To withhold benefits, Kansas requires:

- Completed transmittal # 1;
- Personal Information Form;
- Confidentiality Form;
- Copy of the court order (certified copy is not required);
- Arrearage calculation; and
- Copy of IWO.

The case must be set up on the statewide child support system (KAECSES) and will be assigned and worked by the Title IV-D Administration Office (office 21). KAECSES will certify the case for unemployment withholding and intercept available unemployment benefits, which will be sent to the other state.

The Title IV-D Administration Office will handle any appeals. Typically, the case is closed 90 days after the last benefits have been intercepted. If the NCP frequently is on and off unemployment, the 90-day rule can be extended. It is

¹ K.S.A. 23-36,706

² K.S.A. 23-36,706(c)

³ K.S.A. 23-36,709

⁴ K.S.A. 23-36,319

important to note in the narrative that the case is an “unemployment offset only” case. Before closing the case, intergovernmental staff will contact the initiating state to ensure no other action is requested.

Screening Incoming Intergovernmental Referrals

UIFSA requires initiating states to provide the address and Social Security Numbers for the Custodial Party (CP). The address for the CP is not entered on the address (ADDR) screen if it is an incoming intergovernmental case, except for when Kansas has other non-intergovernmental cases with the CP, which has a different role (e.g. NCP) or where CP requested direct services from the Kansas Title IV-D agency.

If the only case the CP has is the one that is turning into an incoming intergovernmental case, then the address must be end-dated.

Central Registry cannot reject cases due to insufficient information or documents. A case must be set up on KAECSSES and the initiating state must be given 60 days to correct the problem. After 60 days the case can be closed if the initiating state has not provided the requested documents. Central Registry cannot reject a case if the NCP is on Temporary Assistance for Needy Families (TANF) even though no enforcement action can be taken.

Central Registry cannot reject cases because the initiating state could, but declined to, act directly. This includes cases where the NCP is active military, receiving Social Security Disability or the action could be completed by the other state using long arm. It is suggested that the initiating state be contacted to ensure they are aware that the NCP is active military or receives Social Security benefits.

References

- [28 U.S.C. § 1738B](#): Full faith and credit for child support orders act
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [K.S.A. 23-36,205](#): Continuing, exclusive jurisdiction to modify child support order
- [K.S.A. 23-36,209](#): Credit for payments
- [K.S.A. 23-36,319](#): Receipt and disbursement of payments
- [K.S.A. 23-36,501](#): Employer’s receipt of income withholding order of another state
- [K.S.A. 23-36,502](#): Employer’s compliance with income withholding order of another state
- [K.S.A. 23-36,507](#): Administrative enforcement of orders
- [K.S.A. 23-36,601](#): Registration of order for enforcement
- [K.S.A. 23-36,602](#): Procedure to register order for enforcement
- [K.S.A. 23-36,603](#): Effect of registration for enforcement
- [K.S.A. 23-36,604](#): Choice of law
- [K.S.A. 23-36,605](#): Notice of registration of order
- [K.S.A. 23-36,607](#): Contest of registration or enforcement
- [K.S.A. 23-36,706](#): Registration of convention support order
- [K.S.A. 23-36,707](#): Contest of registered convention support order
- [K.S.A. 23-36,708](#): Recognition and enforcement of registered convention support order
- [K.S.A. 23-36,709](#): Partial enforcement
- [Final Rule: Provision of Services in Interstate IV-D Cases](#)
- [Intergovernmental Reference Guide \(IRG\)](#)

Procedure

PROCESSING INCOMING INTERGOVERNMENTAL REFERRALS

Central Registry receives intergovernmental referrals in the following ways:

- UIFSA packet received by postal mail, fax or email;
 - Paper referrals can be received from all states. Foreign countries are not part of CSENet and Electronic Document Exchange (EDE) so paper referrals must be made.
- Electronic Document Exchange (EDE) Referrals;
 - Central Registry receives electronic referrals through the EDE on the Child Support Portal. Other states that use EDE can send incoming referrals through EDE. EDE is reviewed by Central Registry every working day and packets received through EDE are processed the same way as manual referrals.
 - Kansas does not require that paper documentation be sent in addition to receiving packets through EDE.
- CSENet Referrals
 - Central Registry receives electronic referrals through CSENet.
 - If a referral is received by CSENet, there must be an accompanying packet either through postal mail, fax, email, or EDE. Kansas cannot proceed with case until the packet has been received.

Within 10 business days of receiving an incoming intergovernmental case, Central Registry must:

- Review the documentation submitted for completeness.¹ (See Required Documents for Incoming Cases section below for a complete list.);
- Create a new intergovernmental case, if case does not currently exist, reopen or tie referral to existing case;
- Update Incoming Interstate Manual Conversion (IIMC) screen;
 - The IIMC screen must always be completed by the Central Registry. It holds key information used in identifying the other states case number, State Disbursement Unit (SDU) address and contact information. It is also the trigger for the system to identify the case as an incoming intergovernmental case or a duplicate case. The other state's case number is on the IIMC screen, and this number must be used to properly obligate intergovernmental debts.
- The following fields must be updated on IIMC:
 - Initiating State;
 - Country;
 - Initiating Case #;
 - This is the other states IV-D number and is the number that will be used on Maintain Accruing Obligation (OACC) and/or Maintain Non-Accruing Obligation (ONAC) when setting up the debts for the other state. The other states case number is always provided to us by the initiating state when they send us the transmittal.
 - Initiating Case Program;
 - Shows the incoming intergovernmental program code. It can be AFI, NAI, FCI, or MAI.
 - Duplicate Case;
 - Field with a 'Y' indicates the case is a duplicate.
 - Contact Person; and
 - This is the contact information that is shown on the transmittal for the person to contact in the initiating state about this case.
 - Pay To.

¹ 45 C.F.R. § 303.7(b)(2)

- This is the payment address where the other state has asked Kansas to send payments. This will be the other state's SDU or court address.
- Update Child Paternity Maintenance (CPAT) screen for each child;
- Update Address (ADDR) screen for NCP;
- Check Person Program Maintenance (PEPR) screen;
 - PEPR must show NAI, MAI, AFI or FCI (based on initiating case program type).
- Assigns the case to the appropriate caseworker; and
 - Case will be assigned based on the NCP's address or work location in Kansas.
- Sends the UIFSA packet through the EDE and sends all certified documents to the appropriate Title IV-D Office.
 - If the packet is missing information or has the incorrect information, then 2 forms of communication will be made. An acknowledgement is sent to the initiating state advising what is missing and/or incorrect and as well as a CSENet, phone call, or email. The caseworker will follow-up with the initiating state for the missing information. This acknowledgement will also include where the case was sent for action (the caseworker information) and the Kansas case number.
 - If no additional information is necessary, an acknowledge is sent with information about where the case was sent for action (the caseworker information) and Kansas case number.
- Document all actions on CSLN screen.

SETTING UP INCOMING INTERGOVERNMENTAL CASES IN KAECSSES

Cases with Kansas Orders

To ensure accuracy of arrearages, the caseworker must recognize that other states may handle situations such as dormancy and emancipation differently than Kansas. For example, Kansas is one of the few states that automatically pro-rates child support when one child emancipates unless otherwise stated in the court order. Dormancy laws should also be reviewed as Kansas dormancy laws are unique. The KPC pay record should be checked to determine if the other state has included all payments in their calculation. The caseworker should complete their own calculation on cases with Kansas orders before setting up obligations.

Duplicate Cases

A duplicate case exists when Kansas and another state both have an open Title IV-D case with the same family. There must be TANF involvement from at least one of the states for the case to be considered a duplicate. The case must involve the same NCP and at least one of the children from the Kansas case. The CP does not have to be the same.

Central Registry Responsibilities on Duplicate Cases

Central Registry staff are responsible for setting up duplicate cases and taking the following steps:

- Determine if a new incoming case meets the criteria to be considered a duplicate;
 - If it is a duplicate, complete the IIMC screen.
 - The case will not be marked as a duplicate on the IIMC screen by Central Registry staff.
- Check PEPR screen to ensure Kansas does not have mandatory programs open for the child(ren);
- Document actions on CSLN screen;
- Forward packet to correct Title IV-D Office.
 - Cases that are considered duplicates will be sent to caseworker already assigned to the case.
 - UIFSA packet is sent through EDE.
 - If certified orders are included, packet will be mailed out to assigned caseworker.
 - The cover sheet and/or case narrative will have a note informing there is a current open case.
 - Central Registry will verify address for NCP if:
 - Last verified address from foreign jurisdiction (FJ) is greater than 60 calendar days; or
 - If there is no date verified; or

- Address provided by FJ is different than what appears on ADDR screen. If this happens, Postmaster Letters will be sent to both addresses for verification.
- Central Registry will **not** verify employers on duplicate cases.

Title IV-D Office Responsibilities on Duplicate Cases

Within 20 days of receiving the UIFSA packet from Central Registry, the caseworker must complete the following:

- Annual Case Review, using Case Review Menu (CRME); and
- Request to Finance Department to set up the interstate debts;
 - This includes verifying TANF dates with the other state if it is not included in the packet.
 - Retro processing collections must be prevented on duplicates. Often this will require coordination with the other state.
 - See Finance Procedure Section.
- Determine legal status;
- Complete Legal Request (LGRQ), as necessary; and
- Document actions on CSLN screen.

Cases with Out-of-State Orders

Intergovernmental staff will open the case on the system and assign to the appropriate caseworker who will be responsible for setting up and obligating the out of state orders. An NOA1 must be added to the system so that the KPC will show the court order as Title IV-D in case payments are received in Kansas. However, the NOA1 should NOT be sent to the other state for filing. Simply create the NOA1 legal action and put in today's date as the filed-stamped date. Once the order is fully registered, the caseworker will need to use the 'one in the same procedures' to shut down the obligation under the out of state order and set up the Kansas order on the system.

Age of emancipation varies between states. The IRG should be used to determine the emancipation laws for the state that issued the order.¹ Unlike Kansas, most states do not reduce support as each child emancipates. Care should be taken to determine when obligating out of state orders to conform to that state's law.

Multi-State Court Orders

Multiple state cases (2 or more states involved) are not considered duplicates as there is no Kansas involvement.

Example: CP received TANF in Oklahoma and Missouri. Both states are asking for enforcement of arrears only. There will be 2 separate IIMC screens, one for Oklahoma and one for Missouri.

In addition, two separate arrears judgements (AJ's) would be obligated. If both states are claiming the same TANF time frames, the first state to send Kansas the case will receive the "contested" arrears. The second state will have to contact the first state to resolve the issue.

Multi-state cases can be identified on Case Details (CADS) screen by the "interstate field". There is no indicator on IIMC. If using IIMC, enter a case number on the IIMC and it will take the user to the Interstate Request History (IREQ) screen.

This lets the user know if this is a multi-state case. Select the state and PF9. This takes the user to the appropriate IIMC screen for that state.

¹ Intergovernmental Reference Guide (IRG)

Enforcement Procedures

The out-of-state order will be registered in Kansas for the purposes of enforcement. It is expected that the out-of-state order is obligated in KAECSES during the time Kansas is working on getting the order registered for enforcement. When the registered order is filed, the debt on the out-of-state order should be closed.

Registering an Out-of-State Court Order

Once order has been registered in Kansas and Journal Entry and IWO has been loaded on Legal Action (LACT) screen with the new Kansas court order number then a request to finance must be sent for obligation of debts and NOA for “one in the same procedures”. See Establishment Section for one in the same instructions.

Administrative Enforcement

Listed below are administrative actions and how incoming intergovernmental cases are involved:

Action	Kansas as Initiating State	Kansas as Responding State
US Treasury Offset	✓	
FDSO	✓	
Passport Denial	✓	
Credit Bureau Reporting		✓
SDSO		✓
KDWPT		✓
KDMV		✓

All outgoing intergovernmental obligations must be manually exempted from Credit Reporting on KAECSES. When the outgoing intergovernmental portion of the case is closed, the exemption must be removed. Adding and removing exemptions is a Finance Unit function.

Contesting the Enforcement of an IWO Issued Without Registration

An NCP in Kansas may contest the validity of an IWO issued in another state by registering the order in Kansas.¹ The obligor shall give notice of the contest to:

- The Title IV-D agency providing services to the CP;
- Each income payor that has directly received an IWO relating to the NCP; and
- The person designated to receive payments in the IWO, or if a person is not designated, the CP.

¹ K.S.A. 23-36,506

Contest of Registration

If a non-registering party wants to contest the validity or enforcement of a registered child support order, the party must request a hearing within 20 calendar days after notice¹ unless it is a Convention Support Order. The party contesting the order has the burden to prove:

- The issuing tribunal lacked personal jurisdiction over the contesting party;²
- The order was obtained by fraud;³
- The order has been vacated, suspended, or modified by a later order;⁴
- The issuing tribunal has stayed the order pending appeal;⁵
- There is a defense under Kansas law to the remedy sought;⁶
- Full or partial payment has been made;⁷
- The statute of limitation precludes enforcement of some or all of the alleged arrears;⁸ or
- The alleged controlling order is not the controlling order.⁹

A party who wishes to contest a Convention Country's Support Order is required to file the contest within 30 days after receiving notice of the registration if he or she resides in the United States (US) or within 60 days after receiving notice if he or she does not live in the US.¹⁰ The order is enforceable if the party who did not request the registration fails to timely contest.¹¹

If the party fully or partially proves 1 of the defenses, a tribunal may:

- Stay enforcement of a registered support order;
- Continue the proceeding to permit production of additional relevant evidence; or
- Issue other appropriate orders.¹²

If any part of the registered support order is uncontested it may be enforced by all remedies available under Kansas law.¹³

Assessing Payment on Arrears

In addition to ongoing support, the Kansas Court can assess a payment on arrears determined to be due and owing.¹⁴

Effect of Registering an Order on the Status of the Controlling Order

- Registering an order does not change which order is the controlling order.¹⁵

¹ K.S.A. 23-36,605(b)(2)

² K.S.A. 23-36,607(a)(1)

³ K.S.A. 23-36,607(a)(2)

⁴ K.S.A. 23-36,607(a)(3)

⁵ K.S.A. 23-36,607(a)(4)

⁶ K.S.A. 23-36,607(a)(5)

⁷ K.S.A. 23-36,607(a)(6)

⁸ K.S.A. 23-36,607(a)(7)

⁹ K.S.A. 23-36,607(a)(8)

¹⁰ K.S.A. 23-36,707(b)

¹¹ K.S.A. 23-36,707(c)

¹² K.S.A. 23-36,708

¹³ K.S.A. 23-36,709

¹⁴ K.S.A. 23-36,209

¹⁵ K.S.A. 23-36,601

- When an order is registered in Kansas, the order may be assigned a Kansas case number. This does not change the status of the controlling order.¹
- When an order is registered for purposes of enforcement only, it is likely that Kansas will not be the Continuing, Exclusive Jurisdiction (CEJ) State.²
- When an order is registered for modification purposes, CEJ is only changed when a Court issues an order indicating such.³

Forms and Tools

- <http://www.acf.hhs.gov/programs/cse/newhire/csenet/contacts/csenet.htm>
- [Intergovernmental Services PowerPoint](#)
- [Intergovernmental Forms Matrix](#) (OCSE)
- [Preparing a UIFSA](#)
- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 11: Enforcement](#)
- [Chapter 15: Intergovernmental, Section 4: Controlling Order](#)
- [Chapter 15: Intergovernmental, Section 9: Determining Continuing, Exclusive Jurisdiction and Modification of Orders](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 23-36,602

² K.S.A. 23-36,603

³ K.S.A. 23-36,205

CHAPTER 15: INTERGOVERNMENTAL

Section 9: Determining Continuing, Exclusive Jurisdiction (CEJ) and Modification of Support Orders

Version: 1	Effective Date: 1/1/2024
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Background

With limited exception, the state that issued the controlling order is the only state with authority to modify its order as long as one of the parties or the child(ren) remains in the state. This is because the state that issued the order has continuing, exclusive jurisdiction (CEJ) over its order.

Policy

When a tribunal exercises CEJ to modify a child support order, the tribunal applies the child support guidelines in effect in the tribunal's jurisdiction.¹

All intergovernmental requests for modifications require a Uniform Interstate Family Support Act (UIFSA) petition. The state with the legal authority to adjust the order must conduct the review and adjust the order if appropriate. However, the initiating state is responsible for making the request to the responding state.²

If Kansas has registered an out-of-state order and that original order is later modified in the initiating state, in effect the Kansas registered order has also been modified, the attorney must file a copy of the modified order with the Clerk of District Court in Kansas where the order is registered. A new registration process is not required.

Modification Only Requests

Custodial Party (CP) Modifications

A CP can request a modification only case with the IV-D program in their state. If there is no existing IV-D case in Kansas, a case will be opened to complete the action. After the modification has been completed, the caseworker must provide the initiating state with a copy of the modification and a closure notice. No obligations will be set up on the system and the case must be closed.

Non-Custodial Parent (NCP) Modifications

An NCP can request a modification of the order with the IV-D program in their state. These requests can be made through Central Registry at another state's request or from an NCP directly. Determination of jurisdiction must be made in order to modify per UIFSA.³ The case should be closed once the modification has been completed as an NCP cannot make an assignment of support rights for the CP. No obligations will be set up on the system and the case must be closed.

¹ 45 C.F.R. § 303.4(b); 45 C.F.R. § 303.7(d)(6)(ii); K.S.A. 23-36,303(b)

² K.S.A. 23-36,304

³ K.S.A. 23-36,205

References

- [45 C.F.R. § 303.4](#): Establishment of support obligations
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [K.S.A. 23-36,205](#): Continuing, exclusive jurisdiction to modify child support order
- [K.S.A. 23-36,303](#): Application of law of state
- [K.S.A. 23-36,304](#): Duties of initiating tribunal
- [K.S.A. 23-36,611](#): Modification of child support order of another state
- [K.S.A. 23-36,613](#): Jurisdiction to modify child support order of another state when individual parties reside in this state
- [K.S.A. 23-36,615](#): Jurisdiction to modify child support order of foreign country
- [K.S.A. 23-36,711](#): Modification of convention child support order

Procedure

When a Kansas Court Has CEJ Over a Kansas Issued Order

A Kansas Court that has issued a child support order shall exercise CEJ to modify its child support order if the order is the controlling order and:

- Kansas is the residence of the NCP, CP, or child(ren) at the time of the filing of the request for modification;¹ or
- Kansas is not the residence of the NCP, CP, or child(ren) at the time of the filing of the request for modification but the party's consent to the Kansas Court exercising jurisdiction to modify the order.²

A Kansas Court retains jurisdiction to modify a child support order issued in Kansas if a party resides in another State and the other party resides outside the United States.³

When a Kansas Court Does Not Have CEJ Over a Kansas Issued Order

A Kansas Court that has issued a child support order may not exercise CEJ to modify its order if:

- All of the parties, who are individuals, file consent with the Kansas Court that a tribunal of another State may modify the order and assume CEJ if that tribunal:
 - Has jurisdiction over at least 1 of the parties, who is an individual; or
 - Is located in the State of the child(ren)'s residence;⁴ or
 - The Kansas order is not the controlling order.⁵

If a Kansas Court lacks CEJ to modify a child support order, then it may initiate an interstate request to the State with CEJ to modify the order in that State.⁶

¹ K.S.A. 23-36,205(a)

² K.S.A. 23-36,205(a)(2)

³ K.S.A. 23-36,611(f)

⁴ K.S.A. 23-36,205(b)(1)

⁵ K.S.A. 23-36,205(b)(2)

⁶ K.S.A. 23-36,205(d)

When Kansas May Exercise CEJ to Modify a Child Support Order Issued by Another State.

The Kansas Court becomes the tribunal having CEJ upon modifying a child support order that was originally issued in another state or country.¹

A Kansas Court may modify a child support order issued by another state and registered in Kansas if, after notice and hearing, the Kansas Court finds any of these jurisdictional scenarios to be true:

Scenario 1:

- Neither the child(ren), CP, nor NCP reside in the issuing state;²
- The petitioner who is not a Kansas resident seeks modification;³ and
- The respondent is subject to the personal jurisdiction of the Kansas Court.⁴

Scenario 2:

- Kansas is the residence of the child(ren) or an individual party subject to the personal jurisdiction of the Kansas Court; and
- All of the individual parties have filed consent in the issuing tribunal for the Court to modify the child support order and assume CEJ.⁵

Scenario 3:

- All of the individual parties reside in Kansas; and
- The child(ren) does not reside in the issuing state.⁶

If a foreign country lacks, or refuses to exercise, jurisdiction to modify its child support order, then a Kansas Court may assume jurisdiction to modify the child support order regardless of whether the individual seeking the modification is a Kansas resident or whether the parties give consent to the modification.⁷

Kansas may only modify a Convention Support Order when the CP still resides in the issuing foreign country if:

- The CP submits to the jurisdiction of Kansas expressly or by defending the case without objecting to jurisdiction at the first available opportunity;⁸ or
- The foreign tribunal does not have jurisdiction, or refuses to exercise jurisdiction, to modify the order or issue a new one.⁹

A child support order that is modified by a Kansas Court following registration is subject to the same requirements, procedures, and defenses and may be enforced and satisfied in the same manner as a child support order issued by a Kansas Court.¹⁰

¹ K.S.A. 23-36,611(e)

² K.S.A. 23-36,611(a)(1)(A)

³ K.S.A. 23-36,611(a)(1)(B)

⁴ K.S.A. 23-36,611(a)(1)(C)

⁵ K.S.A. 23-36,611(a)(2)

⁶ K.S.A. 23-36,613(a)

⁷ K.S.A. 23-36,615(a)

⁸ K.S.A. 23-36,711(a)(1)

⁹ K.S.A. 23-36,711(a)(2)

¹⁰ K.S.A. 23-36,611(b)

What Kansas Cannot Modify of Another State's Child Support Order

A Kansas Court may not modify an aspect of another state's order that cannot be modified under the law of the other state including the duration of support.¹ The law of the state that issued the initial controlling order governs the duration of the obligation of child support order.² A Kansas Court cannot extend the NCP's duty of support by issuing an additional child support order.³

When Another State Exercises CEJ Over a Kansas Issued Order

If a tribunal of another state modifies a child support order of a Kansas Court, the Kansas Court shall recognize the CEJ of the tribunal of the other state.⁴

Forms and Tools

- [Intergovernmental Reference Guide \(IRG\)](#)
- [Query Interstate Cases for Kids \(QUICK\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 15: Intergovernmental, Section 4: Controlling Order](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ K.S.A. 23-36,611(c)

² K.S.A. 23-36,611(d)

³ K.S.A. 23-36,611(d)

⁴ K.S.A. 23-36,205(c)

CHAPTER 15: INTERGOVERNMENTAL

Section 10: Translation

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

When initiating a request to a Convention Country, all documents shall be in the original language.¹ If the original language is not the responding country's official language, then the documents shall also be in the responding country's official language.²

When responding to a request from a Convention Country, all documents shall be in the original language and English if the original language is not English.³

References

- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [Convention Article 44\(1\)](#)
- [Convention on the International Recovery of Child Support and Other Forms of Family Maintenance \(Convention\)](#)

Procedure

If any documents are not in English, the Title IV-D Office is required to obtain a translation prior to forwarding the documents to another state. The transmittal must include a copy of the documents in the original language and the English translation.

If any documents are not in the responding foreign tribunal's official language, the Title IV-D Office is required to obtain a translation prior to forwarding the order to the foreign country. The transmittal must include a copy of the documents in the original language and the foreign language translation.

If an initiating tribunal does not translate documents in a foreign language, the Title IV-D Office may send the documents back to the initiating tribunal and request translation.

The Title IV-D Office may contact a foreign country's U.S. consulate to obtain assistance with translation.

Forms and Tools

- N/A

¹ Convention Article 44(1); 45 C.F.R. § 303.7(4)

² Convention Article 44(1); 45 C.F.R. § 303.7(4)

³ Convention Article 44(1); 45 C.F.R. § 303.7(4)

Frequently Asked Questions

- ? *Who is responsible for paying for translation?*
- ✓ The initiating agency is responsible for paying for translation. The Title IV-D Program may pay for translation out of Title IV-D budgeted funds or incentive funds.

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 15: INTERGOVERNMENTAL

Section 11: Currency Conversion

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

When initiating a Kansas case to a foreign tribunal, currency amounts in the order shall be converted upon request.¹

Upon request to enforce a support order, arrears, judgment, or to modify a support order that is stated in foreign currency, a responding Kansas tribunal shall convert the amount stated in the foreign currency to the equivalent amount in U.S. dollars under the applicable official or market exchange rate as publicly reported.²

References

- [K.S.A. 23-36,304](#): Duties of initiating tribunal
- [K.S.A. 23-36,305](#): Duties and powers of responding tribunal
- [OCSS-PIQ-03-04](#): Foreign Currency Child Support Payments

Procedure

Payments made in a foreign currency are to be processed in the same manner as other child support payments.³ If the converted amount paid is less than the amount due, then the Non-Custodial Parent (NCP) is in arrears.⁴ Likewise, if the converted payment exceeds the amount due, that should be treated in the same manner as overpayments.⁵

When initiating a Kansas case to a foreign tribunal the currency may be in U.S. dollars.

Conversion to the foreign tribunal's currency is required upon request of the foreign tribunal.

There are several websites the Title IV-D Office may utilize (i.e., XE Currency Converter) to convert the currency to U.S. dollars. The NC receives credit for the amount of the currency as of the date of the payment.

When Kansas is enforcing a foreign order (money collected in Kansas and sent to a Custodial Party (CP) in another country):

- Registering and enforcing a foreign order in Kansas does not modify the obligation or the currency owed. The order remains an order of the issuing country owed in the currency of the order.

¹ K.S.A. 23-36,304(b)

² K.S.A. 23-36,305(f)

³ OCSS-PIQ-03-04

⁴ OCSS-PIQ-03-04, question #4

⁵ OCSS-PIQ-03-04, question #4

- Because U.S. courts and Title IV-D agencies cannot collect in a foreign currency, the account in the statewide child support system (KAECSES) will be established in U.S. dollars and Kansas courts will issue enforcement orders in U.S. dollars. However, the obligor still owes the obligation in the foreign currency as provided in the foreign order.

When Kansas is calculating arrears under a foreign order, the Title IV-D Office is strongly encouraged to contact the foreign jurisdiction and request the jurisdiction's arrears calculation.

When Kansas receives payment from a foreign country on behalf of a U.S. CP, payments received in foreign currency are converted on the date they are processed by the Kansas Payment Center (KPC) and sent to the CP in U.S. dollars.¹

Forms and Tools

- [XE Currency Convertor](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ OCSE-PIQ-03-04, question #4

CHAPTER 15: INTERGOVERNMENTAL

Section 12: Case Closure

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Closure criteria for intergovernmental cases is similar to that of Kansas cases. The exception is when the Non-Custodial Parent (NCP) is located in another state. When located in another state, the Title IV-D Office must contact the initiating state to inform them of the new locate.¹ The initiating state can request the case be returned to their office or they can request Kansas forward the case to the State Central Registry where the NCP has been located.

Intergovernmental cases can be closed after 3 years if the NCP cannot be located.² However, in a duplicate situation the case cannot be closed even if the Kansas case was open prior to intergovernmental involvement and the Kansas case meets the three year closure criteria. The intergovernmental portion of the case must remain open for the entire three year period.

Initiating states can request case closure if the Custodial Party (CP) moves to another state.³ On cases with original Kansas orders, an NOA3 should be generated. This will notify the Kansas Payment Center (KPC) of Non-IV-D (NIVD) status and any money received would be forwarded directly to the CP. It is critical to enter the CP's new address on ADDR if that address is known.

Closure codes of IN, IS and IC are for incoming intergovernmental cases, and they must only be used on the IIMC screen. The actual closure code that allows for the case to be closed, must be used on the CADS screen.

References

- [45 CFR 303.11](#): Case closure criteria
- [K.S.A. 23-36,307\(b\)\(6\)](#): Duties of support enforcement agency

Procedure

- [See Chapter 16: Case Closure](#)

Forms and Tools

- [Case Closure Checklist](#)
- [Case Closure Guide](#)
- [Case Closure Overview](#)

¹ K.S.A. 23-36,307(b)(6)

² 45 CFR 303.11(b)(7)

³ 45 CFR 303.11(b)(18)



Frequently Asked Questions

- N/A

Related Information

- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 16: CASE CLOSURE

Section 1: Introduction

Version: 1	Effective Date: 1/1/2024
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Background

Because case closure is complex and highly federally regulated, the Title IV-D Program has created tools for the Title IV-D Offices to assist in properly closing cases. This Case Closure Policy Manual chapter is just one of those tools.

This Chapter and guides are similarly organized. Case closure reasons are grouped by the case closure process and closure codes are described in more detail below.

In general, the term “case closure” refers to closing a case to Title IV-D services, and the case is still “open” but is now a non-Title IV-D (NIVD) case. However, there are instances where the entire status of a case may change to “closed”. Closing the case to Title IV-D services does not affect the validity or status of a court order. In accordance with 45 C.F.R. 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 parentage, order establishment, or enforcement of an existing order. A new Enrollment Form for IV-D services must be completed.

Policy

A case may only be closed if it meets the requirements of 45 C.F.R. § 303.11 and state policy.

References

- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11](#): Case closure criteria

Procedure

Cases may be closed to Title IV-D services in the statewide child support system (KAECSSES) in accordance with 45 C.F.R. § 303.11 and state-adopted closure codes. The codes and closure process are described in the next sections.

Currently, all closures require a manual review and closure. There are no automated processes. The processes for closing cases will be discussed in each section and may include a closure notice. When a Title IV-D case is closed, the case closes to Title IV-D services and becomes an NIVD case. In general, the caseworker will determine at the time of closure if the case will be an open NIVD case or a closed NIVD case based on whether there is a current child support obligation or an arrears balance. Some jurisdictions will require notice to the local District Court Trustee. Each section specifies the result of the case closure process for that particular case closure reason.

Forms and Tools

- [Case Closure Checklist](#)
- [Case Closure.docx](#)

Frequently Asked Questions

- ? *If the Custodial Party (CP) or enrollee moves out of the enrollment county or state before an order can be established, may the Title IV-D Office close the case?*
- ✓ The CP or enrollee moving out of the county or state is in and of itself not a sufficient reason to close the case; however, the case could potentially be closed if it meets the criteria of any of the other case closure reasons.

Related Information

The following chart lists the case closure process for each of the case closure reasons and where each can be found in this Chapter:

Section Number	Closure Code	Closure Reason	Notification Process	C.F.R.
2	CC	There is no longer a current support order and arrearages are under \$500 or unenforceable under State law.	60 day	45 C.F.R. sec 303.11(b)(1)
2	SA	There is no longer a current support order and all arrearages in the case are assigned to State.	60 day	45 C.F.R. sec. 303.11(b)(2)
2	AM	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.	60 day	45 C.F.R. § 303.11(b)(3)
2	DC	The Non-Custodial Parent (NCP) or alleged father is deceased and no further action, including a levy against the estate, can be taken.	60 day	45 C.F.R. § 303.11(b)(4)
2	IH	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.	60 day	45 C.F.R. § 303.11(b)(5)
2	EM	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).	60 day	45 CFR 303.11(b)(6)(i)
2	NP	A genetic test or a court or an administrative process has excluded the alleged father and no other alleged father can be identified.	60 day	45 C.F.R. § 303.11(b)(6)(ii), (iv)
2	4D	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	60 day	45 C.F.R. § 303.11(b)(6)(iii)

		case involving incest or rape, or in any case where legal proceedings for adoption are pending.		
2	NL	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.	60 day	45 C.F.R. § 303.11(b)(7)(i-iii)
2	AB	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.	60 day	45 C.F.R. § 303.11(b)(8)
2	SS	The noncustodial parent's sole source of income is from SSI or SSI/SSD/SSR.	60 day	45 C.F.R. § 303.11(b)(9)(i) and (ii)
2	FO	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.	60 day	45 C.F.R. § 303.11(b)(10)
3	LO	The IV-D agency has provided location-only services as requested under §302.35(c)(3) of this chapter.	None	45 C.F.R. § 303.11(b)(11)
3	AR	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 C.F.R 433.146 or of arrearages which accrued under a support order.	None	45 C.F.R. § 303.11(b)(12)
2	LS	The IV-D agency has completed a limited service under §302.33(a)(6).	60 day	45 C.F.R. § 303.11(b)(13)
3	GC	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.	None	45 C.F.R. § 303.11(b)(14)

2	LC	In a non-IV-A case receiving services under §302.33(a)(1)(i) or (iii), 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.	60 day	45 C.F.R. § 303.11(b)(15)
2	FC	In a non-IV-A case receiving services under §302.33(a)(1)(i) or (iii), 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.	60 day	45 C.F.R. § 303.11(b)(16)
2	IS	The responding agency documents failure by the initiating agency to take an action that is essential for the next step in providing services.	60 day	45 C.F.R. § 303.11(b)(17)
3	IC	The initiating agency has notified the responding State that the initiating State has closed its case under §303.7(c)(11).	None	45 C.F.R. § 303.11(b)(18)
3	IN	The initiating agency has notified the responding State that its intergovernmental services are no longer needed.	None	45 C.F.R. § 303.11(b)(19)
3	BG	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.	None	45 C.F.R. § 303.11(b)(20)
3	TR	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 procedures of this section.	None	45 C.F.R. § 303.11(b)(21)

- [Business Practices](#): Sec. 300-8, 1300-9, 1300-10

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 16: CASE CLOSURE

Section 2: Cases Requiring a 60-day Notice

Version: 1	Effective Date: 1/1/2024
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Background

Closing cases that have limited or no collection potential increases efficiency by allowing child support staff to focus on those cases where orders can be established and/or support collected. Each state adopts closure criteria and establishes its own codes. The closure codes and reasons are set forth in Section 1. The requirements should be reviewed carefully before closing.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

Policy

A Title IV-D case may be closed for any of the reasons listed below if it meets the criteria listed. All closure codes in this Section require a 60-day notice prior to closure.

Kansas has adopted the following closure codes which are currently available in the statewide child support system (KAECSSES):

- 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);
 - 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; 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;
- LS: 45 CFR §303.11(b)(13): The IV-D agency has completed a limited service under §302.33(a)(6);
- 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; or
- 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.

The caseworker should pay close attention to the language in each section. It is advised that the Case Closure Guide be completed or followed to make the determination as to whether closure is appropriate. All decisions and actions must be fully documented on KAECSSES.

References

- [45 C.F.R. § 303.11](#): Case closure criteria

Procedure

1. Determining Whether the Case Should Close

Closing cases that have limited or no collection potential increases efficiency by allowing child support staff to focus on those cases where orders can be established and/or support collection. To ensure that the case meets one of the defined federal closure criteria, a Case Closure Code Guide and Final Closure Guide should be used. Each case must fully satisfy the requirements of one of the federal criteria to be eligible for closure, must be narrated fully on KAECSSES, and appropriate documentation for closure and all Guides should be retained in the case file.

2. The caseworker will take the following actions to close a case when a 60-day closure letter is required:

- Review and complete or follow the Case Closure Code guide, following all required actions for the chosen code; and

- Set 60-day closure date on Case Details (CADS) screen using the chosen closure code;

***NOTE:** The code used on CADS must match the guides selected.

- If case is outgoing intergovernmental, send a Child Support Enforcement Network Transaction (CSENet) advising of pending closure; and
 - Document actions taken and reason for closure on List Narrative (CSLN) screen.
3. Cases that have been set for closure will appear on the Caseload Management Report, issued monthly. No case older than 75 calendar days will appear on the Caseload Management Report, under the Pending Case Closure tab so it is critical that cases are reviewed and closed timely.
 4. Once 60 calendar days has passed, the caseworker should complete the Final Case Closure Guide and take the following actions to finalize case closure:

Check all closure criteria for a final time to ensure case still meets closure criteria.

- If case still meets closure criteria:
 - Continue with closure process.
- If case no longer meets closure criteria:
 - Remove closure code from CADS screen.
- If case does not meet closure criteria for code used but does for a different code, then the process must start over with a new 60 day closure letter being sent.
- Finalize all outstanding legal actions, if applicable;
 - Bench warrants lifted;
 - Contempt dismissed;
 - Outstanding motions dismissed;
 - Income/Medical Withholding Orders terminated (if paid in full); and
 - Send Income/Medical Withholding Order term to last known employer.
- Close IIMC or OINR, if applicable;
 - If case is incoming intergovernmental, must have permission and/or calculation from other state. This documentation must be retained with case file.
- Finance request to write-off debt, if applicable;
- Prepare and file Notice of Termination of IV-D assignment (NOA3), using the current date as the file date;
- Set closure date on CADS screen;
- Document actions taken and reason for closure on CSLN screen.

Forms and Tools

- [Case Closure Guide.pdf](#)
- [Final Case Closure Guide](#)
- [Case Closure.docx](#)

Frequently Asked Questions

- ? *When a Custodial Party (CP) receives the intent to close notice for this case closure reason and contacts the Title IV-D Office and asks that the case remain open, may the Title IV-D Office cancel or proceed with case closure? Does it matter if the CP provides new or additional information?*

- ✓ If the CP provides new or additional information that could assist the Title IV-D Office in working the case, then the Title IV-D Office is strongly encouraged to cancel the case closure and proceed with working the case. However, if the CP does not provide new or additional information, then the Title IV- D Office has the discretion as to whether to cancel or proceed with case closure. Regardless of whether the CP provides new or additional information or not, the Title IV-D Office must document the correspondence or conversation with the CP in KAECSSES.

Related Information

- [Business Practices](#): Sections: 300-8, 1300-9, 1300-10

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 16: CASE CLOSURE

Section 3: Cases Requiring No Notice Prior to Closure

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Background

Closing cases that have limited or no collection potential increases efficiency by allowing child support staff to focus on those cases where orders can be established and/or support collected. Each state adopts closure criteria and establishes its own codes. The closure codes and reasons are set forth in Section 1. The requirements should be reviewed carefully before closing.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

Policy

A Title IV-D case may be closed for any of the reasons listed below if it meets the criteria listed. All closure codes in this section may close immediately upon meeting the criteria set forth.

Kansas has adopted the following closure codes which are currently available in the statewide child support system (KAECSES):

- 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;
- 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;
- 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:
 - Before transferring the State IV-D case to a Tribal IV-D agency and closing the IV-D case with the State:
- 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

- 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;
 - The State IV-D agency completely and fully transferred and closed the case; and
 - 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
 - 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.

Also under this section, the Title IV-D Office 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 Title 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)).

References

- [45 C.F.R. § 303.11](#): Case closure criteria
- [25 U.S.C. 1603\(12\)](#): Definitions

Procedure

Determining Whether the Case Should Close

Closing cases that have limited or no collection potential increases efficiency by allowing child support staff to focus on those cases where orders can be established and/or support collection. To ensure that the case meets one of the defined federal closure criteria, a Case Closure Code Checklist and Final Closure Checklist should be used. Each case must fully satisfy the requirements of one of the federal criteria to be eligible for closure, narrated fully on KAECSSES, and appropriate documentation for closure and all checklists should be retained in the case file.

1. Finalize all outstanding legal actions, if applicable;
 - Bench warrants lifted;
 - Contempt dismissed;
 - Outstanding motions dismissed;
 - Income/Medical Withholding Orders terminated (if paid in full); and
 - Send Income/Medical Withholding Order term to last known employer.
2. Close IIMC or OINR, if applicable;
 - If case is incoming intergovernmental, must have permission and/or calculation from other state. This documentation must be retained with case file;
 - Finance request to write-off debt, if applicable;
 - Prepare and file Notice of Termination of IV-D assignment (NOA3), using the current date as the file date;
 - Set closure date on CADS screen;
 - Document actions taken and reason for closure on CSLN screen.
3. Finance request to write-off debt, if applicable;
4. Prepare and file Notice of Termination of IV-D assignment (NOA3), using the current date as the file date;
5. Set closure on CADS screen;

6. Document actions taken and reason for closure on CSLN screen.

Forms and Tools

- [Case Closure Guide](#)
- [Final Closure Checklist](#)
- [Case Closure.docx](#)

Frequently Asked Questions

- N/A

Related Information

- [Business Practices](#): Sections: 300-8, 1300-9, 1300-10

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 1: Introduction

Version: 1	Effective Date: 1/1/2024
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Background

The Kansas Title IV-D child support program is comprised of the Administration Office, Kansas Payment Center (KPC) and field offices located throughout the state. These offices are collectively referred to as Kansas Child Support Services (CSS). CSS is committed to safeguarding confidential information, including Federal Tax Information (FTI) and Personal Identifiable Information (PII), pursuant to federal and state regulations.

Definitions

While this section does not contain an all-encompassing list of terms and definitions, these are the key terms that are essential in understanding the Title IV-D Program and office of Human Services Executive Branch Information Technology (HS-EBIT) program's security policies and procedures. Additional terms may be defined in other pertinent policy and procedure documents.

1. **"Confidential information"** is any information relating to a specific person including, but not limited to the person's Social Security number, address, employment information, and financial information.¹ It includes, but is not limited to, FTI and/or PII provided by the Internal Revenue Service (IRS), Social Security Administration (SSA), and Office of Child Support Services (OCSS). CSS is required to protect from unauthorized disclosure all confidential information regardless of the source.
2. **"Data"** is a representation of facts, concepts, information, or instruction suitable for communication, processing or interpretation by people or information systems.² Data within the Title IV-D Program may be generally categorized into one of the following categories:
 - a. **Public Access Data:** Data that is openly available to all Custodial Parties (CPs) or payees, Non-Custodial Parents (NCPs) or payors, and the general public;
 - b. **Internal General Data:** Data used for CSS administrative activities and not for external distribution unless otherwise authorized;
 - c. **Internal Protected Data:** Data that is only available to staff with the required access in order to perform their assigned duties; or
 - d. **Internal Restricted Data:** Data that is of a sensitive and confidential nature and is restricted from general distribution. Special authorization must be approved before access or limited access is granted. FTI and PII fall under this category. Internal restricted data that is transmitted within the statewide child support system (KAECSES) shall be encrypted to protect its confidentiality and integrity from unauthorized disclosure and modification.³ Internal restricted data that has reached its destination after its transmission within the statewide

¹45 C.F.R. § 303.21(a)(1)

² IRS Publication 1075

³ Publication 1075, Section 4.18 SC-8

child support system shall also be encrypted to protect its confidentiality and integrity from unauthorized disclosure and modification.¹

3. **“Federal Tax Information (FTI)”** consists of federal tax returns and/or federal tax return information.² FTI is any return or return information received from the IRS or an IRS secondary source, such as SSA, OCSS, Bureau of Fiscal Services (BFS), or the Centers for Medicare and Medicaid Services (CMS).³ Any information derived from FTI is also considered FTI.⁴ With respect to the statewide child support system, FTI is anything showing FDSO (payment type) associated with any payments, adjustment, joint return status, and locate response data (such as name, address, Social Security number, annual wage information, and self-employment indicator) from the FCR and Federal Offset Program where the locate agency code is IRS, IRS/AWR, or LTXF.
4. **“Need to know basis”** or **“least privilege”** means that a person must have access to only enough information to carry out their official duties.⁵
5. **“Personal Identifiable Information (PII)”** is information that would identify a specific person. PII means an individual’s first and last name or first initial and last name and at least one of the following:
 - a. Social Security number;
 - b. Driver’s license number or identification card number; or
 - c. Account number, credit card number, debit card number, security code, access code, or password of an individual’s financial account.

This term does not include the last 4 digits of an individual’s Social Security number or any information that is lawfully made publicly available from records of a federal or local agency.⁶

6. **“Return information”** means any information provided in relation to the federal tax return, including, but not limited to the taxpayer’s identity, income, deductions, exemptions, credits, tax liability, tax withheld, tax payments; and whether the taxpayer’s return was, is being, or will be examined.

Policy

Location of Required Security Policies and Procedures

As part of receiving confidential information from the IRS, SSA, and OCSS, CSS, and by extension the entire Title IV-D Program, is required to have certain security policies and procedures in place. This Title IV-D Policy Manual contains security policies applicable to the regular course of child support business. Additional required security policies and procedures may be found in one or more of the following locations:

- IRS Publication 1075;
- Human Services Executive Branch Information Technology (HS-EBIT) policy and procedure documents;
- Information Technology Executive Council (ITEC) policies, standards, and guidelines; ITEC Policies; and
- InfoSec Course materials and training guides.

¹ Publication 1075, Section 4.18 SC-12

² Publication 1075, Key Definitions

³ Publication 1075, Key Definitions

⁴ Publication 1075, Key Definitions

⁵ Publication 1075, Glossary and Key Terms

⁶ 26 U.S.C. § 6103(b)(2)(A)

Parties Enforcing Security Policies and Procedures

Security is no one person or department's job. Below is a highlight of the roles of various departments or groups and their role in enforcing security policies and procedures.

HS-EBIT is responsible for agency level policies and procedures in regards technology and security. Additionally, it oversees maintaining KAECSSES and all ancillary applications.

KISO provides continual updates to the policies and procedures for HS-EBIT and delivers applicable annual security awareness training.

CSS Administration Training Team is responsible for disseminating training materials, with content provided by the KISO and other sources, to the Title IV-D Program workers. They also maintain the library of training materials.

Field management staff along with CSS Administration are responsible for administering new employee security training, annual security recertification training, reporting security incidents to CSS Administration and reviewing and maintaining access logs.

Caseworkers are the first line of defense in securing confidential information. Caseworkers are responsible for reading and/or viewing security training materials and abiding by the clean desk policy. The clean desk policy means that any confidential information not in use is secured and kept out of view of anyone not authorized to view the confidential information.

References

- [26 U.S.C. § 6103](#): Confidentiality and disclosure of returns and return information
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

- N/A

Forms and Tools

- [IRS Publication 1075](#)
- [Human Services Executive Branch Information Technology \(HS-EBIT\) policy and procedure documents.](#)
- [Information Technology Executive Council \(ITEC\) policies, standards, and guidelines](#)
- [InfoSec Course materials and training guides.](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
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Version 1	1/1/2024	Final approved version
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CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 2: Confidentiality

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

1. General Rules of Confidentiality

All information in the Kansas Title IV-D Program files and information in the statewide child support system (KAECSSES) is confidential.

The Kansas Title IV-D Program shall observe safeguards for protecting confidential information, with the minimum standard for the safeguards being the federal regulations governing the safeguarding of information.¹

Federal law requires the Title IV-D Program have in effect safeguards against unauthorized use or disclosure of information relating to proceedings to establish paternity, or establish, modify, or enforce a child support order.² This includes, but is not limited to:

- Having procedures for determining, in a case where the family violence indicator (FVI) has been entered, whether disclosure of information concerning a party or child(ren) could be harmful to the party or child(ren);³
- Prohibitions against the release of information on the location of a party or child(ren) to another party against whom a protective order has been entered;⁴ and
- Prohibitions against the release of information on the location of a party or child(ren) to another party if the Title IV-D Program has reason to believe the release of information may result in physical or emotional harm to the party or child(ren).⁵

2. Exceptions to Rules Against Disclosing Confidential Information

The general rule is the Title IV-D Program may not disclose any confidential information, obtained in connection with performance of the Title IV-D functions, to anyone or any agency that is not engaged in a Title IV-D function.⁶ However, the Title IV-D Program may release confidential information in the following instances:

Upon request, confidential information may be disclosed to other state agencies to assist them in carrying out their duties under Titles IV, XIX, or XXI of the Social Security Act and the Supplemental Nutrition Assistance Program (SNAP) including:

¹45 C.F.R. § 303.21(b)

² 42 U.S.C. § 654(26)(A)

³ 42 U.S.C. § 654(26)(E); 45 C.F.R. § 303.21(e)

⁴ 42 U.S.C. § 654(26)(B)

⁵ 42 U.S.C. § 654(26)(C)

⁶ 45 C.F.R. § 303.21(c)

- Any investigation, or criminal or civil proceeding conducted in connection with the administration of the program;¹and
- Information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child which indicate a child's health or welfare is threatened.²

Note: Title IV includes Title IV-A Temporary Assistance for Needy Families (TANF), Title IV-D Child Support, and Title IV-E Foster Care. Title XIX includes Medicaid. Title XXI includes the State Children's Health Insurance Program (CHIP)

Disclosures to these agencies shall not include confidential information from the Federal Parent Locator Service (FPLS), which includes the National Directory of New Hires (NDNH) and the Federal Case Registry (FCR), or the Internal Revenue Service (IRS) unless the information is also obtained and verified through a second source, also known as independently verified.³

No financial institution data match (FIDM) information may be disclosed outside of the IV-D program.⁴

3. Disclosing Information to Parties of the Case

The Title IV-D Office may release confidential information to a party to the case, or the party's attorney, pursuant to a court order. The Title IV-D Office may choose to appeal the order if it wishes to do so.

The Title IV-D Office may release confidential information to a party to the case, or to the party's attorney, outside of the formal discovery process, and that information pertains specifically to that party.

For example, the Title IV-D Office may tell the Non-Custodial Parent (NCP's) attorney the name and address of the NCP's employer to whom an Income Withholding Order (IWO) was sent but cannot tell the Custodial Party (CP) or the CP's attorney that information.

Certain FTI regarding the NCP's tax offset may be disclosed to the CP. For further information, see FAQ number 1 below.

A party may serve a discovery request on the Title IV-D Office for information in the Title IV-D file. The Title IV-D Office shall comply with the discovery request to the extent of all applicable Kansas Trial Rules and Rules of Professional Conduct.⁵

Additionally, local court rules may require parties exchange certain information. The Title IV-D Office may encounter this situation when establishing or modifying a child support order and the parties are providing pay stubs. In situations such as this, the Title IV-D Office is strongly encouraged to remind the parties that it does not represent either party, but is also a party to the case, and that it may be required to exchange the documentation with the other party. Care should be taken that only the necessary information is exchanged and all other confidential information, such as addresses or Social Security numbers, is redacted.

In the absence of a court order, discovery request, or court rule, if the Title IV-D Office believes that the exchange of confidential information between the parties is necessary, the Title IV-D Office may ask each party to give the

¹ 45 C.F.R. § 303.21(d)(1)(i)

² 45 C.F.R. § 303.21(d)(1)(ii)

³ 45 C.F.R. § 303.21(d)(3)

⁴ 45 C.F.R. § 303.21(d)(3)

⁵ Rules adopted by the Supreme Court of the State of Kansas 2023 Rule Book

information directly to the other party. The Title IV-D Office may not provide the information directly to the other party without express consent of the party to whom the information belongs.

4. Safeguarding Confidential Information

The Title IV-D Program shall have safeguards in effect concerning the integrity, accuracy, completeness of, access to, and use of data in KAECSSES.¹

These safeguards shall include:

- a. Written policies concerning access and sharing data;²
- b. Access controls, such as passwords or blocking certain fields, to ensure adherence to written policies;³
- c. Routine monitoring, such as audit trails and feedback mechanisms, of access to and use of KAECSSES to guard against and promptly identify unauthorized access or use;⁴
- d. Procedures to ensure all personnel with access to confidential data are informed of applicable requirements and penalties and are trained in security procedures;⁵ and
- e. Administrative penalties, including dismissal from employment, for unauthorized access to, or disclosure or use of, confidential data.⁶

The written policies shall include:

- a. Access to and use of data is only permitted to the extent necessary to carry out

Title IV-D Program functions;⁷

- a. The personnel permitted access to such data;⁸ and
- b. The policies and procedures which relate to the security background check.⁹

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997

Procedure

- N/A

¹ 42 U.S.C. § 654a(d); 45 C.F.R. § 307.13(a)

² 42 U.S.C. § 654a(d)(1)

³ 42 U.S.C. § 654a(d)(2)

⁴ 42 U.S.C. § 654a(d)(3); 45 C.F.R. § 307.13(b)

⁵ 42 U.S.C. § 654a(d)(4); 45 C.F.R. § 307.13(c)

⁶ 42 U.S.C. § 654a(d)(5)

⁷ 42 U.S.C. § 654a(d)(1)(A)

⁸ 42 U.S.C. § 654a(d)(1)(B)

⁹ Publication 1075, Section 2.C.3

Forms and Tools

- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information
- [Use of Federal Tax Information \(FTI\) for Child Support Enforcement Purposes – Matrix](#)
- [IRS FTI safeguards](#)
- [Rules adopted by the Supreme Court of the State of Kansas 2023 Rule Book](#)

Frequently Asked Questions

? *Q. What information about a federal tax offset payment may the Title IV-D Office, give a party to the case?*

✓ A. The Title IV-D Office may disclose to either party or the party's attorney:

- 1. The date of the payment;
- 2. The amount of the payment;
- 3. The source of the payment;
- 4. That the payment may be held up to 6 months; and
- 5. The date that the payment was disbursed.¹

The Title IV-D Office may disclose information about the payment to the payee only after the payment is received by the Title IV-D Program.² The Title IV-D Office may disclose to the payee that the payment is being held, but not why the payment is being held other than that the payment is subject to federal distribution rules and may be subject to adjustment.³

The Title IV-D Office may discuss any FTI of the payor with the payor.⁴

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

¹ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

² Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

³ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

⁴ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 3: Accessing and Protecting Federal Tax Information (FTI)

Version: 2	Effective Date: 2/8/2024
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Background

The Internal Revenue Service (IRS) may disclose the following return information to state and local child support agencies with respect to a person against whom a child support obligation is to be established, modified, or enforced under the Title IV-D Program:

1. Social Security number, address, filing status, amount and nature of income, number of dependents reported on a refund, and amount of tax offset;¹ and
2. Amount of the person's gross income, names and addresses of income payors, and names of dependents reported on the return, but only if such return information is not reasonably available from another source.²

Federal Tax Information (FTI) consists of federal tax returns and/or federal tax return information.³ FTI is any return or return information received from the IRS or an IRS secondary source, such as the Social Security Administration (SSA), Federal Office of Child Support Services (OCSS).⁴ Any information derived from FTI is also considered FTI.⁵ With respect to the statewide child support system (KAECSES), FTI is anything showing FDSO (payment type) associated with any payments, adjustment, or joint return status from the Federal Case Registry (FCR) and Federal Offset Program where the locate agency code is IRS, IRS/AWR, or LTXF.

Policy

Information disclosed by the IRS to the Title IV-D Program is only for the purposes of, and to the extent necessary in, establishing and enforcing child support orders and locating individuals owing such obligations.⁶

Access to FTI shall be limited to employees and contractors of the Title IV-D Program whose official duties require access to FTI for the purposes stated above.⁷ No employee of the Title IV-D Program shall inspect FTI, except as authorized.⁸ Further, no employee of the Title IV-D Program shall disclose FTI, except as authorized.⁹ FTI may be disclosed to the taxpayer to whom the FTI pertains and that taxpayer's legal representative. The Title IV-D Office may disclose the following information about a federal tax offset payment to the Custodial Party (CP) only after the payment is received by the IV-D agency:

1. The date of the payment;
2. The amount of the payment;

¹ 26 U.S.C. § 6103(l)(6)(A)(i); 26 U.S.C. § 6103(l)(6)(B); Publication 1075, Key Definitions

² 26 U.S.C. § 6103(l)(6)(A)(ii)

³ Publication 1075, Key Definitions

⁴ Publication 1075, Key Definitions

⁵ Publication 1075, Key Definitions

⁶ 26 U.S.C. § 6103(l)(6)(C)

⁷ Publication 1075, Section 2.D.6

⁸ 26 U.S.C. § 7213(a)(2)

⁹ 26 U.S.C. § 6103(a); 26 U.S.C. § 7213(a)(2); 45 C.F.R. § 307.13(a)(4)

3. The source of the payment; and
4. That the payment may be held up to 6 months and is subject to adjustment.¹

Any other disclosure of FTI is allowed outside of the Title IV-D Program only if the information is independently verified through another source.² The penalties for willfully disclosing or inspecting FTI include fines and/or imprisonment.³

A person whose FTI is knowingly or negligently disclosed or inspected may bring a civil action for damages.⁴ This action must be brought within 2 years of the date the plaintiff discovered the unauthorized disclosure or inspection.⁵ Upon the finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff the costs of the court actions, including attorney fees, and the greater of \$1,000.00 for each act of unauthorized disclosure or inspection or the sum of actual and punitive damages.⁶

References

- [26 U.S.C. § 6103](#): Confidentiality and disclosure of returns and return information
- [26 U.S.C. § 7213](#): Unauthorized disclosure of information
- [26 U.S.C. § 7213a](#): Unauthorized inspection of returns and return information
- [26 U.S.C. § 7431](#): Civil damages for unauthorized inspection or disclosure of returns and return information
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997
- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information
- [Use of Federal Tax Information \(FTI\) for Child Support Enforcement Purposes – Matrix](#)

Procedure

FTI in the statewide child support system (KAECSSES)

In KAECSSES, FTI includes:

- Any payment type, adjustment, or joint return with a status of FDSO; and
- Locate response data (name, address, Social Security number, annual wage information, and self-employment indicator) from the Federal Case Registry (FCR) and Federal Offset Program where the locate agency code is IRS, IRS/AWR, or LTXF. Data obtained through these sources should not be used to perform searches in locate tools such as Clear, Accurint, etc. This is especially true if searching nontraditional locate resources such as web searches, social media platforms and any other tools that could potentially be breached or have a data leak.

The Title IV-D Office does not update names, addresses, or Social Security numbers in the participant and case information screens of KAECSSES with FTI unless the information is verified through a second source. Therefore, this data automatically entered in the participant and case information screens of KAECSSES is not FTI. The Title IV-D Office is to

¹ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes - Matrix

² 45 C.F.R. § 303.21(d)(3)

³ 26 U.S.C. § 7213(a)(2); 26 U.S.C. § 7213A(b)(1)

⁴ 26 U.S.C. § 7431(a)(2)

⁵ 26 U.S.C. § 7431(d)

⁶ 26 U.S.C. § 7431(c)

verify any information obtained from the IRS through a second source before manually entering FTI into the participant or case information screens.

FTI in the Title IV-D Office Case Files

In a paper or electronic case file, FTI obtained from the KAECSSES continues to be FTI when it is printed or imaged and stored in the case file. Tax return information received directly from the taxpayer to whom the tax return pertains is not FTI and is not subject to the same protections as FTI.¹ However, this information provided directly by the taxpayer is still confidential information. Caseworkers with access to FTI certify annually that they will not print any KAECSSES screens containing FTI received from the IRS or FPLS. Additionally, FTI is not to be accessed over Wi-Fi and any Tax Return information received by parties should be treated as FTI and shall not be scanned using a multi- function device that could potentially contain a hard drive.

Storage of FTI

Files and removable electronic media containing FTI are to be clearly labeled to indicate FTI is included.² FTI is to be kept in locked rooms, cabinets, or drawers when not in use.³ A 2 barrier method of security is to be used. This means at least 2 of the following separate security measures must be used:

- A secured perimeter enclosed by slab-to-slab walls or a lesser partition supplemented by electronic intrusion and fire detection systems. All doors must be locked. If a fence or gate is used, it must have intrusion detection devices or be continually guarded.
- A security room enclosed by slab-to-slab walls with the entrance limited to specifically personnel authorized to access FTI. Door hinge pins must be nonremovable or installed on the inside of the room.
- A badged employee who has completed FTI training may serve as a barrier during business hours. The badge must be visible and worn above the waist.
- A security container with a security lock with keys or a combination.⁴

Computers, electronic media, and removable media that receives, processes, stores, or transmits FTI must be kept in a secure area with restricted access.⁵ This means the computer or media must be kept in a secure area under the immediate protection and control of an authorized employee.⁶ When not in use, the computer or media must be locked or in a proper storage area or container complying with the 2 barrier method.⁷

Access to FTI

Before being given any access to FTI, employees or contractors must complete information security training.⁸ The CSS Administration supplements the self-led training with office-specific protocols. Additionally, all employees and

¹ Publication 1075, Key Definitions

² Publication 1075, Sections 2.B.5 and 2.C.5

³ Publication 1075, Sections 2.B.3.4 and 2.B.5

⁴ Publication 1075, Section 2.B.2

⁵ Publication 1075, Section 2.B.5

⁶ Publication 1075, Section 2.B.5

⁷ Publication 1075, Sections 2.B.2 and 2.B.5

⁸ Publication 1075, Section 2.D.2.1

contractors must complete information security training and re-sign the information security Awareness/Training Record annually in order to retain access to FTI.¹

Keys, combinations, or user IDs to areas containing FTI may only be issued to those requiring access to FTI.² An inventory of those with access to these keys, combinations, or user IDs must be kept by management.³ Managers receive a quarterly report of individuals with access to KAECSSES to verify that employees and contractors have the appropriate level of access relative to the individual's job duties. Combinations should be changed once a year at a minimum.⁴

When a person with access to FTI terminates employment, management must remind the employee that the confidentiality requirement extends beyond the period of employment. All IDs, keys, and badges are to be returned. All computer system access must be disabled within 3 business days.⁵ Finally, all combinations that the individual used in the office are to be changed.⁶

FTI is not to be unattended or unsecured. Individuals with access to FTI must adhere to a clean desk policy meaning that FTI must be locked up or destroyed when not in use. Additionally, any documents or computer screens containing FTI are to be placed out of sight of individuals who are not authorized to access FTI. Any visitors to the office who have not undergone the required FTI training must complete the Visitor Security Access

Log or be on the Authorized Access List (AAL) described below and be escorted by an authorized staff member.

Before giving case files or screen prints from KAECSSES to State auditors, including those from State Board of Accounts (SBOA), FTI must be removed.⁷

Logs

CSS Administration has provided 3 logs for use by the Title IV-D program. The Receipt Destruction/Distribution Log is a required log used to document the reproduction (by printing, copying, or any other means), receipt, distribution, and destruction of FTI.⁸ If a screen or report containing FTI is viewed on the screen but is not printed, it is not logged.⁹ The Visitor Security Access Log is required to be completed each time a visitor, or person not authorized to have access to FTI, enters an area in which FTI is stored or in use.¹⁰ Optionally, the office may wish to use the AAL. The AAL is completed monthly for all routine visitors to the office, such as cleaning staff, equipment servicers, or other county employees with a business need to be in the office, but who are not authorized to have access to FTI.¹¹ These routine visitors listed on the AAL do not need to complete the Visitor Security Access Log.

¹ Publication 1075, Section 2.D.2.1

² Publication 1075, Section 2.B.3.4

³ Publication 1075, Sections 2.B.3.3 and 2.B.3.4

⁴ Publication 1075, Section 2.B.3.4

⁵ Publication 1075, Section 4.14 PS-4

⁶ Publication 1075, Section 2.B.3.4

⁷ Publication 1075, Section 2.A.4

⁸ Publication 1075, Sections 2.A.1 and 2.D.4

⁹ Publication 1075, Section 2.A.2

¹⁰ Publication 1075, Section 2.B.3

¹¹ Publication 1075, Section 2.B.2.A.1

Each of these logs must be kept a minimum of 5 years from the latest date entered on the log.¹

Transmitting FTI

Redaction

If FTI is not essential to the purpose of the communication, it should be redacted before the document is sent to another person or office. When FTI is redacted from a document the document no longer contains FTI and the protections required for FTI no longer pertain. FTI cannot be redacted on certified records as a document cannot be altered once it is certified.

Court

The Title IV-D Office may not disclose the source of a tax offset payment in court proceedings.² The source of the payment may be given as “an involuntary payment”.

Mail and Fax

When mailing or sending FTI by courier, the document containing FTI should be put in an envelope that is sealed and labeled as confidential to the named recipient.³ That envelope is then put inside a second envelope that is sealed and addressed as usual.⁴

When FTI is sent via fax, the fax cover sheet indicates that FTI is included.⁵ The receiving fax machine should be in a secure location where only persons with authority to access FTI are able to retrieve faxes.⁶ FTI should only be sent via analog (traditional) fax machine and not via digital fax.

An FTI Receipt Confirmation is included in the envelope or fax. The recipient must complete the FTI Receipt Confirmation and return it to the sender. If the sender does not receive the FTI Receipt Confirmation in a reasonable amount of time, the sender should attempt to confirm receipt by contacting the intended recipient. Failure to obtain confirmation that the FTI was received by the intended recipient is considered a potential security incident and is to be reported pursuant to Section 10 of this Chapter. The confirmation of receipt is recorded on the Receipt Destruction/Distribution Log.

Electronic Communication

FTI is never to be sent in an email as part of the subject line, body of the email, or as an attachment to the email. Additionally, FTI is never to be sent by digital fax. An analog fax machine is a fax machine that uses a dedicated telephone line. A digital fax machine is one that transmits information digitally such as through an email or computer. Both the sending and responding fax machines must be analog fax machines to permit secure faxing.

While Electronic Document Exchange (EDE) was originally created as an electronic document delivery service for the exchange of case documents in intergovernmental cases, it may also be used to securely exchange documents containing FTI or other confidential information between the Title IV-D Offices. EDE is accessed through the FPLS State Services Portal.

¹ Publication 1075, Sections 2.A.1 and 4.11 PE-8

² Publication 1075, Section 2.C.11.1

³ Publication 1075, Section 2.B.4

⁴ Publication 1075, Section 2.B.4

⁵ Publication 1075, Section 3.3.3

⁶ Publication 1075, Section 3.3.3

Also available on the FPLS State Services Portal is the Communication Center. This is a secure source of two-way communication between states, OCSS, and employers. While the Communication Center works similarly to email, it is properly secured like EDE to allow for the transmission of FTI.

Disposing of FTI

FTI may be disposed of either by shredding or burning, with shredding being the most common disposal method. The destruction of FTI must be witnessed by a CSS Administration employee and must not be disclosed to an unauthorized person during the disposal process.¹ Materials including FTI, such as paper, microfilm, or electronic media (e.g., hard drives, tapes, CDs, and flash media) must be destroyed according to guidance in IRS Publication 1075.² All record retention requirements must be met when disposing of FTI.

Forms and Tools

- [Annual Agency Authorized Access List.pdf](#)
- [FTI Tracking Destruction Log.pdf](#)
- [No Tailgating Sign.pdf](#)
- [Visitor Access Log.pdf](#)
- [BusinessAssociateSecurityAgreement.docx](#)
- [CSS Security Awareness 2024 PowerPoint](#)
- [KISO New User Security Awareness rev 20220211.docx](#)
- [To Share Or Not- OCSE.pdf](#)
- [IRS Disclosure Matrix.pdf](#)

Frequently Asked Questions

? *Q. May the Title IV-D Office release information about the NCP's federal tax offset in court?*

- ✓ If asked whether the NCP's federal tax offset was received or applied:
- The Title IV-D Office may state whether an involuntary payment was received, the amount, and the date it applied to the case.
 - Title IV-D Office may state whether an involuntary payment is on hold or in undistributed and the amount of that payment.

Under the following circumstances the Title IV-D Office may not discuss the NCP's federal tax offset in court:

- The Title IV-D Office may not state the source of an involuntary payment as a federal tax offset. The Title IV-D Office may not state that a federal tax offset is on hold or undistributed.
- The Title IV-D Office may not state the anticipated release date of an involuntary payment that is on hold or undistributed.

? *Q. What information about a federal tax offset payment may the Title IV-D Office give a party to the case?*

- ✓ A. The Title IV-D Office may disclose to either party or the party's attorney:
- The date of the payment;
 - The amount of the payment;

¹ Publication 1075, Section 2.F.3

² Publication 1075, Sections 2.F.3 and 4.10 MP-6

- The source of the payment; and
- That the payment may be held up to 6 months.¹

The Title IV-D Office may disclose information about the payment to the CP only after the payment is received by the Title IV-D agency.² The Title IV-D Office may disclose to the CP that the payment is being held, but not why the payment is being held other than that the payment is subject to federal distribution rules and may be subject to adjustment.³

The Title IV-D Office staff may discuss any FTI of the NCP with the NCP.⁴

Related Information

- [Chapter 17: Confidentiality and Security, Section 09: Reporting a Security Incident](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version
Version 2	2/8/24	

¹ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

² Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

³ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

⁴ Use of Federal Tax Information (FTI) for Child Support Enforcement Purposes – Matrix

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 4: Security Awareness and Training

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

The Title IV-D Program provides security awareness training to users of the statewide child support system (KAECSES) as part of initial training for new users, annually thereafter, and any time required by system changes.¹

References

- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

Each year, based upon direction from the Kansas Information Security Office (KISO), the Child Support Services (CSS) Training Group creates, communicates, and makes available self-led training for initial certification and recertification.

Prior to being given access to Federal Tax Information (FTI), any employee or contractor must certify their understanding of the Title IV-D Program's security and privacy policies and procedures.² Management is responsible for ensuring all new employees and contractors complete FTI training prior to receiving access to FTI and that each user completes the annual recertification training.

The initial and annual security awareness training must include training on the following:

1. Authority for receiving FTI;
2. Authorized uses of FTI;
3. Disclosure of FTI to external parties only when authorized;
4. Consequences, including civil and criminal penalties, of unauthorized access, use, or disclosure of FTI; and
5. Security incident reporting procedures.³

Employees and contractors must also be made aware during this training that disclosure restrictions and penalties apply even after the employment or contract with the Title IV-D Program has terminated.

After completing the initial and annual certification, the employee or contractor must sign a confidentiality statement certifying:

1. Understanding of the penalty provisions;

¹ Publication 1075, Section 4.2 AT-2

² Publication 1075, Section 2.D.2.1

³ Publication 1075, Sections 2.D.2.1 and 4.8 IR-2

2. Understanding of the security requirements; and
3. Understanding of the requirement to report possible improper inspections or disclosures of FTI and security incidents pursuant to the Title IV-D Program's reporting procedures.¹ The confidentiality statement may be signed either in ink on paper or electronically.²

If an employee or contractor does not complete the annual certification by the due date, the employee's or contractor's access to KACESES will be revoked.

Record of the employee's or contractor's initial and annual certification must be documented and retained for 5 years by CSS Administration.³ This documentation may be retained in electronic format.

The training produced by KISO and CSS Training Group includes practical exercises simulating security and privacy incidents.⁴ This may include:

1. Insider threat awareness;
2. Simulating social engineering attempts to collect information or gain unauthorized access; and
3. Simulating the adverse impacts of opening malicious email attachments or clicking malicious web links.⁵

At least once per quarter, security and privacy awareness reminders or updates will be distributed to all users. KISO will provide topics, resources, and review the content prior to publication. CSS Training Group will then distribute the content through a variety of methods, including, but not limited to:

1. Email or other electronic messages;
2. Information distributed to managers for group meeting discussion;
3. Posters to be hung in work areas;
4. Security articles in Title IV-D newsletters; and
5. Formal training sessions.⁶

Forms and Tools

- [KISO New User Security Awareness rev 20220211.docx](#)
- [BusinessAssociateSecurityAgreement.docx](#)
- [CSS Security Awareness 2024 PowerPoint](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

¹ Publication 1075, Section 2.D.2.1

² Publication 1075, Section 2.D.2.1

³ Publication 1075, Sections 2.D.2.1 and 4.2 AT-4

⁴ Publication 1075, Section 2.D.2.1

⁵ Publication 1075, Sections 2.D.2.1, 4.2 AT-2, and 4.13 PM-12

⁶ Publication 1075, Section 2.D.2.1



Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final approved version

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 5: Background Investigation

Version: 1	Effective Date: 1/1/2024
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Background

The Title IV-D Program is committed to safeguarding all Federal Tax Information (FTI) in their possession pursuant to federal and state regulations. One of those safeguard procedures is the requirement that Kansas Department for Children and Families (DCF) create a written background investigation policy that ensures compliance with Internal Revenue Service (IRS) requirements for persons having access to FTI.¹ The purpose of this policy is to define and establish procedural guidelines, time frames, and favorability standards for applicants, employees, contractors, and sub-contractors who may have access to FTI as part of their job duties under the Title IV-D Program.

Definitions

1. **"Appointing authority"** means the agency or person authorized to make employment determinations. For the Title IV-D Program, the appointing authority is the Title IV-D Director, or their designee. For field staff, the appointing authority is contractor management or their designees.
2. **"Background investigation"** means all necessary checks required of an employee, contractor, or sub-contractor in order to determine an individual's suitability for access to FTI maintained by or obtained through the Kansas Title IV-D Program. IRS Publication 1075 requires that checks must include, at a minimum, Federal Bureau of Investigation (FBI) fingerprint checks, local law enforcement checks, and citizenship verification.²
3. **"Citizenship/Residency Check"** means verification of a new employee's eligibility to legally work in the United States utilizing Form I-9 and verification through E-Verify.³
4. **"FBI Fingerprinting"** means a review of FBI national fingerprint background check results.⁴
5. **"Local Law Enforcement Check"** means criminal background checks at local law enforcement agencies where the subject has lived, worked, and/or attended school within the past 5 years.⁵ These may include searches of the Kansas Data and Communications System and the National Crime Information Center (NCIC).
6. **"Favorability Standards"** means agency criteria for determining a subject's suitability to have access to FTI.⁶

Policy

Upon implementation, all existing employees, contractors, and sub-contractors with direct access to FTI will be required to submit to a background investigation meeting this policy's requirements to determine whether continued FTI access will be authorized.⁷

¹ Publication 1075, Sections 2.C.3 and 2.C.3.1

² Publication 1075, Section 2.C.3

³ Publication 1075, Section 2.C.3

⁴ Publication 1075, Section 2.C.3

⁵ Publication 1075, Section 2.C.3

⁶ Publication 1075, Section 2.C.3

⁷ Publication 1075, Section 2.C.3.1

New employees, contractors, and sub-contractors with direct access to FTI will be required to submit to a background investigation and favorability standards review prior to being permitted access to FTI.¹

All individuals subject to the background investigation requirement will be required to submit to a reinvestigation at least once every 5 years after the initial background investigation.²

Employees, contractors, and sub-contractors without direct access to nor in possession of FTI are not required to undergo the background investigation outlined in this policy (for example, information technology support staff, cleaning staff with only potential incidental or inadvertent access to FTI, or elected prosecutors not involved in the performance of direct Title IV-D duties).

References

- [15 U.S.C. § 1681b](#): Permissible purposes of consumer reports
- [15 U.S.C. § 1681m](#): Requirements on users of consumer reports
- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

1. Required Background Checks

a. KBI Fingerprinting

This will require that individuals be directed to schedule an appointment to collect fingerprints through the State's vendor for KBI fingerprinting services.³ Scheduling and billing will be coordinated between the appointing authority and the State's vendor. Results of the KBI fingerprinting process are provided to, and evaluated by, the appointing authority against favorability standards outlined below. If the appointing authority determines that FTI access should not be granted based on the background check results, the appointing authority or designee will exercise discretion in determining whether or not to hire the applicant or retain the employee, contractor, or sub-contractor in a role that does not provide direct access to FTI.

b. Citizenship/Residency Check

The purpose is to verify eligibility to legally work in the United States.⁴ Any new employee must be processed through E-Verify to assist with verification of their citizenship status and the documents provided with the Form I-9.⁵ The citizenship requirement check can be performed online at www.e-verify.gov.

c. Local Law Enforcement Check

This local law enforcement check will occur in each county where the individual has lived, worked, and/or attended school within the last five (5) years and, if applicable, of the appropriate agency for any identified

¹ Publication 1075, Section 2.C.3

² Publication 1075, Sections 2.C.3 and 2.C.3.1

³ Publication 1075, Section 2.C.3

⁴ Publication 1075, Section 2.C.3

⁵ Publication 1075, Section 2.C.3

arrests.¹ For the required local law enforcement check, the appointing authority or designee will need to utilize the State's vendor providing this service. This will consist of a search of court records that contain criminal convictions and pending charges in any county in the United States where the individual has lived, worked and/or attended school in the past five (5) years. Local law enforcement check results are reviewed by the appointing authority or their designee against the favorability standards outlined below.

If the appointing authority determines that FTI access should not be granted based on the background check results, the appointing authority will exercise discretion in determining whether or not to hire the applicant or retain the employee, contractor, or sub-contractor in a role that does not provide direct access to FTI.

2. Time Frames

The appointing authority will conduct all background investigations in a timely manner.

Prospective employees, contractors, and sub-contractors will not be authorized for access to FTI until they have passed all background investigations and been deemed suitable for access to FTI following a review of the favorability standards.

Upon initial employment, all employees must complete a Form I-9.² Within 3 business days of new hire, any new employee must also be processed through E-Verify to assist with verification of their status and documents provided with the Form I-9.³ Independent contractors are not required to complete a Form I-9; however, these individuals must also be subjected to a citizenship/residency verification check as part of the required background investigation prior to being permitted access to FTI.

3. Document Retention

a. KBI Fingerprinting Background Check Results

The appointing authority is responsible for ensuring that documentation verifying completion of all required FBI fingerprinting background checks are maintained for their employees, contractors, and sub-contractors.

b. Citizenship/Residency Check Results

The appointing authority is responsible for ensuring that documentation verifying completion of all required citizenship/residency check results are maintained for their employees, contractors, and sub-contractors.

c. Local Law Enforcement Background Check Results

The appointing authority is responsible for ensuring that documentation verifying completion of all required local law enforcement background check results are maintained for their employees, contractors, and sub-contractors.

4. Favorability Standards

a. Review of KBI Fingerprinting and Local Law Enforcement Check Results

¹ Publication 1075, Section 2.C.3

² Publication 1075, Section 2.C.3

³ Publication 1075, Section 2.C.3

The appointing authority will consider the following crimes and activities in determining an individual's suitability to access FTI:

1. Theft;
2. Larceny;
3. Burglary;
4. Robbery;
5. Fraud;
6. Identity Theft;
7. Illegal Credit Card Use;
8. Any crime involving fraud, deceit, or dishonesty;
9. Any crimes with a direct link to the individual's specific job functions;
10. Material or intentional false statement, deception, or fraud in examination or appointment of employment;
or
11. Any statute or regulatory bar which prevents the lawful employment of the person involved in the position in question.

b. Potential Mitigating Factors

The appointing authority must consider any of the following additional considerations to the extent the appointing authority deems any of them pertinent to the individual case:

1. The nature of the position for which the person is applying or in which the person is employed;
2. The nature and seriousness of the conduct;
3. The circumstances surrounding the conduct;
4. The recency of the conduct;
5. The age of the person involved at the time of the conduct; and
6. The absence or presence of rehabilitation or efforts towards rehabilitation.

c. Expunged Criminal or Juvenile delinquency Records

Most expunged criminal records should not appear in FBI fingerprinting or local law enforcement check results. Certain felony convictions may appear marked as "expunged". As a general rule, if the appointing authority is the Title IV-D Office, it may, in its discretion, consider expunged records.

d. Appointing Authority's Discretion for Employment

The appointing authority shall have discretion on the retention decisions for any current employee, contractor, or sub-contractor with access to FTI who has been charged with, or found guilty of, any of the crimes or activities listed above or similar crimes or activities.

Current employees must comply with investigation requirements, and revocation of access to FTI may result in dismissal from employment. The appointing authority shall also exercise discretion in the hiring of any prospective employee, contractor, or sub-contractor for a position that requires access to FTI and who has been charged with, or convicted of, any of the crimes or activities listed above or similar crimes or activities.

If an individual has been charged with or convicted of a crime other than those listed above, the appointing authority will exercise discretion in hiring the applicant or retaining the employee, contractor, or sub-contractor is appropriate.

5. Adverse Actions Based on Local Law Enforcement Check Results

An appointing authority must comply with the Fair Credit Reporting Act (FCRA) if, based in whole or in part on the result of a local law enforcement background check, the appointing authority decides to:

- a. Terminate an existing employee's employment;
- b. Decline to hire an applicant;
- c. Rescind FTI access; or
- d. Take any other negative employment action.

The FCRA requirements are:

- a. Sending a Preliminary Adverse Action Notice, prior to taking the negative employment action. This notice must contain the language outlined in the FCRA. This notice must include a copy of the local law enforcement background check report. This notice must include a copy of the "Summary of Your Rights Under the Fair Credit Reporting Act" document.¹
- b. Sending a Final Adverse Action Notice at least 5 business days from the date of the Preliminary Notices. This notice must contain the language outlined in the FCRA.²

The appointing authority will send the required adverse action notice. The appointing authority may also request the State's local background check vendor to send the required adverse action notices on behalf of the appointing authority.

6. Reinvestigation Requirements

IRS Publication 1075 requires that a reinvestigation of employees, contractors, and subcontractors must be conducted within 5 years from the date of the previous background investigation for each individual with access to FTI.³

7. Employee Reporting Requirements

It is the individual employee, contractor, or sub-contractor's duty to notify their supervisor and appointing authority of a new pending charge or conviction of any crime and/or unauthorized access to FTI.

Forms and Tools

- [E-Verify](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
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¹ 15 U.S.C. § 1681b(b)(3)(A)

² 15 U.S.C. § 1681m(a)

³ Publication 1075, Section 2.C.3



Kansas Child Support Services Title IV-D Policy Manual

Version 1	1/1/2024	Final Approved Version
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CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 6: Electronic Device and Digital Media Security

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

The Title IV-D Program observes safeguards for protecting confidential information, with the minimum standard for the safeguards being the federal regulations governing the safeguarding of information.¹ These safeguards include security requirements which are further outlined in the following federal documents:

1. Internal Revenue Service – Publication 1075;
2. Social Security Administration (SSA) – Electronic Information Exchange Security Requirements and Procedures for State and Local Agencies Exchanging Electronic Information with the Social Security Administration; and
3. Office of Child Support Services (OCSS) – Security Agreement.

Human Services Executive Branch Technology (HS-EBIT), the Office of Information Technology Services (OITS) and the Title IV-D Program have administrative, technical, and physical safeguards to ensure the security of the statewide child support system (KAECSSES) used by the Title IV-D Program and to protect against anticipated threats or hazards to KAECSSES's security, integrity, or access. Additionally, the Title IV-D Program has safeguards in effect concerning the integrity, accuracy, completeness of, access to, and use of data in KAECSSES.²

These safeguards include:

1. Written policies concerning access and sharing data;³
2. System controls, such as passwords or blocking certain fields, to ensure adherence to written policies;⁴
3. Routine monitoring, such as through audit trails and feedback mechanisms, of access to and use of KAECSSES to guard against and promptly identify unauthorized access or use;⁵
4. Procedures to ensure all personnel having access to confidential data are informed of applicable requirements and penalties and are trained in security procedures;⁶ and
5. Administrative penalties, including dismissal from employment, for unauthorized access to, or disclosure or use of, confidential data.⁷

The written policies include:

1. Access to and use of data is only permitted to the extent necessary to carry out the Title IV-D functions;⁸ and

¹ 45 C.F.R. § 303.21(b)

² 42 U.S.C. § 654a(d); 45 C.F.R. § 307.13(a)

³ 42 U.S.C. § 654a(d)(1)

⁴ 42 U.S.C. § 654a(d)(2)

⁵ 42 U.S.C. § 654a(d)(3); 45 C.F.R. § 307.13(b)

⁶ 42 U.S.C. § 654a(d)(4); 45 C.F.R. § 307.13(c)

⁷ 42 U.S.C. § 654a(d)(5)

⁸ 42 U.S.C. § 654a(d)(1)(A)

2. Specifications as to the data that may be used, and the personnel permitted access to such data.¹

The OCSS Security Agreement prohibits Federal Parent Locator Service (FPLS) and confidential child support program information from being copied to and stored on digital media unless encrypted pursuant to current Federal Information Processing Standards (FIPS) requirements.

HS-EBIT has additional safeguards regarding the storage of data, which includes Federal Tax Information (FTI) and/or Personal Identifiable Information (PII) in the Security Agreement that users sign as part of their annual security training.

References

- [42 U.S.C. § 654a](#): Automated data processing
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information.
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997
- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

1. Passwords

When a computer is not in use, it is to be locked and password protected. Computers are to be set to have a 15-minute time out function so that the computer automatically locks when no activity has occurred after 15 minutes.² Passwords to access computers or computer programs are not to be shared.

2. Maintenance and Replacement

When the Title IV-D Program will be maintaining, repairing, or replacing an electronic device or digital media containing confidential information, including FTI and/or PII, the agency shall:

- a. Schedule, document, and review records of maintenance, repair, and replacement on system components in accordance with manufacturer or vendor specifications and/or organizational requirements;
- b. Approve and monitor all maintenance activities, whether performed on site or remotely and whether the system or system components are serviced on site or removed to another location;
- c. Require that an agency assigned official explicitly approve the removal of the system or system components from the organizational facilities for off-site maintenance, repair, or replacement;
- d. Sanitize equipment to remove all FTI and/or PII from associated media prior to removal from the agency's facilities for off-site maintenance or repairs;
- e. Check all potentially impacted security controls to verify that the controls are still functioning properly following maintenance or repair actions; and
- f. Include the following information in organizational maintenance records:
 1. Date and time of maintenance;
 2. Name of the individual performing the maintenance;
 3. Name of escort, if necessary;

¹ 42 U.S.C. § 654a(d)(1)(B)

² Publication 1075, Section 4.9 MA-2

4. A description of the maintenance performed; and
5. A list of equipment removed or replaced (including identification numbers, if applicable).¹

3. Disposal

When the Title IV-D Program will be disposing of an electronic device or digital media containing confidential information, including FTI and/or PII, the agency shall:

- a. Sanitize the device or media prior to disposal or release for reuse using IRS approved sanitization techniques;
- b. Employ sanitization mechanisms commensurate with the security category or classification of the information; and
- c. Review, approve, track, document, and verify media sanitization and disposal actions. The tracking and documenting actions include:
 1. Personnel who reviewed and approved the sanitization and disposal;
 2. Types of media sanitized;
 3. Sanitization methods used;
 4. Date and time of the sanitization actions;
 5. Personnel who performed the sanitization;
 6. Verification actions taken;
 7. Personnel who performed the verification; and
 8. Disposal action taken.²

Disposal of an electronic device or digital media must also comply with all applicable state and county records retention policies.

Forms and Tools

- [OCSS Security and Privacy Program – Security Agreement](#)
- [National Institute of Standards and Technology \(NIST\) – Federal Information Processing Standards \(FIPS\)](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ Publication 1075, Section 4.10 MP-6

² Publication 1075, Section 4.10 MP-1

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 7: Remote Access for an Alternate Work Site

Version: 1	Effective Date: 1/1/2024
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Background

Remote access is defined as access to agency systems (or processes acting on behalf of users) communicating through external networks such as the internet.¹ The access originates from outside an agency network and enters the network through an internet gateway.

Policy

If the confidentiality of Federal Tax Information (FTI) can be adequately protected, telework sites such as an employee's home or other non-traditional work sites may be used.² All FTI safeguards and protections that apply while working in an office will also apply to employees while working offsite or remotely.³

Ultimately, the decision to offer non-traditional work sites for its employees lies with the individual office within the Title IV-D Program (collectively the Child Support Services (CSS) and Title IV-D Office). Individual offices within the Title IV-D Program may also issue additional policies and procedures governing telework for its employees.

References

- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997
- [IRS Publication 1075](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

1. Remote Access to the State Network

The use of encrypted virtual private networks (VPN) for network connections between an agency-controlled endpoint and non-agency-controlled endpoint, may be treated as an internal network with respect to the protecting the confidentiality and integrity of information that is traversing the network.⁴ Kansas Office of Technology Services (OITS) will be the sole provider of remote access to the State network. VPN is the only type of remote connection authorized for state network access. OITS requires that multi-factor authentication (MFA) be utilized for each remote connection before permitting access to the state network.

FTI must not be received, processed, stored, accessed, or transmitted to IT systems located outside of the legal jurisdictional boundary of the United States (outside of the United States, its territories, embassies, or military installations).⁵

¹ Publication 1075, Section 4.7 IA-2

² Publication 1075, Section 2.B.7

³ 45 C.F.R. § 307.13(a); Publication 1075, Section 2.B.7

⁴ Publication 1075, Section 4.7 IA-2

⁵ Publication 1075, Section 2.C.7

2. Equipment

Individual offices within the Title IV-D Program must retain ownership and control for all hardware, software, and end-point equipment, such as an employee's computer, connecting to public communication networks where these are present at alternate work sites.¹ By extension of the cooperative agreement, the Title IV-D Office is permitted to access the state network on official office equipment using state-issued credentials.²

3. Physical Security

An employee must have a specific room or area in a room that has the appropriate space and facilities for his or her work.³ Individual offices within the Title IV-D Program must ensure an employee has access to locking file cabinets or desk drawers.⁴ An employee also must have a way to communicate with managers or other members of his or her Title IV-D Office if security problems arise.⁵

As part of security awareness and training, the Title IV-D Program disseminates rules and procedures to ensure that employees do not leave computers or other FTI unprotected.⁶

Forms and Tools

- [OCSS Security and Privacy Program – Security Agreement](#)
- [National Institute of Standards and Technology \(NIST\) – Federal Information Processing Standards \(FIPS\)](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 17: Confidentiality and Security, Section 3: Accessing and Protecting Federal Tax Information \(FTI\)](#)
- [Chapter 17: Confidentiality and Security, Section 6: Electronic Device and Digital Media Security](#)
- [Chapter 17: Confidentiality and Security, Section 09: Reporting a Security Incident](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ Publication 1075, Section 2.B.7.1

² Publication 1075, Section 2.B.5

³ Publication 1075, Section 2.B.7.1

⁴ Publication 1075, Section 2.B.7.1

⁵ Publication 1075, Section 2.B.7.1

⁶ 45 C.F.R. § 307.13(c); Publication 1075, Section 2.B.7.

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 8: Disclosure of Confidential Information to Other Agencies

Version: 1	Effective Date: 1/1/2024
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Background

Confidential information is any information relating to a specific person including, but not limited to, the person's Social Security number, address, employment information, and financial information.¹ Confidential information is all data that the Title IV-D Program is required to protect from unauthorized disclosure. It includes, but is not limited to, Federal Tax Information (FTI) and/or Personal Identifiable Information (PII) provided by the Internal Revenue Service (IRS), Social Security Administration (SSA), and Office of Child Support Services (OCSS).

Policy

No employee or contractor of the Title IV-D Program shall disclose outside of the Title IV-D Program any confidential information obtained in connection with performance of the individual's Title IV-D duties except as permitted by law.² Employees and contractors shall collect, maintain, and use only that confidential information relevant and necessary to accomplish Title IV-D program functions.

Disclosure of data from the National Directory of New Hires (NDNH), Federal Case Registry (FCR), financial institution data match (FIDM), and IRS information is prohibited outside the Title IV-D program.³ Exceptions to this prohibition include allowing disclosure of NDNH and FCR information to IV-A, IV-B, IV-D, and IV-E agencies for the purpose of carrying out their responsibilities to administer their respective programs.⁴ Independently verified NDNH and FCR information may be disclosed to other State agencies to assist them in carrying out their duties under Titles IV, XIX, or XXI of the Social Security Act and the Supplemental Nutrition Assistance

Program (SNAP) including:⁵

1. Any investigation, or criminal or civil proceeding conducted in connection with the administration of the program⁶; and
2. Information on known or suspected instances of physical/mental injury, sexual abuse/exploitation, or negligence/maltreatment of a child that indicates a threat to the child's health or welfare.⁷

Note: Title IV includes Title IV-A Temporary Assistance for Needy Families (TANF), IV-D Child Support, and Title IV-E Foster Care. Title XIX includes Medicaid. Title XXI includes the State Children's Health Insurance Program (CHIP).

¹ 45 C.F.R. § 303.21(a)(1)

² 45 C.F.R. § 303.21(c)

³ 45 C.F.R. § 303.21(d)(3); 45 C.F.R. § 307.13(a)(4)

⁴ 45 C.F.R. § 307.13(a)(4)

⁵ 45 C.F.R. § 303.21(d); 45 C.F.R. § 307.13(a)(3)

⁶ 45 C.F.R. § 303.21(d)(1)(i)

⁷ 45 C.F.R. § 303.21(d)(1)(ii)

Additionally, disclosure of IRS information, which would otherwise be FTI, is permitted to other state agencies administering Titles IV, XIX, or XXI of the Social Security Act and SNAP if the information is independently verified through another source.¹ If the locate code in the statewide child support system (KAECSES) is IRS, IRS/AWR, or LTXF, then the information must be verified through a second source.

References

- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997

Procedure

Confidential information is only to be shared with Title IV-D employees, or those authorized in the Policy above, only as necessary to perform their official duties (also known as “a need-to know basis”). Confidential information is only to be released in the least amount necessary to perform required Title IV-D duties and assist other agencies, as specifically outlined above.

Forms and Tools

- IRS Disclosure Policy Guidance [Use of Federal Tax Information for Child Support Enforcement Purposes \(irs.gov\)](#); DCL-22-01

Frequently Asked Questions

- ? *Q. May the Title IV-D Office release information from a Title IV-D file to a party to the case or an attorney representing one of the parties to the case?*
- ✓ A. The Title IV-D Office may release confidential information to a party to the case, or to the party’s attorney, outside of the formal discovery process, and that information pertains specifically to that party. For example, the Title IV-D Office may tell the Non-Custodial Parent’s (NCP’s) attorney the name and address of the NCP’s employer to whom an income withholding order was sent but cannot tell the custodial party (CP) or the CP’s attorney that information.
- Certain FTI regarding the NCP’s tax offset may be disclosed to the CP. For further information, see the IRS Disclosure Policy Guidance.²
- A party may serve a discovery request on the Title IV-D Office for information in the Title IV-D file. The Title IV-D Office shall comply with the discovery request to the extent of all applicable Indiana Trial Rules and Rules of Professional Conduct.
- ? *Q. May the Title IV-D Office release confidential information pursuant to a court order?*
- ✓ The Title IV-D Office may release the confidential information pursuant to a court order. The Title IV-D Office may choose to appeal the order if it wishes to do so.

¹ 45 C.F.R. § 303.21(d)(3)

² IRS Disclosure Policy Guidance Use of Federal Tax Information for Child Support Enforcement Purposes (irs.gov); DCL-22-01



Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 9: Reporting a Security Incident

Version: 1	Effective Date: 1/1/2024
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Background

The Title IV-D Program shall observe all possible safeguards with the minimum standard for such safeguards to be federal regulations governing the safeguarding of information under the Title IV-D program.

Policy

Among the federal requirements governing the safeguarding of information is that the Title IV-D Program has a written policy stating the actions that will be taken upon discovering an improper inspection or disclosure of Federal Tax Information (FTI) or Personal Identifiable Information (PII), such as through a data incident or data breach.¹ A data incident is an actual or imminent event that jeopardizes the integrity, confidentiality, or availability of an information system.² A data incident also includes a violation of law or a violation of security or acceptable use policies or procedures.³ A data incident involving loss, theft, or inadvertent disclosure of FTI is a data breach.⁴ This involves a person other than an authorized user accessing, or potentially accessing, FTI or an authorized person accessing, or potentially accessing, FTI for an unauthorized purpose.⁵

Examples of a data breach include, but are not limited to, the following:

4. A laptop or portable storage device containing FTI is lost or stolen;
5. An email is sent containing FTI;
6. Documents containing FTI are lost or stolen during transit;
7. An unauthorized person overhears authorized personnel discussing FTI;
8. An authorized user accesses FTI for an unauthorized purpose;
9. A network intrusion, an attack exploiting website vulnerabilities, or an attack executed through an email message or attachment on a system that maintains FTI;
10. An oral disclosure of FTI to a person who is not authorized to receive that information; and
11. Inadvertent disclosure of FTI on a public website.⁶

References

- [**IRS Publication 1075**](#): Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

¹ Publication 1075, Section 1.8.2

² Publication 1075, Section 1.8.1.1

³ Publication 1075, Section 1.8.1.1

⁴ Publication 1075, Section 1.8.1.2

⁵ Publication 1075, Section 1.8.1.2

⁶ Publication 1075, Section 1.8.1.2

Procedure

An employee who becomes aware of an incident is to report the incident to the employee's supervisor. The supervisor reports the incident to the Title IV-D Director or designee promptly.

Any actual or suspected incident in which FTI, PII, or other confidential information may have been accessed by an unauthorized person is to be reported. All suspected or actual breaches or unauthorized disclosures of FTI, Social Security Administration (SSA) provided PII, Office of Child Support Services (OCSS) provided data, or other confidential information must be reported within 1 hour of the discovery of the security incident.

Child Support Services (CSS) Administration has created the Security Incident Report Form (FTI & PII) to facilitate reporting incidents. This form contains specific contact information and instructions. Details of the incident or breach known at the time of the report that must be reported include, but are not limited to:

1. Name of the agency and the point of contact for resolving the data incident including the person's contact information;
2. Date and time the incident or breach occurred;
3. Date and time the incident or breach was discovered;
4. How the incident or breach was discovered;
5. Description of the incident or breach and the data involved, including specific data elements if known;
6. Potential number of records involved (if a specific number is unknown, then provide a range if possible);
7. Address where the incident or breach occurred;
8. Information technology involved (such as laptop, server, or mainframe);
9. Whether the incident involved unauthorized access or disclosure by an agency employee; and
10. If criminal prosecution is not pursued, whether a disciplinary or adverse action will be proposed against the agency employee involved in the incident or breach.¹

Immediate notification of a potential incident is more important than the completeness of a security incident report.² However, additional information shall be provided as soon as it is available.³ Any internal investigations are not to delay timely reporting.⁴

The Title IV-D Director or designee will notify the appropriate external agencies of security incidents according to each agency's reporting requirements:

1. For any security incident, the Kansas Office of Technology's Chief Information Security Officer;
2. For incidents involving FTI, the Treasury Inspector General for Tax Administration (TIGTA) and IRS Office of Safeguards;⁵
3. For incidents involving SSA provided PII, the SSA's National Network Service Center (NNSC);
4. For incidents involving OCSS, including FPLS, provided PII, the FPLS Information System Security Office; and
5. For incidents involving protected health information (PHI), the U.S. Department of Health and Human Services.

¹ Publication 1075, Section 1.8.3

² Publication 1075, Section 1.8.3

³ Publication 1075, Section 1.8.3

⁴ Publication 1075, Section 1.8.4

⁵ Publication 1075, Section 1.8.2-1.8.4

When a disciplinary or adverse action is proposed against the employee responsible for a security incident involving unauthorized access or disclosure of FTI or a Social Security number, written notice must be sent to the person whose information was accessed or disclosed.¹ This notice must include the date of the unauthorized access or disclosure and the rights of the person.² If the security incident occurred in a county office, it is the responsibility of the county office to notify the person. If the security incident occurred at the Ti, it is CSS's responsibility to notify the person. Child Support Administration must affirm to the IRS Office of Safeguards when this notice has been provided to the person.³

Child Support Administration will track and document security incidents.⁴ This includes post-incident review, which may be done in conjunction with the office where the incident occurred, to ensure the policies and procedures provide adequate guidance.⁵ Any deficiencies in policies and procedures will be resolved as soon as practical and additional training will be provided upon implementation of updated policies and procedures.⁶

Child Support Administration will conduct an incident response test at least annually to determine incident response effectiveness and document the results.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ Publication 1075, Section 1.8.5

² Publication 1075, Section 1.8.5

³ Publication 1075, Section 1.8.5

⁴ Publication 1075, Section 1.8.4

⁵ Publication 1075, Section 1.8.4

⁶ Publication 1075, Section 1.8.4

CHAPTER 17: CONFIDENTIALITY AND SECURITY

Section 10: Office Inspections

Version: 1	Effective Date: 1/1/2024
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Background

A requirement by the Internal Revenue Service (IRS) for the safeguarding of Federal Tax Information (FTI) is internal inspections by the recipient agency.¹ The purpose of the internal inspections is to ensure and certify that the security and privacy policies established by the Title IV-D Program to protect FTI are functioning, maintained, and enforced.²

Policy

Every year, the DCF-IT Security Team (Security Team) conducts an internal security inspection of each Title IV-D Office.³ Additionally, the Security Team conducts internal security inspections of CSS and the Kansas State Central Receivables Unit (CRU) every 18 months.⁴

References

- **IRS Publication 1075:** Tax Information Security Guidelines for Federal, State and Local Agencies: Safeguards for Protecting Federal Tax Returns and Return Information

Procedure

Prior to the office inspection, the Security Team will contact each respective office to coordinate a time and date for the inspection. The Security Team Inspector uses the Internal Security Inspection Checklist to guide the inspection and is required to review the following topics during its office inspection of the respective office:

1. Recordkeeping

Each office shall maintain an FTI log, to include receipt and disposal of FTI, returns, or return information.⁵ This includes any medium containing FTI, such as computer tapes, cartridges, CDs, or data received electronically.⁶

2. Secure Storage

FTI and Personally Identifiable Information (PII) must be stored in a secured location, safe from unauthorized access.⁷

3. Limited Access

Access to FTI and PII (including electronic media) must be limited to only those employees who are authorized

¹ Publication 1075, Section 2.D.3

² Publication 1075, Section 2.D.3

³ Publication 1075, Section 2.D.3

⁴ Publication 1075, Section 2.D.3

⁵ Publication 1075, Section 2.D.4

⁶ Publication 1075, Section 2.D.4

⁷ Publication 1075, Section 2.D.5

access by law or regulation and whose official duties require such access.¹ The physical and systemic barriers to unauthorized access must be reviewed and reported.²

4. Disposal

Upon completion of use, offices should ensure that FTI is destroyed pursuant to Publication 1075 requirements.³ All other PII shall be destroyed by burning, pulping, shredding, or similar means that ensures the information cannot be recovered.⁴

5. Computer Security

Each office will be reviewed as to the adequacy of its computer security provisions to provide reasonable assurance that safeguard measures are in place to restrict access to FTI and PII.⁵

If the office inspection report determines noncompliance, the Security Team will assist the respective office in developing and implementing a local correcting action plan (CAP). If the proposed CAP is unsatisfactory to the respective office, the Security Team may prescribe alternative action. All inspection reports are to be retained by both the Security Team and the respective office to which the inspection applies for a minimum of 5 years.⁶

Forms and Tools

- [FTI Log](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 17: Confidentiality and Security, Section 3: Accessing and Protecting Federal Tax Information \(FTI\)](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ Publication 1075, Section 2.D.6

² Publication 1075, Section 2.D.6

³ Publication 1075, Section 2.D.7 and Section 2.F

⁴ Publication 1075, Section 2.F.3

⁵ Publication 1075, Section 2.D.8

⁶ Publication 1075, Section 2.D.3

CHAPTER 18: DECEASED PARTICIPANTS

Section 1: Non-Custodial Parent

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Upon verifying the death of a Non-Custodial Parent (NCP) in a Title IV-D case, the Title IV-D Office verifies the date of death has been entered into the statewide child support system (KAESCES). The date of death is the initial trigger in the case closure process.¹

After the death of an alleged/presumed NCP, the Title IV-D Office typically only assists in establishing paternity if necessary for the child to receive Social Security benefits. While the issue of parentage may be determined by a Kansas court in an estate case,² the Title IV-D Office will not get involved in opening an estate and will not move to establish parentage in an estate case. If an estate case is already open, the Title IV-D Office will review the estate to determine if there are assets to apply to child support arrears, and only get involved in the case if parentage and child support were established before the NCP's death and there is an arrearage.³ If the Custodial Party (CP) believes the NCP has a significant estate or property that will not pass through an estate or wishes to pursue other action outside the scope of services provided by the Title IV-D Office, the Title IV-D Office should advise the CP to seek assistance from a private attorney.

The death of a parent obligated to pay child support does not automatically terminate the child support order.⁴

The Title IV-D Office should initiate a review whenever the Title IV-D Office learns that a substantial and continuing change of circumstances has occurred in a Title IV-D case.

As discussed above, the Title IV-D Office should not be involved in opening an estate but should check for an estate before proceeding to closure.⁵

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.11](#): Case closure criteria
- [K.S.A. 23-2209](#): Determination of father and child relationship; who may bring action; when action may be brought; revocation of acknowledgment
- [K.S.A. 23-2210](#): Jurisdiction; venue; precedence of certain other orders

¹ 45 C.F.R. § 303.11(b)(4)

² Reese v. Muret, 283 Kan. 1, 150 P.3d 309 (2007); Gross v. Vanlerberg, 231 Kan. 401, 646 P.2d 471 (1982); K.S.A. 23-2209(c); K.S.A. 23-2210(c)

³ 45 C.F.R. § 303.11(b)(4)

⁴ K.S.A. 23-2210(c); 45 C.F.R. § 303.11

⁵ K.S.A. 23-2210(c); 45 C.F.R. § 303.11(b)(4); 42 U.S.C. § 654

- [Reese v. Muret](#), 283 Kan. 1, 150 P.3d 309 (2007)
- [Gross v. Vanlerberg](#), 231 Kan. 401, 646 P.2d 471 (1982)

Procedure

If the Title IV-D Office receives a call regarding a deceased NCP or receives an ALRT, the caseworker will need to verify the date of death using all locate tools unless the notification comes from the Social Security Administration (SSA). An SSA alert does not need independent verification.

Once verified as being deceased, not only does that information need to be narrated on the case, the date of death also needs to be added to the appropriate person detail screens (APDS). This is critical not only for accuracy on KAECSSES, but to avoid automatically generated letters being sent to a deceased party. The address (ADDR) or foreign address (FADS) screens will automatically update when the appropriate person detail screen for the NCP (APDS) has been entered either manually or by a batch process.

Once the date of death has been entered manually or by batch, the Ending Code on ADDR or FADS will automatically update with "DC". This will help prevent automatically generated letters from being sent to a deceased party.

The Title IV-D Office must check probate prior to finance removing current support. Please refer to sections *Attachment of Assets Deceased NCP* & *Example of an Attachment of Asset* below.

A finance request must be made to remove current support (after checking probate) starting with the month after the date of death.

Attachment of Assets Deceased NCP

These types of cases are referred to legal to file and often do not usually require a court appearance. They are a method of attaching assets that may belong to the NCP before they are distributed to the NCP by a third party. A court appearance may become necessary if an objection is filed or other legal issue arise. These are time sensitive cases that have strict filing deadlines.

Example of an Attachment of Asset:

The Title IV-D Office may receive notice that an NCP is deceased but that there is an estate. The Title IV-D Office will file the appropriate legal documents in the probate case and proceed as needed.

Our involvement is limited to our assignment, and we do not represent any of the parties. CP's may need to seek their own attorney to represent their interests.

Debit Card of a Deceased NCP/CP:

Legally this debit card is property of the deceased estate. Funds contained thereon cannot be transferred unless there is a legal determination that those funds are due to someone other than the deceased. The Title IV-D Office can request funds from the debit card from date of death to present time if they are available. If the funds need to be redistributed to an heir or beneficiary of the deceased NCP/CP, the following steps need to occur:

1. Notify U.S. Bank

- Best Option - E-mail 8 Business hour SLA: PrepaidFIU@accountaccesssite.com
- eFax Number 16 Business hour SLA: 855-218-8823
- Mail (as a last option) 5-7 Business Days: Cardholder Services ATTN: Prepaid FIU PO Box #551617 Jacksonville, FL 32255

2. Advise the caller that their request must be submitted to the Prepaid Financial Intelligence Unit (FIU). The caller will need to include the documents listed below:
 - Clear copy of the cardholders' death certificate.
 - Documentation naming the person who has the right to the cardholders' assets/estate; or a copy of the cardholder's will.
 - Clear copy of a non-expired government issued ID of the person designated in the documentation or will.

Note: If the cardholder did not have a will, advise the caller to request an affidavit with their initial correspondence to the FIU.

3. Provide the caller with the different options to send the documents to FIU
 - Best Option - E-mail 8 Business hour SLA: PrepaidFIU@accountaccesssite.com
 - eFax Number 16 Business hour SLA: 855-218-8823
 - Mail (as a last option) 5-7 Business Days: Cardholder Services ATTN: Prepaid FIU PO Box #551617 Jacksonville, FL 32255

Forms and Tools

- N/A

Frequently Asked Questions

- ? *If the notice of intent to close the case is sent and the Title IV-D Office learns an estate has been opened for the deceased NCP, should the Title IV-D Office cancel the closure or let the case close and then reopen it as needed?*
- ✓ The Title IV-D Office should cancel the closure and reopen the case when the Title IV-D Office learns an estate has been opened for the deceased NCP and there is money owed on the Title IV-D case.
- ? *If the NCP has applied for Title IV-D services to establish paternity and the NCP dies prior to paternity establishment, how should the Title IV-D Office proceed on the case?*
- ✓ The Title IV-D Office is strongly encouraged to contact the CP to determine if the CP would like to proceed with establishing paternity. If the CP wishes to proceed, the Title IV-D Office proceeds with preparing the case for paternity establishment. If the CP does not wish to proceed, the Title IV-D Office allows the case to close due to the death of the NCP.

Related Information

- [Chapter 9: Paternity Establishment](#)
- [Chapter 12: Review and Adjustment/Modification of the Child Support Order, Section 2: Review and Adjustment Procedures](#)
- [Chapter 16: Case Closure, Section 2: Cases Requiring a 60-day Notice](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 18: DECEASED PARTICIPANTS

Section 2: Custodial Party

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Upon verifying the death of a Custodial Party (CP) in a Title IV-D case, the Title IV-D Office ensures that the CP's date of death has been entered into the statewide child support system (KAECSES).

Until the person with whom the child is residing enrolls in Title IV-D services or is referred through the IV-A/IV-D interface, any case for child support payable to that person for this child is a non-IV-D (NIVD) case.

The Title IV-D Office should not be involved in opening an estate as that is not one of the services that the Title IV-D office provides.¹

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [K.S.A. 59-1507b](#): Transfer of certain personal property to successor, discharge and release, affidavit

Procedure

If the Title IV-D Office receives a call regarding a deceased Title IV-D CP or receives an ALRT, the caseworker will need to verify the date of death using all locate tools unless the notification comes from Social Security Administration (SSA). An SSA alert does not need independent verification.

Once verified as being deceased, not only does that information need to be narrated on the case, the date of death also needs to be added to the appropriate person details screen (ARDS). This is critical not only for accuracy on the system, but to avoid automatically generated letters being sent to a deceased party. ADDR or FADS (foreign address) screen will automatically update when the appropriate person detail screen for a Custodial Party (ARDS) has been entered either manually or by a batch process.

Once the date of death has been entered manually or by batch, the Ending Code on ADDR or FADS (foreign address) will automatically update with "DC". This will help prevent automatically generated letters from being sent to a deceased party.

If CP is Deceased and the Child(ren) are Minors

It must be determined who now has residential custody. All locate tools must be used. Obituaries often have survivors listed, such as a current spouse, parents etc. Often contact information can be located on those survivors through KEES,

¹ 42 U.S.C. § 654

KAECSES as well as emergency contacts on enrollment forms. Clear/Accurint can be used for updated information as obituaries often list the city/state of residence. This person's information must be entered as the CP on KAECSES in order for funds to redirect through KPC. The new CP must complete an application for continuation of services, otherwise the case will become NIVD. The caseworker should inform the new CP that the current child support will now be disbursed to them, but any NA arrears would be considered part of the deceased estate. If the deceased has an estate, CP or NCP, the caseworker should inform callers to contact the executor or administrator of the estate as the NA arrears would have to be handled through the estate.

If the caseworker cannot find an estate and verifies with the new CP that there is no known estate filed or being filed, and the caller inquires about arrears due to the deceased then the caseworker may wish to have legal involved. There is a procedure set out in K.S.A. 59-1507b that allows, if the total assets of an estate are less than \$40,000.00, the transfer of the asset(s) to a successor (if the successor is entitled by will or intestate succession). The successor must provide an affidavit showing entitlement thereto.¹

The Title IV-D Office cannot offer any legal advice on the completion of the affidavit nor discuss the benefits or consequences of completing the form and it is always recommended to remind the caller to seek private counsel if there are any questions.

NCP Now Has the Child:

If there are state owed arrears, the case remains open until the debt is paid in full. Submit a request to finance to have current support stopped and NA arrears removed. File a motion to have the child support terminated. If no state arrears are owed, begin the closing procedures, and use closure code DC.

Debit Card of a Deceased NCP/CP:

Legally the debit card is property of the deceased estate. Funds contained thereon cannot be transferred unless there is a legal determination that those funds are due to someone other than the deceased. The Title IV-D Office can request funds from the debit card from date of death to present time if they are available. If the funds need to be redistributed to an heir or beneficiary of the deceased NCP/CP, the following steps need to occur:

1. Notify U.S. Bank
 - Best Option - E-mail 8 Business hour SLA: PrepaidFIU@accountaccesssite.com
 - eFax Number 16 Business hour SLA: 855-218-8823
 - Mail (as a last option) 5-7 Business Days: Cardholder Services ATTN: Prepaid FIU PO Box #551617 Jacksonville, FL 32255
2. Advise the caller that their request must be submitted to the Prepaid Financial Intelligence Unit (FIU). The caller will need to include the documents listed below:
 - a. Clear copy of the cardholders' death certificate
 - b. Documentation naming the person who has the right to the cardholders' assets/estate; or a copy of the cardholder's will
 - c. Clear copy of a non-expired government issued ID of the person designated in the documentation or will

¹ K.S.A. 59-1507b

NOTE: If the cardholder did not have a will, advise the caller to request an affidavit with their initial correspondence to FIU.

3. Provide the caller with the different options to send the documents to FIU

- Best Option - E-mail 8 Business hour SLA: PrepaidFIU@accountaccesssite.com
- eFax Number 16 Business hour SLA: 855-218-8823
- Mail (as a last option) 5-7 Business Days: Cardholder Services ATTN: Prepaid FIU PO Box #551617 Jacksonville, FL 32255

Forms and Tools

- [Small Estates Affidavit | Kansas Judicial Council](#)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 16: Case Closure](#)
- [Chapter 18: Deceased Participants, Section 1: Non-Custodial Parent](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 18: DECEASED PARTICIPANTS

Section 3: Child

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

Upon verifying the death of a child in a Title IV-D case, the Title IV-D Office verifies that the child's date of death has been entered into the statewide child support system (KAECSES).

The Title IV-D Office should initiate a review whenever the Title IV-D Office learns that a substantial and continuing change of circumstances has occurred in a Title IV-D case.

The Title IV-D Office should not be involved in opening an estate as that is not one of the services that the Title IV-D office provides.¹

References

- [42 U.S.C. § 654](#): State plan for child and spousal support

Procedure

If the Title IV-D Office receives a call regarding a deceased child on a Title IV-D case or receives an ALRT, the caseworker will need to verify the date of death using all locate tools unless the notification comes from the Social Security Administration (SSA). An SSA alert does not need independent verification.

Once verified as being deceased, the date of death must be added to the appropriate child's detail screen (CHDS) and narration completed on the case list screen (CSLN).

The Income Withholding Order (IWO) should be modified to arrears only. If there are other children on the case, the order should be reviewed for adjustment. If there are no arrears and/or no other children, the case should be reviewed for closure.

When setting a case for closure due to a deceased child, the case worker should use the DC closure code and then delete the case closure letter from issuing thru batch thru the ODCM screen.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

¹ 42 U.S.C. § 654



Related Information

- [Chapter 12: Review and Adjustment/Modification of the Child Support Order, Section 2: Review and Adjustment Procedures](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 1: Family Violence & Good Cause in Title IV-D Cases

Version: 2	Effective Date: 2/21/2024
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Background

Family violence, also referred to as domestic violence, domestic abuse, or intimate partner violence, is a pattern of behavior used by an individual to gain or maintain power and control over another individual. Kansas Statutes defines domestic violence as: “an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.”¹

Child support is an opportunity for the Custodial Party (CP) – who may be a biological parent, a relative caregiver, or a non-relative guardian – to establish economic independence from the perpetrator and/or to maintain financial stability. However, the child support process may introduce safety concerns for some CPs. Likewise, the child support process may also introduce safety concerns for the Non-Custodial Parent (NCP).

Definitions

1. **FAMILY VIOLENCE** for purposes of the Title IV-D Program shall be defined as, “A party to the case being physically or emotionally harmed by cooperating with establishing parentage/establishing a child support obligation and/or collecting support.” A family violence indicator may be set on the case without an official finding of Good Cause or additional proof of violence. A case may be closed for family violence without an official finding of Good Cause by partnering IV-A or IV- E Programs by using the GC closure code.
2. **GOOD CAUSE** is a finding by the responsible IV-A or IV-E Program that support enforcement or establishment may not proceed without risk of harm to the child or caretaker relative.

Policy

The Office of Child Support Services (OCSS) recommends that Title IV-D agencies have procedures in place when processing cases that involve family violence. Federal guidelines also require state plans for child support to include safeguards against the release of information on the whereabouts of a party and/or child to another party if:

1. The state has reasonable evidence of domestic violence or child abuse against a party or child in the case; and
2. The state has reason to believe the release of the information may result in physical and/or emotional harm to the party and/or the child.²

¹ K.S.A. 21-5111

² 42 U.S.C. § 653(b)(2); 42 U.S.C. § 654(26); 45 C.F.R. § 303.21(e)

If a customer indicates at any time that pursuing child support services may result in physical or emotional harm to them or the child(ren), or the caseworker suspects family violence may be an issue, the caseworker must contact the CP and have a conversation with them to gain additional information, provide case options and determine how to proceed.

The Title IV-D Office does not require a customer to provide official documents such as sworn statements from witnesses, court orders or police records to support a claim of family violence; however, documents **may be** required to support an official Good Cause finding from the IV-A or IV-E program. For purposes of IV-D services, if the customer states that no such documents exist, an oral statement from the customer may be documented with the following forms:

- Family Violence Guide- This form is to be used by the caseworker when family violence has been reported to facilitate a conversation to gain more information from the customer. To ensure all relevant information is obtained, each section of the form will need to be discussed. The completed form should be sent to the appropriate KDHE or EES mailbox to have a review for an official finding of Good Cause.

***All documentation must be saved to the electronic file and shared with the IV-A or IV-E program.**

References

- [42 U.S.C. § 653](#): Federal Parent Locator Service
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information.
- [45 C.F.R. § 307.11](#): Functional requirements for computerized support enforcement systems in operation by October 1, 2000.
- [OCSS-AT-98-27](#): PRWORA: Requiring the Placement of a Family Violence Indicator
- [OCSS-IM-19-06](#): Model Procedures for Domestic Violence Cases

Procedure

The Federal Office of Child Support Services (OCSS) recommends child support agencies have family violence screening and case management procedures in place to effectively provide child support services to parents impacted by family violence.¹ Because a CP or NCP may be an enrollee in a Title IV-D case, the CP or NCP may also be a victim of family violence by the other party. The Title IV-D Program maintains the following guidelines when screening a case for family violence.

Setting the Family Violence Indicator: A Family Violence Indicator (FVI) is a marker put on the electronic case record to prevent information from being visible if there is potential for family violence. This process allows the user to set and update the FVI on a person who needs protected. Only the caseworker, or his/her direct supervisor, assigned to one of the cases the person is tied to, can set the indicator. Once the indicator is set it will display on each case related to that person. There are three choices for the indicator: P = Protective Order Issued, D = Domestic Violence Suspected, and C = Child Abuse Suspected.

1. On NAME:
 - a. Enter the CP's name/SSN/Person #.
 - b. PF2 to display.
 - c. Select the person.

¹ OCSS-IM-19-06

- d. Press PF17 COMN.
2. On COMN:
 - a. View all case numbers associated to the person.
 - b. In the space next to the 'Family Violence' field, enter the appropriate code (P = Protective Order Issued, D = Domestic Violence Suspected, C = Child Abuse Suspected).
 - c. Press PF6 Update.

NOTE: Once the FVI is set for a person, only the caseworker that is associated to the cases, and their direct supervisors, will have access to view information on any screens related to address, employer information, and Income Withholding Orders (IWOs) (if the person with the indicator is the NCP) for that person. Other staff will not be able to view the data. The screens will appear, but the data will not.

NOTE: Once the FVI is set for a person, only the caseworker that is associated to the cases, and their direct supervisors, will have access to view information on any screens related to address, employer information, and Income Withholding Orders (IWOs) (if the person with the indicator is the NCP) for that person. Other staff will not be able to view the data. The screens will appear, but the data will not.

NOTE: Address and employer information may only be viewed by the assigned caseworker and supervisor (as long as SRHI is completed) when FVI is set on a person.

CP Contact

If the customer indicates at any time that pursuing child support services may result in physical or emotional harm to the CP and/or child(ren), or the caseworker suspects family violence may be an issue, FVI should be set and four different attempts (ie, mail, phone, email, text) must be made to contact the CP to have a discussion, provide case options and determine how to proceed. If the caseworker is unsuccessful in making contact with the CP, then legal documents should be sent to proceed with the case. Four additional attempts must be made for return of legal documents. If the CP fails to return the legal documents, an email should be sent to DCF.CSSFamilyviolence@ks.gov requesting approval for case closure.

If the customer returns the Enrollment Form and legal documents and indicates that pursuing child support services may result in physical or emotional harm to the CP and/or child(ren), or the caseworker suspect family violence may be an issue, FVI should be set and four attempts must be made to contact the CP to have a discussion, provide case options and determine how to proceed. If the caseworker is unsuccessful in making contact with the CP, the Title IV-D Office will proceed with the case and parties should not be placed in non-cooperation.

Determining Closure Due to Family Violence

A case may be closed at any point in the process if the customer reports family violence without the need for an official determination of Good Cause from a IV-A or IV-E program. The following steps will need to be completed and documented before the case is eligible for closure.

1. The **Family Violence Guide** should be completed and saved to the electronic file.
2. The Family Violence Indicator should be set. Note, when FVI is put on a person, the FVI follows the person number, not the case.
3. Add a note on CADS, ARDS and/or APDS and CHDS with information on which parties the FVI is set on, including the month and year it was set.

4. Send case information and documents to DCF.CSSFamilyviolence@ks.gov to be reviewed for Child Support Services (CSS) Administration approval to close. **DO NOT PROCEED WITH THE FOLLOWING STEPS UNTIL CLOSURE HAS BEEN APPROVED.**
5. If the case is in establishment, any attempts for establishment of parentage and/or an order, should be stopped and existing petitions should be dismissed.
6. If the case is in enforcement, a finance request should be made to have the debt written off. Any legal enforcement action(s) should be stopped, and any outstanding bench warrants should be recalled.
7. The **Family Violence Guide** should be sent to the appropriate EES/KDHE mailboxes along with any supporting documentation or information to request a review for an official finding of Good Cause.
8. Document all actions on CSLN.

If these steps are documented, but no official Good Cause finding is made by the IV-A or IV-E Program, the case will remain eligible for closure using the GC closure code due to the Title IV-D Office determining there is a risk of violence or harm by pursuing establishment or enforcement of the case.

Sample Narration #1

A determination has been made that family violence is an issue on this case. The **Family Violence Guide** has been saved to the case file. FVI has been set on xx/xx/xx. Added a note on CADS, ARDS and/or APDS and CHDS with information. Sent case information and documents to the following mailbox DCF CSSFamilyViolence DCF.CSSFamilyViolence@ks.gov to be reviewed for approval to close.

Sample Narration #2

A determination has been made that family violence is an issue on this case. Approval to close without Good Cause determination has been received from CSS Admin. Request made to attorney to stop any legal actions. Case will be closed when legal actions have been completed. Alert set for three days to monitor. *Information sent to EES /KDHE per the customer's request for finding of Good Cause (only if applicable).*

Good Cause Finding

An official finding of Good Cause is **made by the IV-A or IV-E Program**. Upon the finding of Good Cause from the IV-A or IV-E Program, the Title IV-D case will be closed using the GC closure code.

Once the request has been received, either through email and/or PA referral, from the IV-A or IV-E Program, the caseworker must do the following:

1. The FVI should be set. Note, when FVI is put on a person, the FVI follows the person number, not the case;
2. Add a note on CADS, ARDS and/or APDS and CHDS with information on which parties the FVI is set on, including the month and year it was set;
3. Update CADS with Good Cause granted code (GC – CP does have a Good Cause for non-cooperation).
4. If the case is in establishment, any attempts for establishment of parentage and/or an order, should be stopped and existing petitions should be dismissed;
5. If the case is in enforcement, a finance request to have the debt written off should be made. Any legal enforcement action(s) should be stopped and any outstanding bench warrants should be recalled;
6. Close the case using the GC code (this does not require a 60-day closure letter); and
7. Document all actions on CSLN.

Sample Narration: Good Cause has been granted by EES or PPS (indicate which one). CADS updated with Good Cause code on xx/xx/xx. Request sent to legal to stop any actions. Case will be closed when legal actions have been completed. Alert set for three days to monitor.

Note: If Good Cause is granted after the case has been closed, then the caseworker will need to update CADS with the Good Cause indicator and document on CSLN.

Removal of the Family Violence Indicator

If the party indicates family violence is no longer an issue to proceeding, the Family Violence Indicator Withdrawal Statement and the statement should be completed and retained in the case file.

This process allows the user to remove the FVI on a person. Only the caseworker, or his/her direct supervisor, assigned to one of the cases that person is on can remove the indicator.

1. On COMN:

- Enter the person number for the person the FVI is being removed.
- PF2 to display.
- To send the warning letter of the pending removal of the FVI:
 - View all case numbers associated to the person.
 - Select the case you are working on and press PF20FVltr.
 - A warning letter of the pending removal of the family violence indicator will be sent by batch processing to the NCP or CP that the indicator was set on. An alert should be set to monitor for any response to the warning letter before the indicator is removed.

NOTE: The letter can be generated individually for the person displayed on COMN or for a household. On COMN, if you display the CP and CH on the case that has the FV set, a letter will be generated to the CP and all the CH on the case will be listed in the letter. On COMN, if you display a CH and select a case the letter will be generated to the CP, but the letter will only list the individual CH name. Letters will not be generated to Organizations (State of Kansas, JJA).

The process is the same for removing a FV code for a CH in an CP's house. The worker will have to press PF20 on COMN with the CH displayed so the letter sent date is triggered. The letter will error and not be produced. The next day you will be able to remove the FV code.

NOTE: The worker cannot send the warning letter and remove the family violence indicator on the same day. If the letter is sent and the worker tries to remove the FV code more than 30 days from the FV letter sent date, the letter will need to be generated again. If a person contacts a worker and requests the family violence indicator be removed from their name, the letter still needs to be generated.

On COMN:

- To remove the FVI:
 - Enter the person number of the person from whom the family violence will be removed;
 - Press PF2 Display;
 - Tab to the Family Violence field and BLANK out the field;
 - Press PF6 UpdFV.

The FVI will be removed from this person throughout the system.

NOTE: Once the FVI is removed from a person, anyone with access to the system will be able to view addresses, employment information, and download an Income Withholding Order (IWO) (if it was the NCP) for that person.

Sample Narration: Family Violence Indicator Withdrawal Statement has been received on xx/xx/xx. FVI will be removed per the customer's request. The Family Violence Indicator removal letter has been sent to xxxxxx. FVI will be removed the next business day

Family Violence Resources

The Title IV-D Office should have a working knowledge of the domestic violence programs and services in their counties.

A Protection from Abuse case may be filed by a victim of domestic or family violence for protection against a person who commits an act of domestic or family violence, stalking, or a sexual offense.¹

The Domestic Violence Network (DVN) provides domestic violence education to a variety of organizations that interact with victims, survivors and/or perpetrators of domestic violence. DVN provides domestic violence education and advocate training to child support offices, social service agencies, law enforcement officers, educators and youth workers, health care professionals, clergy and other faith-based community members, and adolescent youth and their parents.

Forms and Tools

- [Family Violence Guide](#)
- [Family Violence Indicator Withdrawal Statement](#)
- [Domestic Violence Resources List](#)
- [When You're Afraid of the Other Parent](#)
- [Helping Crime Victims – Victim's Assistance Services in KS](#)
- [Safely Pursuing Child Support](#)
- [Domestic Violence Network \(DVN\)](#)
- [FPLS State Services Portal: Federal Case Registry and Using the Portal](#) Desktop Guide
- [Violence Advocates and Survivors](#)
- [Get Child Support Safely](#) (A Collaboration between the Texas Council on Family Violence and the Texas Attorney General)
- [Child Support Agency Confidential Information](#) OCSS Intergovernmental Form
- [OCSS: Family Violence Resources](#)
- OCSS [Federal Case Registry Interface Guidance Document Version 12.0](#)
- OCSS [The Role of the Family Violence Indicator: Safely Pursuing Child Support](#)
- [National Conference of State Legislatures \(NCSL\): Child Support and Domestic Violence](#)
- [OCSS: Domestic Violence Expert-Informed Model Screening Questions and Practices](#)
- [OCSS: Child Support When You're Afraid of the Other Parent – Guide for Domestic](#)
- [Protection From Abuse Form](#)
- [Case Closure Checklist](#)

¹ [KansasJudicialCouncil.org/legal-forms/protection-orders/protection-abuse](https://www.kansasjudicialcouncil.org/legal-forms/protection-orders/protection-abuse)

Frequently Asked Questions

- N/A

Related Information

- [Chapter 8: Parent Locate, Section 1: Parent Locate](#)
- [Chapter 16: Case Closure](#)
- [Chapter 19: Other Child Support Related Topics, Section 5: State and Federal Case Registry](#)
- Oklahoma DHS [Domestic Violence Manual for Child Welfare Professionals](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version
Version 2	2/21/2024	Removed reference to FVI on a child; FVI should not be set on child

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 2: Bankruptcy

Version: 1	Effective Date: 1/1/2024
Background	

A domestic support obligation is a debt that accrues before, on, or after the date of the order for relief in a bankruptcy case.¹ A domestic support obligation may be alimony or child support from a divorce or parentage order. These debts are not dischargeable under any bankruptcy Chapter.

The Kansas Payment Center (KPC) may receive payments from, the following types of bankruptcies:

1. Chapter 7: Liquidation
 - a. No-Asset Chapter 7
 1. Debts are discharged by the bankruptcy court because the debtor does not have sufficient assets to pay off the debts.
 2. Once filed, the process takes about 120 days.
 - b. Asset Chapter 7
 1. Debtor has assets that can be liquidated with the proceeds going towards creditors in order of priority.
 2. A proof of claim must be filed at the request of the trustee to ensure payments from the assets.
2. Chapter 11: Business Reorganization²
 - a. Chapter 11 is a reorganization by a commercial business which can include a sole proprietor who is a child support obligor.
 - b. A Plan is filed and voted on by the creditor's committee and payments are made through a trustee.
 - c. For the payment of a child support arrearage to be included in the Plan, a proof of claim must be filed.
 - d. Chapter 11 allows for the debtor to remain in business.
 - e. A Chapter 11 may convert to a Chapter 7 or 13.
3. Chapter 12: Family Farm³
 - a. Chapter 12 is like a Chapter 13 bankruptcy, but the farmer can keep the family farm.
 - b. A Plan is filed, and payments are made through a trustee.
 - c. For the payment of a child support arrearage to be included in the Plan, a proof of claim must be filed.
4. Chapter 13: Individual Reorganization⁴
 - a. The debtor's income is used to satisfy the creditors' claims.

¹ 11 U.S.C. § 101(14A)

² 11 U.S.C. § 1101 et seq.

³ 11 U.S.C. § 1201 et seq.

⁴ 11 U.S.C. § 1301 et seq.

- b. A Plan of reorganization providing for the payment priority of creditors is submitted to a trustee.
- c. Payments are made to the trustee who then distributes the payments according to the Plan.
- d. A Chapter 13 payment Plan may be 3 to 5 years. Most Plans are 5 years.
- e. With some exceptions, any debts not paid in full at the end of the successfully completed Plan are discharged. Child support debts cannot be discharged at the completion of the Plan.
- f. For the payment of a child support arrearage to be included in the Plan, a proof of claim must be filed.

Policy

For All Bankruptcy Chapters

The Title IV-D Office is not required to release the following suspensions upon the filing of any type of bankruptcy:

- 1. Passport;
- 2. Driver's license;
- 3. Professional license;
- 4. Department of Wildlife and Parks (KDWP); or
- 5. Real or personal property liens.

The Title IV-D Office shall not file civil contempt under 11 U.S.C. § 362(a). The Title IV-D Office shall not use the filing of criminal charges merely as a method to negotiate payment from the obligor, although a criminal action is not stayed under 11 U.S.C. § 362(b)(1).

Chapter 7

When the obligor files for Chapter 7 bankruptcy, the Title IV-D Office is permitted to:

- 1. Establish parentage;
- 2. Establish or modify a child support order;
- 3. Establish and enforce a medical support order by sending the National Medical

Support Notice (NMSN) to the employer;

- 1. Send an Income Withholding Order (IWO) to an employer for current support and any arrears;
- 2. Offset Federal or State tax refunds;
- 3. Continue with credit reporting;
- 4. Suspend driver's, KDWP, and professional licenses;
- 5. Proceed with any criminal non-support actions; and
- 6. Submit the obligor for passport denial.¹

When the obligor files for Chapter 7 bankruptcy, the Title IV-D Office shall not:

- 1. Contact the debtor directly to collect on current child support or arrears;
- 2. Pursue any Financial Institution Data Match (FIDM) actions;
- 3. Create, perfect, or enforce any lien against property of the bankruptcy estate, including but not limited to, vehicle or estate liens; and

¹ 11 U.S.C. § 362(b)(2); 42 U.S.C. § 652(k); 22 C.F.R. § 51.70

4. Pursue civil contempt action.¹

Once the bankruptcy case has been discharged in a Chapter 7 bankruptcy, the Title IV-D Office may resume all enforcement action on the case.

Chapter 11

When the obligor files for Chapter 11 bankruptcy, before the Plan is confirmed, the Title IV-D Office is permitted to:

1. Establish parentage;
2. Establish or modify a child support order;
3. Establish and enforce a medical support order by sending the National Medical Support Notice (NMSN) to the employer;
4. Send an IWO to an employer for current support, and arrears, as long as current support, and arrears, are not to be paid through the unconfirmed Plan;
5. Offset Federal or State tax refunds;
6. Continue with credit reporting;
7. Suspend driver's, KDWP, and professional licenses;
8. Proceed with any criminal non-support actions; and
9. Submit the obligor for passport denial.²

When the obligor files for Chapter 11 bankruptcy, the Title IV-D Office shall not:

1. Contact the debtor directly to collect on current child support or arrears;
2. Pursue any FIDM actions;
3. Create, perfect, or enforce any lien against property of the bankruptcy estate, including but not limited to, vehicle or estate liens; and
4. Pursue civil contempt action.³

Once the Plan has been confirmed for a Chapter 11 bankruptcy, the Title IV-D Office:

1. May need to amend the IWO to include current support only, if the arrearage will be paid through the trustee;
2. May need to terminate the IWO if current support will be paid through the bankruptcy trustee;
3. May intercept the Federal and/or State tax refund if either or both of these are not included in the Plan to pay the debts listed in the Plan; and
4. Is strongly encouraged to monitor the debtor's payment of current support as the Title IV-D Office may move for dismissal on the bankruptcy action if the debtor is not paying current child support as ordered.

Once the bankruptcy case has been discharged in a Chapter 11 bankruptcy, the Title IV-D Office may resume all enforcement action on the case.

Chapter 12

When the obligor files for Chapter 12 bankruptcy, before the Plan is confirmed, the Title IV-D Office is permitted to:

1. Establish parentage;
2. Establish or modify a child support order;

¹ 11 U.S.C. § 362(a)

² 11 U.S.C. § 362(b)(2); 42 U.S.C. § 652(k); 22 C.F.R. § 51.70

³ 11 U.S.C. § 362(a)

3. Establish and enforce a medical support order by sending the NMSN to the employer;
4. Send an IWO to an employer for current support, and arrears, as long as current support, and arrears, are not to be paid through the unconfirmed Plan;
5. Offset Federal or State tax refunds;
6. Continue with credit reporting;
7. Suspend driver's, KDWP, and professional licenses;
8. Proceed with any criminal non-support actions; and
9. Submit the obligor for passport denial.¹

When the obligor files for Chapter 12 bankruptcy, the Title IV-D Office shall not:

1. Contact the debtor directly to collect on current child support or arrears;
2. Pursue any Financial Institution Data Match (FIDM) actions;
3. Create, perfect, or enforce any lien against property of the bankruptcy estate, including but not limited to, vehicle or estate liens; and
4. Pursue civil contempt action.²

Once the Plan is confirmed for a Chapter 12 bankruptcy, the Title IV-D Office:

1. May need to amend the IWO to include current support only, if the arrearage will be paid through the trustee;
2. May need to terminate the IWO if current support will be paid through the bankruptcy trustee;
3. May intercept the Federal and/or State tax refund if either or both of these are not included in the Plan to pay the debts listed in the Plan; and
4. Is strongly encouraged to monitor the debtor's payment of current support as the Title IV-D Office may move for dismissal on the bankruptcy action if the debtor is not paying current child support as ordered.

Once the bankruptcy case has been discharged in a Chapter 12 bankruptcy, the Title IV-D Office may resume all enforcement action on the case.

Chapter 13

When the obligor files for Chapter 13 bankruptcy, before the Plan has been confirmed, the Title IV-D Office is permitted to:

- a. Establish parentage;
- b. Establish or modify a child support order;
- c. Establish and enforce a medical support order by sending the NMSN to the employer;
- d. Send an IWO to an employer for current support, and arrears, as long as current support, and arrears, are not to be paid through the unconfirmed Plan;
- e. Offset Federal or State tax refunds;
- f. Continue with credit reporting;
- g. Suspend driver's, KDWP, and professional licenses;
- h. Proceed with any criminal non-support actions; and

¹ 11 U.S.C. § 362(b)(2); 42 U.S.C. § 652(k); 22 C.F.R. § 51.70

² 11 U.S.C. § 362(a); *In re Caffey v. Caffey*, 384 F. App'x 882 (11th Cir. 2010) (court found the use of civil contempt to be a violation of the automatic stay because the order contained a purge amount as a way to extract money from the obligor)

- i. Submit the obligor for passport denial.¹

When the obligor files for Chapter 13 bankruptcy, the Title IV-D Office shall not:

- a. Contact the debtor directly to collect on current child support or arrears;
- b. Pursue any FIDM actions;
- c. Create, perfect, or enforce any lien against property of the bankruptcy estate, including but not limited to, vehicle or estate liens; and
- d. Pursue civil contempt action.²

Once the Plan has been confirmed for a Chapter 13 bankruptcy, the Title IV-D Office:

- a. May need to amend the IWO to include current support only, if the arrearage will be paid through the bankruptcy trustee;
- b. May need to terminate the IWO if current support will be paid through the bankruptcy trustee;
- c. May intercept the Federal and/or State tax refund if either or both of these are not included in the Plan to pay the debts listed in the Plan;
- d. Is strongly encouraged to monitor the debtor's payment of current support as the Title IV-D Office may move for dismissal on the bankruptcy action if the debtor is not paying current child support as ordered;³

Once the bankruptcy case has been discharged in a Chapter 13 bankruptcy, the Title IV-D Office may resume all enforcement action on the case.

References

- [11 U.S.C. § 101: Bankruptcy definitions](#)
- [11 U.S.C. § 362: Automatic stay](#)
- [11 U.S.C. § 507: Priorities](#)
- [11 U.S.C. § 701: Interim trustee](#)
- [11 U.S.C. § 1101 et seq.: Bankruptcy Chapter 11 - Reorganization](#)
- [11 U.S.C. § 1201 et seq.: Bankruptcy Chapter 12 - Adjustment of debts of a family farmer or fisherman with regular annual income](#)
- [11 U.S.C. § 1301 et seq.: Bankruptcy Chapter 13 - Adjustment of debts of an individual with regular income](#)
- [11 U.S.C. § 1307: Conversion or Dismissal](#)
- [11 U.S.C. App. § 9037: Privacy protection for filings made with the court](#)
- [42 U.S.C. § 652: Duties of Secretary](#)
- [22 C.F.R. § 51.70: Request for hearing to review certain denials and revocations](#)
- [In re Penaran](#), 424 B.R. 868 (Bankr. D. Kan. 2010)
- [In re Caffery v. Caffey](#), 384 F. App'x 882 (11th Cir. 2010)

¹ 11 U.S.C. § 362(b)(2); 42 U.S.C. § 652(k); 22 C.F.R. § 51.70

² 11 U.S.C. § 362(a)

³ 11 U.S.C. § 1307(c)(11)

Procedure

When an obligor files for bankruptcy, Child Support Services (CSS) Administration staff, through the bankruptcy mailbox (DCF.CSSmailbox@ks.gov):

1. Receives the notice and researches the statewide child support system (KAECSES) to verify there is an obligor in the system;
2. Creates a case note; and
3. Scans the bankruptcy notice and sends the notice to the appropriate caseworker.

The Title IV-D Office may receive bankruptcy documents either from the parties to the case or a party's attorney, the bankruptcy court or trustee, or CSS Administration.

Most Chapter 7 filings are no asset bankruptcies. In situations where the obligor has filed for Chapter 7 bankruptcy relief and the trustee determines that it is a Chapter 7 bankruptcy with assets, the bankruptcy court will send notice to the creditors regarding how to file a Proof of Claim and the deadlines for doing so. Claims in a Chapter 7 are paid from asset proceeds recovered by the trustee and not through a payment Plan.

Upon receiving notice, the Title IV-D Office should:

1. Fully complete the BKRP screen;
2. Forward all documents to the attorney for review immediately;
3. Set a reminder to check the status of the case (Chapter 7, approximately 3 months; others, annually); To check the status of a bankruptcy, the bankruptcy hotline may be used:
 - Kansas – 800-827-9028
 - Missouri – 888-205-2527
4. The Title IV-D Office must fill out and file a Proof of Claim with the bankruptcy trustee for Chapter 11, 12, or 13 bankruptcies. (*NOTE: The attorney will need a bankruptcy court case management system (PACER) account to do so.) The Proof of Claim will ensure that if there are any arrears on the case, they are being paid during the life of the bankruptcy repayment Plan. The details of the Plan, including the treatment of child support and arrears, can be found on PACER,

A Proof of Claim (Form B410) includes:

1. A calculation of arrears as of the date the bankruptcy petition was filed;
2. Any supporting documents such as child support orders;
3. A breakdown of any arrears owed to the state and arrears owed to the Custodial Party (CP) on the Appearance of Child Support Creditor or Representative (Form B2810);
4. The names, Social Security numbers, and dates of birth of minors must be redacted from all supporting documentation (e.g., court orders, payment history, arrears calculation).¹

When the obligor is required to submit a repayment Plan, the Title IV-D Office is strongly encouraged to review the unconfirmed Plan to determine if current and/or past due support is to be paid either through the bankruptcy trustee or directly by the obligor. The Title IV-D Office is strongly encouraged to review the Plan to determine how the tax refunds

¹ 11 U.S.C. app. § 9037; Proof Of Claim | United States Courts

are treated in the bankruptcy. If the refunds are going to the trustee, the Title IV-D Office may file an objection to allow the Title IV-D Office to submit the obligor for tax offset and collect directly.

The Title IV-D Office is strongly encouraged to use the bankruptcy trustee as a resource and follow the confirmed Plan to ensure the office is complying with Federal and State regulations to avoid any legal action from the obligor.

When current support and arrears are to be paid through the trustee, the Title IV-D Office shall submit a request to their legal staff to put a stop on the IWO to ensure that KAECSSES does not automatically generate an IWO during the life of the bankruptcy so there is not a violation of the automatic stay.

If, pursuant to the Plan, current child support payments are being paid by the obligor directly to the KPC, the Title IV-D Office is strongly encouraged to monitor the obligor's payments. If the obligor falls behind on current support payments, the Title IV-D Office may file, or may contact the bankruptcy trustee, for a dismissal of the bankruptcy action.¹

Note: The Title IV-D Office must set up an account with **PACER**. This will give the office access to bankruptcy court information and electronic filing.

Forms and Tools

- [Questions and Responses regarding New Federal Bankruptcy Law](#)
- [Processing an Income Withholding Order or Notice](#)
- [Appearance of Child Support Creditor or Representative \(Form B2810\)](#)
- [Bankruptcy DSO CLE 2015 YW.doc \(sharepoint.com\)](#)
- [BANKRUPTCY FROM A CHILD SUPPORT SERVICES PERSPECTIVE.pptx \(sharepoint.com\)](#)
- [Bankruptcy 1.14.14.docx \(sharepoint.com\)](#)
- [Proof of Claim \(Form B410\) | United States Courts](#)

Frequently Asked Questions

- ? *Q. What is the difference between a dismissal and a discharge in bankruptcy cases?*
 - ✓ A dismissal is when a bankruptcy proceeding is terminated due to lack of payment, or other factors and the outstanding debts are not forgiven. A discharge is the successful completion of a bankruptcy proceeding where all allowable debts are forgiven.
- ? *Q. If the obligor does not pay current child support or the arrears according to the Plan, may the Title IV-D Office move to dismiss the bankruptcy?*
 - ✓ If current child support or the arrears are being paid through the trustee under the confirmed Plan the obligor should remain current on the payments because the trustee is making the payments pursuant to the Plan. If the Plan states the current support or the arrears are to be paid outside the Plan, and the obligor is not current on the payments, the Title IV-D Office may move for dismissal.
- ? *Q. Why can the Title IV-D Office not issue an IWO to a financial institution for a FIDM action when the obligor files for bankruptcy?*

¹ 11 U.S.C. § 1307(c)(11)

- ✓ The property of the bankruptcy estate cannot be attached. In a Chapter 7, the bankruptcy estate is the property that exists as of the filing of the date of the bankruptcy. In a Chapter 11, 12, or 13, the bankruptcy estate encompasses the obligor's property during the length of the Plan. Without going through detailed bank records to determine exactly which funds on deposit are part of the bankruptcy estate, the Title IV-D Office risks attaching funds of the bankruptcy estate by sending an IWO to a financial institution for a FIDM action.
- ? *Q. Should the Title IV-D Office request current child support and/or the arrears be paid inside or outside of the Plan?*
- ✓ The child support obligor pays the trustee and then the trustee pays the debts in the Plan in order of priority. Because current child support is ongoing and the Title IV-D Office cannot control when the trustee makes a payment, the current child support should be requested to be paid outside the Plan. The Title IV-D Office may issue an IWO for current child support, only if the bankruptcy court confirms a Plan with this provision.

The Title IV-D Office may wish to consider the amount of the arrears and whether the arrears are owed to the State or CP in deciding whether to request the arrears be paid inside or outside of the Plan. If the arrears are to be paid inside the Plan, arrears must be paid in full to the CP prior to bankruptcy discharge, but arrears owed to the State are not required to be paid in full prior to bankruptcy discharge.¹ Because the trustee pays the debts in order of priority, the arrears may not begin to be paid off immediately. If arrears are to be paid outside of the Plan, then the arrears are not considered part of the Plan which means none of the Title IV-D enforcement measures are curtailed. However, the obligor may not have sufficient funds to pay the trustee to pay the debts in the Plan and to make separate payments on the arrears.

Related Information

- [PACER](#)
- [OCSE-PIQ-07-04](#): Enforcing Child Support when the Obligor is in Bankruptcy

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ In re Penaran, 424 B.R. 868 (Bankr. D. Kan.)

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 3: Spousal Support Only Cases

Version: 1	Effective Date: 1/1/2024
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Background

Under the Title IV-D state plan requirements, the Title IV-D Program is required to provide services relating to spousal support when the spousal support order was issued in conjunction with a child support order.¹ The Federal Office of Child Support Services (OCSS) has advised the states that it is at the state's discretion whether or not to continue to provide Title IV-D services for the enforcement of only the spousal obligation after the child support obligation ends.²

Policy

Title IV-D services will be provided for the enforcement of a spousal support obligation when such spousal support:

- Is included in an order that provides for child support; and
- Is for the Custodial Party (CP) of the child(ren) to whom the child support obligation is owed.³

Title IV-D services will not be provided for the establishment or modification of a spousal support obligation.⁴

Title IV-D services will not be provided for the enforcement of spousal support if the only sub-account open on a case is for spousal support and the case is no longer eligible for Title IV-D services or is otherwise eligible for case closure pursuant to federal case closure procedures.

An initial request for spousal support only intergovernmental services will not be made available to foreign jurisdictions.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [OCSS-PIQ-11-01](#): Spousal Support Only Cases

Procedure

When all child support sub-account balances are paid in full and a spousal support arrearage balance exists, enforcement will continue until the balance is paid in full.

Forms and Tools

- N/A

¹ 42 U.S.C. § 654(4)(B)(ii)

² OCSS-PIQ-11-01

³ 42 U.S.C. § 654(4)(B)(ii)

⁴ 42 U.S.C. § 654(4)(B)(ii) only requires enforcement of a spousal support order.



Frequently Asked Questions

- N/A

Related Information

- [Chapter 10: Child Support Order Establishment, Section 2: Elements of a Child Support Order](#)
- [Chapter 16: Case Closure](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 4: Self-Assessment

Version: 1	Effective Date: 1/1/2024
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Background

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996¹ not only revised federal audit requirements to focus on performance outcomes rather than process steps, but it also amended the Social Security Act by requiring a state-run self-assessment review. On an annual basis, The Kansas Title IV-D Program assesses its program based upon specific criteria and reports its findings to the Federal Office of Child Support Services (OCSS).

Federal regulations require that the Title IV-D Program meet a minimum compliance standard of 75 percent in the following categories:

- Order and Paternity Establishment;
- Expedited Process 6-Month;
- Review and Adjustment;
- Enforcement of Orders;
- Medical Support Enforcement;
- Disbursement of Collections; and
- Intergovernmental Services

A minimum compliance standard of 90 percent is required in the Expedited Process 12 Months and Case Closure categories.²

Policy

The Title IV-D Program utilizes a combination of the statewide and focused sampling methods. The sample for each Kansas county will be stratified into the following categories:

- Order and Paternity Establishment;
- Expedited Process 6-month and 12-month;
- Review and Adjustment;
- Enforcement of Orders;
- Medical Support Enforcement;
- Disbursement of Collections;
- Intergovernmental Services; and
- Closure.

References

- [Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193](#)
- [45 C.F.R. § 308](#): Annual state self-assessment review and report

¹ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193

² 45 C.F.R. § 308

Procedure

After the child support cases are stratified, cases are systematically selected within each category for each county at a specified sampling interval. Both the starting point and the sampling interval are based upon the required sample size. Finally, OCSS requires a 90% confidence level in the case closure and expedited process 12-month sample and 75% in all other categories.¹ Once the sample is provided, CSS Administration Office staff will evaluate each case within the sample for each criterion to determine if the desired action was taken as required in the Self-Assessment Manual. The reviewer will place each case in one of the following categories:

- Exclude
- Pass
- Fail

Preliminary Findings

CSS Administration Self-Assessment Reviewer(s) will provide the appropriate Title IV-D Office with the preliminary results of the self-assessment review for each category reviewed. The Title IV-D Office will have approximately 6 weeks to respond to those preliminary results and provide CAP forms as required.

Note: If the Title IV-D Office fails to respond to the preliminary results, the preliminary results will become final.

Final Report

CSS Administration Office Self-Assessment Reviewer(s) will:

- Draft the Kansas CSS Self-Assessment Review Report with the following sections:
 - Executive Summary,
 - Methodology,
 - Self-Assessment Review Results,
 - Self-Assessment Review Analysis and Corrective Action Plan,
 - Program Direction,
 - Program Enhancements, and
 - Conclusion;
- Compile the Operational Plans provided by the Title IV-D Office as an Appendix for the Kansas CSS Self-Assessment Review Report; and
- Submit the Kansas CSS Self-Assessment Review Report to the Federal OCSS electronically via the Federal OCSS Self-Assessment Reporting System.

Forms and Tools

- [Final Rule: State Self-Assessment | The Administration for Children and Families \(hhs.gov\)](#)
- [Self-Assessment Report | The Administration for Children and Families \(hhs.gov\)](#)
- [SA Basic Case Review Outline \(sharepoint.com\)](#)
- [Self-Assessment \(sharepoint.com\)](#)
- [Eight Federal SA Measures / Six Federal Performance Measures \(sharepoint.com\)](#)
- [OCSE Self-Assessment Reporting System | The Administration for Children and Families \(hhs.gov\)](#)

¹ [45 C.F.R. Part 308](#)



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 5: State and Federal Case Registry

Version: 1	Effective Date: 1/1/2024
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Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)¹ amended the Social Security Act, requiring that states include in their automated systems a registry that contains a record of Title IV-D child support cases, as well as a record of Title IV-D and non-Title IV-D (NIVD) child support orders established on or after October 1, 1998.² PRWORA also mandated that, no later than October 1, 1998, the United States' Department of

Health and Human Services establish and maintain in the Federal Parent Locator Service (FPLS) a national database, later referred to as the Federal Case Registry (FCR), that includes information contained in each state's State Case Registry (SCR) to be exchanged between states.³

Policy

The Title IV-D Program maintains its SCR as an electronic repository of case records and orders. The information contained in Kansas' SCR is transmitted to the FCR national database maintained by the Federal Office of Child Support Services (OCSS).

References

- [42 U.S.C. § 653](#): Federal Parent Locator Service
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 654a](#): Automated data processing
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information.
- [45 C.F.R. § 307.11](#): Functional requirements for computerized support enforcement systems in operation by October 1, 2000
- [OCSS-AT-98-08](#): Policy Responses Regarding the State Case Registry and the Federal Case Registry
- [OCSS Federal Case Registry Overview](#)
- [OCSS Federal Case Registry: Information for Families](#)
- [OCSS Federal Case Registry: Technical Assistance Guide](#)

Procedure

Kansas Automated Eligibility and Child Support Enforcement System (KAECSES)

¹ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193

² OCSS-AT-98-08

³ OCSS-AT-98-08

KAECSES is the Kansas system that serves as a registry of all child support cases.¹ KAECSES contains standardized data elements for each case participant, such as:

- Names;
- Social Security numbers;
- Dates of birth;
- State case identification numbers; and
- Other uniform identification numbers, such as state member identification numbers.²

When a child support order has been established or modified for a Title IV-D case contained in KAECSES, the record must also include:

- The child support amount and the frequency at which it is to be paid;
- Other amounts due or overdue under the order, including arrearages, interest, or late payment penalties and fees (if applicable);
- Any amounts owed that have been collected; and
- The distribution of such collected amounts.³

The information contained in KAECSES is shared with, and received from, the registries of other states administering programs funded under Title IV-D, as well as Title IV-A and Medicaid, in order to assist with information comparison and case processing.⁴ In addition, KAECSES receives case participant locate information from the Kansas Department of Motor Vehicles (KDMV), the Kansas Department of Corrections (KDOC), the Kansas Department of Revenue (KDOR), financial institutions, and State Lottery Commission.⁵

Federal Case Registry (FCR)

The FCR is a national database that contains basic participant data and child support case information from each of the State Case Registries, including all Title IV-D and NIVD child support orders established or modified on or after October 1, 1998.⁶ The FCR also assists Title IV-D child support offices in locating case participants living in different states to establish, modify, and enforce child support orders.⁷

The FCR receives the following case participant information from KAECSES:

- State Locator Code and the county code (optional);
- State case identification number;
- State member identification number;
- Case type (Title IV-D or non-Title IV-D);
- Social Security number;
- Name, including first, middle, last name and any alternate names or aliases;
- Sex (optional);

¹ 45 C.F.R. § 307.11(e)(2); 42 U.S.C. 654a.(e)

² 45 C.F.R. § 307.11(e)(3); 42 U.S.C. § 654a.(e)(3)

³ 45 C.F.R. § 307.11(e)(4); OCSE-AT-98-08

⁴ 42 U.S.C. § 654a.(f)

⁵ 42 U.S.C. § 666(c)(1)(D)

⁶ 45 C.F.R. § 307.11(f)(1); 42 U.S.C. § 654a.(f)

⁷ OCSS Federal Case Registry: Information for Families

- Date of birth;
- Participant type (Custodial Party (CP), Non-Custodial Parent (NCP), putative father, child);
- Indication of an order;
- Locate request type and source (optional); and
- Family Violence Indicator (domestic violence or child abuse).¹

KAECSES and the FCR contain overlapping information. KAECSES contains detailed case information maintained in Kansas' child support system. The FCR is maintained in the FPLS and provides general case and participant information used to assist with locating case participants nationally.² The FCR also serves as a tool for matching information received from the SCR against the following sources: National Directory of New Hires (NDNH), Department of Defense (DOD), Department of Veteran Affairs (DVA), Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), National Security Agency (NSA), the Social Security Administration (SSA), and insurance companies.³

Forms and Tools

- [OCSS Federal Case Registry Interface Guidance Document Version 12.0](#)
- [OCSS-DCL-07-02](#): Locator Codes (aka FIPS) Data Standards

Related Information

- [Chapter 8: Parent Locate](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 45 C.F.R. § 307.11(f)(1); OCSS-AT-98-08

² OCSS-AT-98-08; OCSS Federal Case Registry: Information for Families

³ OCSS Federal Case Registry Overview

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 6: Annual Support Fees

Version: 1	Effective Date: 1/1/2024
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Background

Federal law mandates that state child support agencies impose an annual fee of \$35.00 for each case in which child support services are provided, and the annual fee shall be paid by the individual applying for services, or recovered from the obligor, or paid by the state out of its own funds.¹

Policy

It is the policy of the Kansas Title IV-D Program to absorb and pay the annual fee rather than passing it on to customers.

References

- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.33](#): Services to individuals not receiving title IV-A assistance

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 42 U.S.C. § 654(6)(B)(ii); 45 C.F.R. § 302.33(e)

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 7: Emancipation

Version: 1	Effective Date: 1/1/2024
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Background

Emancipation is the legal age a person is no longer considered a minor (child). It is also referred to as the “age of majority.” The law is different from state to state and tribe to tribe. Depending on the state’s provisions, the person may remain eligible for child support for a period after termination. In Kansas, a child may become emancipated due to circumstances other than age, as outlined below.

Policy

The Title IV-D Program in Kansas will enforce a support obligation, including medical support, through the child’s emancipation. Any arrears owed after that date will continue to be enforced.

When the child reaches 18 years of age, the support shall terminate unless:

- the parent or parents agree, by written agreement approved by the court, to pay support beyond that time;
- the child reaches 18 years of age before completing the child's high school education in which case the support shall not automatically terminate, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or
- the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school.¹

It is the further policy of the Title IV-D Program in Kansas, that support terminates for that child only if there are multiple children. The order shall be pro-rated accordingly.² Example: If there are two children, and the order is \$200/month and the oldest child emancipates, the order will be automatically reduced to \$100/month.

References

- [28 U.S.C. § 1738B](#): Full faith and credit for child support orders
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders.
- [K.S.A. 23-2215\(c\)](#): Judgment or order; other authorized orders
- [K.S.A. 23-3001](#): Minor children; support and education

Procedure

1. Emancipation dates are automatically entered into KAECSSES based on a child’s date of birth through a daily batch process.

¹ K.S.A. 23-3001

² *Brady vs. Brady*, 225 Kan. 485 (1979)

2. Emancipation letters are sent out by the system 2 months (60 days) before the child's 18th birthday. The caseworker will get an alert on the DMON screen when the letter is to be returned by the Custodial Party (CP). There will also be a HIST entry.
3. An alert will be generated at 45 days prior to child's 18th birthday. The ALRT will say, "DM EXPECTED EMANCIPATION DATE 45 DAYS". A third ALRT is generated at 10 days prior to the child's 18th birthday.
4. When an ALRT is received, the worker should check to see if the CP has returned the emancipation letter or provided information on the emancipation of the child.
5. If the CP returned the letter and indicates the child is in school and will graduate at the end of the school year and the court order has no other provisions about emancipation:
 - Enter "Y" in Over 18 And In-School field;
 - Update the CHDS screen in the child's emancipation field to 0630** two-year abbreviation for the school year the child turns 18 years old;
 - PF6 (Update); and
 - Narrate.
6. If the emancipation date is in the future, go to the OACC screen to end the accruing child support obligation:
 - Place an "s" under Sel by the child's name;
 - Enter the emancipation date under Disc Date;
 - PF6 (update); and
 - Narrate.
7. If the emancipation date is in the past, send a request to finance to have them shut down the obligation. Any overpayment should be reviewed with a supervisor. The Title IV-D Office will not pursue a recovery against the CP unless there is a court order to that effect, or unless it is due to agency error as determined by Child Support Services (CSS) Administration.

****PLEASE REMEMBER YOU MUST UPDATE CHDS with a Y or an N, whichever is applicable, as once an emancipation date is entered on CHDS, distribution does not look at PEPR to derive the program after that emancipation date. The dates on OACC and CHDS must match.**

8. If the CP fails to return the system generated emancipation letter:
 - Check the court order to verify there are no other provisions about emancipation;
 - Update CHDS and enter the child's date of birth as the emancipation date;
 - If DOB is in the future, follow the instructions above regarding ending the accrual on OACC;
 - If the date of birth has already past, send a request to finance to shut down the accruing obligation;
 - Notify legal; and
 - Narrate.
9. If the caseworker receives an emancipation DMON or ALRT and the debt is not accruing and case is open for state arrears only (perhaps the CP did not want NA services or we lost contact with CP but child(ren) were minors at that time and an NOA2 was filed, (REMEMBER if the NA child is NOW emancipated), an NOA1 needs to be filed so that all monies will be forwarded to CSS from KPC.

Extension of Support

If the emancipation letter returned from the CP indicates the child will remain another year beyond the one in which they turn 18, legal is to be notified because a motion to extend child support will have to be filed. The letter from the CP must include the reason why the child will not graduate on time. The letter and additional school documentation must be attached to the motion to extend child support. **If the motion is not filed prior to June 30th when child support

automatically terminated, there will be a gap in support until the extension is granted. Once granted, support should run through the following school year, typically June 30th, or as set forth in the court order. This may NOT be June 30, so details for the child must be updated appropriately as described above. Attorneys should be cognizant of this when preparing orders.

Out of State Orders¹

All state's laws regarding emancipation are different. If the caseworker has an out of state court order, they MUST check that state's laws. See the Federal Office of Child Support Services (OCSS) Intergovernmental Reference Guide (IRG). Caseworker should review the case on the QUICK system in the State Services Portal to review the originating state's balance or contact information for the originating states caseworker to confirm the child(ren)s date of emancipation.

****Please note that emancipation letters are NOT sent out on out of state orders automatically since they are not subject to Kansas emancipation law. When the alert is received 5 days prior to the child's 18th birthday, review the case to see when the child would emancipate according to the other state's law. The worker may need to send out the emancipation letter at this time.

Forms and Tools

- [OCSS Intergovernmental Reference Guide](#)
- [Kansas Child Support Guidelines](#)

Frequently Asked Questions

- ? *Prior to a child's emancipation as a matter of law, may support be established for that child for post-secondary educational expenses?*
- ✓ Yes, a parent or guardian of the child may file a petition with the Court for an order establishing an educational expense order prior to the age of 18. Petitions to establish orders for post-secondary educational expenses will not be filed by the Title IV-D Office.

Related Information

- [Chapter 10: Child Support Order Establishment, Section 3: Child Support Guidelines](#)
- [Chapter 12: Review and Adjustment - Modification of the Child Support Order, Section 2: Review and Adjustment Procedures](#)
- [Chapter 15: Intergovernmental, Section 9: Determining Continuing, Exclusive Jurisdiction \(CEJ\) and Modification of Support Orders](#)

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

¹ 28 U.S.C. § 1738B

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 8: Child(ren) No longer with Custodial Party (CP)

Version: 1	Effective Date: 1/1/2024
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Background

There are situations when a child support order exists for one or more children and the parent DCF.IntakeOlathe@ks.gov paying support (Non-Custodial Parent (NCP)) ends up with the child and/or the child ends up residing with a nonparent third party. In these situations, the caseworker must evaluate the case carefully and follow the guidelines below.

Policy

It is the policy of the Title IV-D Program that word of mouth or school documents alone will not suffice to legally change custody of the child(ren) on a case. Verification from the parent receiving support (hereinafter “CP”) is necessary and/or a legal change pursued by the parent paying support (hereinafter “NCP”), depending on the circumstances. The Title IV-D Program is prohibited from unilaterally stopping child support payments being disbursed to a CP unless legal action is taken to modify the existing court order. The Title IV-D Office should review the situation and the existing court order before deciding how to proceed. At no time should an NCP be told a valid court order will be stopped absent a court order to the contrary. Manual Distribution (MDIS) should only be set after consulting with legal and finance teams and must be monitored monthly for resolution. Overpayments made to CP must be addressed between the parties. The Department for Children and Families (DCF) will not refund overpayments absent a court order to that effect. To ensure the overpayment is addressed, the Title IV-D Office attorneys should attend all hearings and bring the issue to the court’s attention.

Procedure

The situations below typically happen when an NCP contacts the Title IV-D Office for assistance, or a mandatory referral is received from a new CP (former NCP or a third party). The cases must be reviewed carefully. In all situations, the first step should be reviewing the existing court order to determine custody of the child(ren). The following are the scenarios and the proper steps for each:

1. No Mandatory Programs Open, Child(ren) With Parent Paying Support (NCP)
 - a. In this scenario, there is a valid court order in place granting the CP custody or a valid court order of support against the NCP for the child(ren). The caseworker should:
 1. Contact CP and inquire about the living situation of the child. (*Note: It is important in all of the scenarios to determine that the change is intended to be permanent¹ (i.e., a child staying with a parent for the summer or against the will of the parent receiving support is not a permanent change.))
 2. If the CP confirms the change, the caseworker should refer the case to the legal department for a Motion to Suspend, based on the circumstances.

¹ Peak v. Peak, 244 Kan. 662 (1989).

3. A letter should be sent to the parties (see letter under Resources below), along with the Motion, to advise any change will be prospective only, will not address overpayment, and that they must be in attendance, or the motion will be dismissed.
 4. If parties fail to appear for hearing, the motion will be dismissed, and the parties will be required to provide a court order changing custody before further action will be taken by the Title IV-D Office. Until then, the valid court order will continue to be enforced without change.
 5. MDIS may be set once a Motion is filed after careful review by finance and legal teams. The preference is that payments continue to be distributed. If MDIS is set, there must be specific instructions and status must be monitored closely.
 6. If the CP is unable to be contacted (attempt by phone/mail/email and fully narrate attempts allowing at least 14 days for response), closure should be started as set forth in Chapter 16 using code LC. The IWO will not be terminated in this situation.
- b. Shared custody: Consult with legal.
2. Parent Receiving Support is Open Mandatory Programs and Child(ren) With Parent Paying Support
- a. In this scenario, there is a valid court order in place granting the CP custody or a valid court order of support against the NCP for the child(ren). The caseworker should:
 1. Contact CP and inquire about the living situation of the child. (*Note: It is important in all of the scenarios to determine that the change is intended to be permanent¹ (i.e., a child staying with a parent for the summer or against the will of the parent receiving support is not a permanent change.))
 2. If the CP confirms the change, the caseworker should refer the case to the legal department for a Motion to Suspend, based on the circumstances.
 3. A letter should be sent to the parties, along with the motion, to advise any change will be prospective only, will not address overpayment, and that they must be in attendance, or the motion will be dismissed.
 4. If parties fail to appear for hearing, the motion will be dismissed, and the parties will be required to provide a court order changing custody before further action will be taken by the Title IV-D Office. Until then, the valid court order will continue to be enforced without change.
 5. MDIS may be set once a motion is filed after careful review by finance and legal teams. The preference is that payments continue to be distributed. If MDIS is set, there must be specific instructions and status must be monitored closely.
 6. If the CP is unable to be contacted (attempt by phone/mail/email and fully narrate attempts allowing at least 14 days for response), the Noncooperation Process (see Chapter 4) should be followed, and closure should be initiated (see Chapter 16) if the CP fails to respond. The NCP should be advised no motion will be filed since verification is not received from CP and that he/she should pursue a motion on his/her own. The IWO will not be terminated in this situation.
 - b. Shared Custody: Consult with legal.
3. Parties Have Shared Custody and Child Now Resides Permanently with Parent Paying Support: In this situation, the caseworker should consult with the legal for direction.
4. No Mandatory Programs Open and Child(ren) with a Third Party
-

¹ Peak v. Peak, 244 Kan. 662 (1989).

- a. In the scenario when there is a valid custody order in place granting the CP custody of the child(ren), and there are no mandatory programs open, the caseworker should:
 1. Contact the CP. If the parent confirms there is a permanent change and the child(ren) are residing with a nonparent third party, the caseworker should send an application and follow the case initiation process in Chapter 3. In the meantime, the order is valid, and the Title IV-D Office should continue enforcing/distributing the funds.
 2. If the caseworker is unable to confirm with the parent receiving support, (attempt by phone/mail/email and fully narrate attempts allowing at least 14 days for response), they should follow the closure process in Chapter 16 using code "LC."
 3. The income withholding should remain in place and not be terminated.
- b. In the scenario when there is a valid support order only and custody is not addressed, the worker should:
 1. Contact the CP. If the parent confirms there is a permanent change and the child(ren) is residing with a third party, the caseworker should:
 - a. Contact the new CP, send an application, and follow the case initiation process in Chapter 3. In the meantime, the order is valid and the Title IV-D Office should continue enforcing/distributing the funds.
 - b. If the CP does not respond, the caseworker should follow the closure process in Chapter 16 using code "LC."
 - c. The income withholding should remain in place and not be terminated.
5. No Mandatory Programs Open and Child(ren) with a Third Party - Shared Custody Order: In this scenario, the caseworker should consult with legal for direction.
6. Third Party Application Received and Mandatory Programs Open with Third-Party: In this scenario, the caseworker should attempt to contact CP and confirm the living situation of the child(ren). CP should be changed on the system in this situation even if confirmation is not received from current CP. No other steps are necessary.
7. Third-Party Contacts Title IV-D Office and No Mandatory Programs Open – In this scenario, an application must be completed by the third-party and confirmation of the child(ren)'s living situation must be received from current CP. If either requirement is not met, there should be no change to the CP on the statewide child support system (KAECSSES).
8. Divided Custody Situations – One or More Children with NCP or a Third-Party, and at Least One Child Remains with Current CP: Consult with legal for direction on these cases.

References

- [Peak v. Peak, 244 Kan. 662 \(1989\)](#)

Forms and Tools

- Letter to Parties Regarding Motion to Suspend
- Letter to Parties Requiring Change of Custody Order

Related Information

- [Chapter 3: Case Initiation](#)
- [Chapter 4: Mandatory Cases](#)
- [Chapter 16: Case Closure](#)

Frequently Asked Questions

- ? *If a third party contacts the Title IV-D Office and has an order granting them custody of the child(ren) on a case, what do we do?*
- ✓ If the case has no mandatory programs open, the Title IV-D Office must obtain a copy of the order as well as an application from the third-party before the CP on the case may be changed. If the case is open mandatory programs with the new CP, a copy of the order is needed but the CP may be changed on the system. There will be no change to the NCP.
- ? *If the parties are willing to enter an Agreed Order rather than a Motion to Suspend, can the Title IV-D Office assist?*
- ✓ Yes. The Title IV-D Office may draft the paperwork and send to the parties. If they are not returned, the process(es) above should be followed.
- ? *The NCP keeps calling and has provided school documents showing the child(ren) on the case is/are residing with him/her, can't we stop support?*
- ✓ No. School documents do not change an existing court order. The processes above must be followed.
- ? *The CP agrees the child(ren) is/are residing with NCP, shouldn't we set the case for MDIS?*
- ✓ It depends. The preference is that MDIS is not set, especially if there is an arrearage owed. However, there are situations where retro processing may cause a recovery. Any request for MDIS should be discussed with legal and finance staff.
- ? *What if the child(ren) returns to the CP's home after support is suspended?*
- ✓ Please consult with your legal team as a Motion to Reinstate or Modify support may be required.

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 9: Arrears Forgiveness

Version: 1	Effective Date: 1/1/2024
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Background

In 2011, Kansas Title IV-D Program introduced an incentive program offered to anyone owing arrears to the State of Kansas. The focus of the incentive program is to work with payors to achieve stable employment.

Policy

The Title IV-D Program offers incentives to Non-Custodial Parents (NCPs) who have state-owed arrears and complete specific certifications and/or programs. Kansas Child Support does not have the authority to reduce arrears owed to the Custodial Party under these incentives.

The focus of the incentive program is to work with NCPs to achieve stable employment. The primary incentive remains a reduction of state-owed arrears only with a lifetime maximum of \$2500 with an additional incentive of \$1000 for those NCPs who complete their GED or high school diploma. The lifetime maximum for those who obtain a GED is \$3500.

Certifications or programs that qualify for \$2000 incentive are those that enable a NCP to progress in their career, such as:

- HVAC certification;
- Cosmetology or Barbershop licensure;
- Forklift Certification;
- CDL Certification;
- Nursing Certification;
- Associate or bachelor's degree; or
- Welding Certificate.

Certifications or programs that qualify for \$1000 incentive are education based, such as:

- High School Diploma or equivalent; or
- GED.

Certifications or programs that qualify for \$500 incentive are education based, such as:

- Fatherhood or Parenting classes;
- Finance classes;
- Addiction; or
- Other personal enhancement classes.

The incentives are capped by their category and must have been completed or dated after November 1, 2012. For example, the completion of an addiction class and a financial class will only result in one \$500 incentive. Completion of both the HVAC and Welding certificate will only result in one \$2000 incentive. In addition, if an NCP has already received the maximum amount under prior versions of the incentive program, they will not receive additional incentives. If, however, an NCP only received \$500 previously, they could be eligible for additional incentives under this program.

References

- N/A

Procedure

All requests with their appropriate documentation (certificates of completion, attendance logs, etc.) must be sent to DCF.CSSIncentives@ks.gov for consideration and approval of credit.

Once the request for adjustments are received, CSS Administration will:

- Determine if the program qualifies;
- Document approval on CSLN screen; and
- Send email to the Title IV-D Office requesting a Partial Satisfaction of Judgement (PSOJ) be filed with the courts.

When the PSOJ has been approved by the courts, a finance request must be made for necessary debt adjustments giving credit to NCP.

The Title IV-D Office should then send a letter to the NCP informing them of the adjustment made.

Forms and Tools

- [CHILD SUPPORT INCENTIVES.pdf](#)
- [Incentive Program Adjustment Letter.docx](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	01/17/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 10: Direct Payments

Version: 2	Effective Date: 4/25/2024
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Background

Parties occasionally make arrangements between themselves to pay child support directly or in-kind (by purchasing things like diapers). This creates controversy when the Non-Custodial Parent (NCP/payor) stops paying or does not pay what the Custodial Party (CP/payee) sees as enough. It also creates problems enforcing the orders because payments are rarely tracked. There are also occasions when parties have agreed to a Direct Pay order that is entered by the court, but later fail to follow the order, or apply for IV-D services. The Title IV-D Program cannot enforce Direct Pay orders and must seek amended orders to address the issue.

In general, Kansas statutes mandate every order for child support require payments be made through the Kansas Payment Center (KPC)¹. Where this is not specifically set forth in the order, it should be implied. The only exception to this requirement is when parties have a written agreement filed and approved by the court, and the agreement is incorporated into the court order. If the parties have such an order, the NCP/payor is required to maintain a written record of payments made and must file that with the court and provide to the CP/payee on a yearly basis at minimum.

The Kansas Supreme Court also adopted this rule, and mandates that every child support payment must be made through the KPC. Many courts have incorporated this requirement into local court rules and presumptively disallow any payments made outside of the KPC.

These laws exist so that the government (Courts, Trustees, and the Title IV-D Agency) have a legal record of all payments made. This protects both the NCP/payor and the CP/payee. Without proper recordkeeping, lienholders and creditors have no way to ensure arrears balances and payments are correct. In addition, without clear policy, the Title IV-D Program is put into a position of advocating for one party or the other, which is not the role of the IV-D Program.

Policy

The policy of the Title IV-D Program with regard to direct payments made between the parties will follow the law as it is currently written. All prior guidance or policy in conflict with this should be disregarded.

If a party comes into the Title IV-D Program by opening mandatory services or by applying, the Title IV-D Office will seek to redirect the Direct Pay order. If an NCP/payor has failed to follow the requirements in statute by tracking payments already made, any direct payments will be disregarded.

If the parties did not have a Direct Pay order, but voluntarily exchanged payments directly, all payments prior to case opening will be disregarded and the burden will be on the NCP/payor to file his/her own motion to seek credit for these payments.

¹ K.S.A. 23-3004.

References

- [K.S.A. 39-7,135\(e\)](#): requires that any provision in any support order or income withholding order entered in this state which requires remittance of support payments to the clerk of the district court or district court trustee shall be deemed to require remittance of support payments to the Kansas payment center, regardless of the date the support or income withholding order was entered
- [K.S.A. 23-3004](#): The obligor shall file such written agreement with the court. The obligor shall maintain written evidence of the payment of the support obligation and, at least annually, shall provide such evidence to the court and the obligee
- [Kansas Supreme Court, Rule 139](#): Unless the court orders otherwise, every child support or spousal support payment – whether temporary or permanent – must be made to the Kansas Payment Center.”
- [Ediger v. Ediger \(206 Kan. 447\)](#): “...generally speaking, a divorced father is required to make child support payments as directed by the district court in the divorce decree, and he should not be permitted to vary the terms of the decree or the manner of payment of child support to his convenience, or otherwise disregard the court's order.”
- [In re Marriage of Walje \(19 Kan. App. 2nd 809 \(1994\)\)](#): Court reversed a trial court decision and held, “When a decree orders support payments to be made through the Trustee, it should be made through the Trustee. If Kenneth had done so, this case would never have occurred. Kenneth did not ‘fully comply’ with the support order as required by the statute. The trial court erred in holding Kenneth had complied with his support order.”

Procedure

1. **No Direct Pay Agreement/Kansas Case**: There is no language in the court order of the parties regarding direct payment, but they have mutually agreed to allow for such. In this scenario, the Title IV-D Office opens the case; both parties indicate payments have been made directly and no arrears are due; and CP/payee has indicated direct payments on his/her application.

Procedure: The parties did not follow the law regarding a direct payment agreement. There is nothing in writing, and no order filed with the court approving such agreement. In addition – the parties have failed to file an annual accounting. Because they have not done so – the Title IV-D Office, will start the obligation at the case opening, and the parties will be required to file their own motion to address any direct payments and arrearage prior to case opening. Narrations must be clear as to reasoning for start-date and this only applies when parties agree that direct payments were made.

2. **Direct Pay Order/Kansas Case/No Accounting**: Parties have an order that does specify direct payments are to be made. No accounting was filed by the NCP/payor. This scenario will apply whether the parties agree or not about payments made.

Procedure: In this situation, the parties properly entered the agreement with the Court. The NCP/payor did not take the additional step of filing annual accountings. In this scenario, the case will be set up by the Title IV-D Office to enforce current support only beginning at case opening and should be simultaneously referred to the Title IV-D legal department. The Title IV-D attorney must file a Motion to require payments be made to the KPC, determine arrears and set the motion for hearing as soon as possible. If the CP/payee completed a Direct Pay statement to acknowledge the payments up to the date the Title IV-D Office enters the case, the statement should be filed with the court along with the Motion. Any arrears owed will be set based on the court’s final orders.

3. **Case has been open with the Title IV-D Office for enforcement**. One of the parties calls and indicates NCP/payor has made direct payments.

Procedure: This differs from scenario #1 in that the Title IV-D Office is already enforcing the order and has been for some time. Arrears are already on the statewide child support system (KAECSES). This scenario often arises when an

administrative action occurs, and the parties do not believe it should be happening because they allegedly made direct payments. In this scenario, the parties should be directed to file their own motion. Until there is a final order changing arrears or granting credit, the Title IV-D Office will continue to enforce the order as written.

4. Intergovernmental Case with Direct Pay Order.

Procedure: Intergovernmental cases with direct payments made due to Direct Pay Order or simply made direct despite language in an order should be staffed with Supervisor/Program Managers. These are infrequent, but do not fall under Kansas law. They will need to be reviewed for state-specific laws and may require contact to parties and/or state contacts.

Forms and Tools

- [Direct Payment Affidavit.pdf](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/16/2024	Final Approved Version
Version 2	1/25/2024	Minor wording change

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 11: Retention

Version: 1	Effective Date: 1/1/2024
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Background

Federal Law, 45 CFR § 303.11(e), states the IV-D agency must retain all records for cases closed in accordance with this section for a minimum of three years, in accordance with 45 CFR 75.361. However, State Law requires we must retain all records for five years. CSS is bound by Kansas statute 75-3501 through 75-3514 with reference to the Kansas Historical Society State Records Retention Schedule.¹

Policy

It is CSS policy that case files be kept electronically. All documents should be scanned into the file. The following documents are mandatory and should be retained in all files: Voluntary Acknowledgement of Paternity (VAP) and certified VAPs, Agreed Journal Entries signed by the CP or NCP; Genetic Testing Results and original IV-D Enrollment Forms.

It is CSS policy to retain all scanned mail in the appropriate case files. Routine communication- including, but not limited to: incoming and outgoing letters; important emails; Transmittals; correspondence from attorneys, other states, and parties of the case; Postmaster Letters/Employer Letters/K1s; etc.

References

- [Kansas Records Retention Schedules - Kansas Historical Society \(ksks.org\)](https://ksks.org/records-retention-schedules)

Procedure

Once a document is received by the Title IV-D Office, it should be scanned and retained in the electronic file. Document integrity should be ensured before the physical document is destroyed. If the document was an original document such as a birth certificate, Social Security Card, medical card, photo, etc., received from a CP, NCP, or person related to an existing child support case, the document should be scanned and added to the electronic file, and the original document should be returned to the person who provided the document. Any lawsuits against the agency should be scanned and emailed to CSS Administration legal department DCF.CSSCustomer@ks.gov.

Documents received directly by CSS Administration will be redirected to the correct Title IV-D Office via email. Intergovernmental packets received by CSS Administration will be redirected to the correct Title IV-D Office via Electronic Document Exchange (EDE).

Any returned Debt Setoff (DSO) letters shall be processed as follows: If there is a new address, it should be sent out immediately to that address and narrated as: Potential FTI: Received NOI Offset letter dated "00/00/00", resent to new address. If there is not a new address, it should be narrated as: Potential FTI: Received NOI Offset letter dated

¹ Kansas Records Retention Schedules - Kansas Historical Society (ksks.org)

“00/00/00” destroyed, no new address. If it can’t be processed that day, it should be placed in a secured/locked location immediately.

Document ▼	Retention after Scanning ▼	Retention in Electronic File ▼
Enrollment Form	60 days	5 years after case closed
Entry of Appearance	60 days	5 years after case closed
Domestic Relations Affidavits	60 days	5 years after case closed
Paternity Questionnaire	60 days	5 years after case closed
Allegation of Paternity	60 days	5 years after case closed
Genetic Testing Results	60 days	5 years after case closed
Birth Certificate	60 days	5 years after case closed
Vital Statistics Record	60 days	5 years after case closed
Voluntary Acknowledgment of Paternity	60 days	5 years after case closed
Positive Employment Verification	60 days	5 years after case closed
Correspondence from Parties	60 days	5 years after case closed
Certified Court Orders	60 days	5 years after case closed
Emancipation Letters	60 days	5 years after case closed
Health Insurance Verification	60 days	5 years after case closed
Adoption Decrees	60 days	5 years after case closed
Returns of Service	60 days	5 years after case closed
Arrears calculations	60 days	5 years after case closed
Out of state payment records	60 days	5 years after case closed
Release of Information	60 days	5 years after case closed
Consent from Attorneys	60 days	5 years after case closed
Bankruptcy	60 days	5 years after case closed
Court notes	60 days	5 years after case closed
Placement Sheets from PPS	60 days	5 years after case closed
Review Letters	60 days	5 years after case closed
Incoming Interstate Packet	60 days	5 years after case closed
Outgoing Interstate Packet	60 days	5 years after case closed
Transmittals	60 days	5 years after case closed
Joint Filer Affidavits	60 days	5 years after case closed
Answers to Petitions	60 days	5 years after case closed

*Please note: The chart indicates a five year retention period for case file documents. It has been the common practice to leave electronic files in a Title IV-D office system; however, they may be purged in accordance with this chart.

Administrative Document Retention (Both CSS Administration and Title IV-D Offices):

- Correspondence: Policy or Procedural Related: Incoming and outgoing letters and memoranda that state or form the basis for policy, set precedent, or record important events in the operational and organizational history of the agency should be retained for six calendar years.
- Employee Training Records: Correspondence, reports, and other records relating to the operation of agency sponsored training programs and to employee participation in training programs sponsored by external organizations should be retained for five calendar years or until superseded, whichever is sooner, then destroyed.
- FTI Audit records: Reports and logs for FTI systems should be retained for seven years.
- RFP’s must be kept five years after the expiration date of the contract, including people/companies who were not awarded the winning contract.
- Incident reports should be retained for six calendar years.

- Personnel Records: Security Agreements should be retained until superseded or no longer in effect.
- Policy Statements: Original copies of formal explanations of agency policies and procedures issued in individual statement formats should be retained until superseded or no longer in effect and then transferred to Archives.
- Procedure Manuals: Original copies of agency procedures issues in a collective manual should be retained until superseded or no longer in effect then transferred to Archives.
- CLE records: A provider must keep on file for a minimum of three years attendance records and evaluation summaries for a program.
- The NDNH has specific retention requirements as governed by Section 453 of the Social Security Act: NDNH data shall be deleted within 24 months after the date of entry. Quarterly Wage (QW) and Unemployment Information (UI) must be deleted if 12 months has elapsed since the date the information was provided and there has been no resulting match. QW and UI can be retained longer than 24 months if a match has resulted or the Secretary has given permission.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 12: State Adoption Name Change Cases

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Policy

It is the CSS policy that when a child is adopted through a state-administered adoption, and has a name change, that the adoptive name should be protected and not released under any circumstances. Documents that are filed with the courts must be manually updated to ensure the child's birth name appears on those documents. Any letter that is sent that is sent out to the birth parents must also be reviewed to ensure the child's adoptive name is not released.

Cases that are assigned to the adoption caseload should only include adoptions with PPS involvement where the child's name was changed. If the child's name was not changed the case will remain in the general caseload. Cases with stepparent adoption name changes will also remain in the general caseload.

References

- N/A

Procedure

CSS Administration receives notification of a state adoption through the CSS Adoption Mailbox from Prevention and Protection Services (PPS). CSS Administration is required to act on the same day the email is received to protect the adopted child's name. The designated adoption caseload case worker completes one of the following based on the specifics of the case:

- State arrears only
 - Email sent to the Title IV-D Office to remove all state owed arrears and close case.
- Closed case
 - Narrate on system about adoption and if case were to reopen, adopted name would need to be protected
- Case has NA arrears under \$500 and no payments in a year
 - Review CSLN. If there has been no contact from payee in years, it is okay to send email to the Title IV-D Office to remove all debt and close case.
- Closed case with no name change
 - Narrate on the system about adoption with no name change
- Open case with no name change
 - Narrate adoption with no name change. Send email to the Title IV-D Office to notify of adoption.
- Open case where there is unadopted children on court order and no PRT
 - Narrate adoption, reassign case to reg 51, remove state owed debt for adopted child, send email to the Title IV-D Office requesting case file.
- Open case with NA (CP) arrears
 - Narrate adoption, reassign case to reg 51, send the transfer email to the Title IV-D Office to send case file.
- Step-parent adoption

- Narrate adoption. Since step-parent adoption has consent from payor for child to be adopted, case does not need to be in reg 51. ****Send email to the Title IV-D Office with adoption***

Forms and Tools

- [Direct Payment Affidavit.pdf](#)

Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	1/1/2024	Final Approved Version

CHAPTER 19: OTHER CHILD SUPPORT RELATED TOPICS

Section 13: Refugees

Version: 2	Effective Date: 5/21/2024
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Background

Since 1975, the United States has resettled more than three million refugees.¹ The Refugee Act of 1980² (an amendment to the Immigration and Nationality Act of 1952³) established procedures for refugees entering the United States and created refugee resettlement programs. Individuals granted refugee status overseas by the U.S. Department of Homeland Security (DHS) are brought to the United States for resettlement by the U.S. Department of State.⁴

The Office of Refugee Resettlement (ORR),⁵ established under the Administration for Children and Families, was created to provide aid to refugees and ensure they receive the services and support needed to successfully integrate into their communities. Upon arrival in the United States, two federally funded cash assistance programs help low-income refugees on their path to self-sufficiency: Temporary Assistance for Needy Families (TANF)⁶ for those with dependent minor children and Refugee Cash Assistance (RCA)⁷ for those who do not qualify for TANF.⁸ ORR provides funding to state governments, resettlement agencies, and other nonprofit community-based organizations to provide benefits and services to eligible individuals. ORR also provides for the care and custody of Unaccompanied Alien Children (UAC)⁹ referred to ORR by other federal agencies until they are released to an appropriate sponsor, usually a parent or relative, while their immigration cases proceed.

The Kansas Office for Refugees (KSOR)¹⁰ is a federally funded state replacement designee that administers refugee services and benefits in Kansas and serves as the State Refugee Coordinator's (SRC) office. This office receives federal funding from ORR to oversee the design, implementation, and coordination of refugee services. KSOR partners with organizations across the state to provide direct services to refugees and other eligible populations. KSOR is a department within the International Rescue Committee (IRC).¹¹

Definitions

"Refugee"¹² – Individuals and families unable to live in their home country because of persecution or a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion. The term refugee generally refers to all populations eligible for U.S. refugee services, including asylees, Cuban/Haitian entrants, Special Immigrant Visa (SIV) holders, Amerasians, and victims of a severe form of trafficking.

¹ Understanding the Intersection Between TANF and Refugee Cash Assistance | The Administration for Children and Families (hhs.gov)

² Pub. L. No. 96-212, 94 Stat. 102

³ Pub. L. No. 82-414, 66 Stat. 163

⁴ orr_fact_sheet_refugee.pdf (hhs.gov); Fact Sheets: Eligibility & Benefits | The Administration for Children and Families (hhs.gov)

⁵ 8 U.S.C. § 1521; Office of Refugee Resettlement (ORR) | The Administration for Children and Families (hhs.gov)

⁶ Social Security Act, Title IV, Part A; 45 C.F.R. Chapter II, Parts 260-265; K.S.A. 39-709(b)

⁷ 8 U.S.C. § 1522(e)

⁸ Understanding the Intersection Between TANF and Refugee Cash Assistance | The Administration for Children and Families (hhs.gov)

⁹ 8 U.S.C. § 1522(d); 6 U.S.C. § 279

¹⁰ Kansas Office For Refugees (ksor.org)

¹¹ International Rescue Committee | International Rescue Committee (IRC)

¹² 8 U.S.C. § 1101(a)(42)

“Asylees”¹ - Individuals who, on their own, travel to the United States and subsequently apply for/receive a grant of asylum. Asylees do not enter the United States as refugees. They may enter as students, tourists, businessmen, or even in undocumented status. Once in the U.S., or at a land border or port of entry, they apply to DHS for asylum.

“Cuban/Haitian Entrants”² – Individuals granted parole status by DHS as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided, and any other national of Cuba or Haiti, who:

1. Who:(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act (INA)³;(ii) is the subject of exclusion or deportation proceedings under the INA; or (iii) has an application for asylum pending with DHS; and
2. With respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.⁴ Cuban and Haitian Entrants, along with Cubans in certain other categories, are eligible to apply for adjustment of status after one year in the U.S.

“Afghan and Iraqi Special Immigrant Visa (SIVA) Holders or SQ/SI Parolees”⁵ - Afghan or Iraqi nationals granted a SIV or Special Immigrant (SQ or SI) Parole by the DHS for service to the U.S. government are eligible for ORR benefits.

“Victims of Trafficking” - The Trafficking Victims Protection Act of 2000 (TVPA)⁶ defines “Severe Forms of Trafficking in Persons” as: Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or

“Labor Trafficking:” the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

“Survivors of Torture” – an individual who survived torture as defined by the Torture Victims Relief Act of 1998 (TVRA).⁷

1. “Torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;
2. “Severe mental pain or suffering” means the prolonged mental harm caused by or resulting from:
 - a. intentional infliction or threatened infliction of severe physical pain or suffering;
 - b. administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;
 - c. threat of imminent death;
 - d. threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind- altering substances or other procedures calculated to disrupt profoundly

¹ orr_asylee_fact_sheet.pdf (hhs.gov)

² Benefits for Cuban/Haitian Entrants | The Administration for Children and Families (hhs.gov)

³ Immigration and Nationality Act | USCIS

⁴ 45 CFR § 401.2

⁵ Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees (hhs.gov)

⁶ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat. 1464 (2000)

⁷ Torture Victim Relief Act of 1998, Pub. L. No. 105-320

the senses or personality As used in the TVRA, this definition of torture also includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

“Parole/Parolee”¹ - USCIS uses its discretion to authorize parole. Parole allows an individual, who may be inadmissible or otherwise ineligible for admission into the United States, to be paroled into the United States for a temporary period. The INA allows the secretary of homeland security to use their discretion to parole any noncitizen applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit. An individual who is paroled into the United States has not been formally admitted into the United States for purposes of immigration law. Parole is not intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels.

“United for Ukraine”² - A safe and orderly process for displaced Ukrainians who have been impacted by Russia’s invasion of Ukraine. Ukrainians who have a supporter in the United States may be considered for parole, on a case-by-case basis, for a period of up to two years. Once granted parole, Ukrainians are eligible to apply for employment authorization in the United States.

Policy

Non-citizens who meet state residency requirements are eligible to apply for Temporary Assistance for Needy Families (TANF), Food Assistance and Child Care.

Applicants/Recipients who are identified as non-citizens on their application shall be required to document and verify their non-citizens status. Economic and Employment Services (EES) shall determine, from documentation obtained, if the person is a non-citizen who may be eligible to receive assistance. Only those non-citizens who are residents and meet one of the categories of qualifying non-citizens status may participate.

References

- [Social Security Act, Title IV, Part A](#) - Block Grants to States for Temporary Assistance for Needy Families
- [Pub. L. No. 82-414, 66 Stat. 163](#) - Immigration and Nationality Act
- [Pub. L. No. 96-212, 94 Stat. 102](#) - Refugee Act of 1980
- [6 U.S.C. § 279](#) - Children’s Affairs
- [8 U.S.C. § 1101](#) - Definitions
- [8 U.S.C. § 1521](#) - Office of Refugee Resettlement; establishment; appointment of Director; functions
- [8 U.S.C. § 1522](#) - Authorization for programs for domestic resettlement of and assistance to refugees
- [45 C.F.R. Chapter II, Parts 260-265](#) - TANF Regulations
- [45 CFR § 401.2](#) - Definitions
- [K.S.A. 39-709](#) - Eligibility requirements for temporary assistance for needy families, food assistance, childcare subsidy and medical assistance; prohibition of Medicaid expansion; automatic assignment of support rights for children in custody of the secretary; non-cooperation and reporting failure; disqualification and penalties; lien procedures and enforcement; fraud investigations; rules and regulations.
- [Kansas Economic and Employment Services Manual \(KEESM\)](#)

¹ Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States | USCIS

² Uniting for Ukraine | Homeland Security (dhs.gov)

- [Understanding the Intersection Between TANF and Refugee Cash Assistance | The Administration for Children and Families \(hhs.gov\)](#)
- [orr fact sheet refugee.pdf \(hhs.gov\); Fact Sheets: Eligibility & Benefits | The Administration for Children and Families \(hhs.gov\)](#)
- [Understanding the Intersection Between TANF and Refugee Cash Assistance | The Administration for Children and Families \(hhs.gov\)](#)
- [Kansas Office For Refugees \(ksor.org\)](#)
- [International Rescue Committee | International Rescue Committee \(IRC\)](#)
- [Benefits for Cuban/Haitian Entrants | The Administration for Children and Families \(hhs.gov\)](#)
- [Immigration and Nationality Act | USCIS](#)
- [Benefits for Afghan and Iraqi Special Immigrant Visa \(SIV\) Holders or SQ/SI Parolees \(hhs.gov\)](#)
- [Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat. 1464 \(2000\)](#)
- [Torture Victim Relief Act of 1998, Pub. L. No. 105-320](#)
- [Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States | USCIS](#)
- [Uniting for Ukraine | Homeland Security \(dhs.gov\)](#)

Procedure

If a IV-D referral is received indicating that the CP/children are refugees (in the notes section of the referral); or staff determine that the CP/children are refugees (after reviewing the Citizenship/Identity and Non-Citizenship page in KEES) and NCP's information is known, staff should or shall review the public assistance case to determine if NCP had previously been included in the household.

Note: The Non-Citizenship Status List page in KEES may also display the following statuses: Asylee/Asylum Seeker, Lawful Permanent Resident, Cuban/Haitian Entrant, Qualified Non-Citizen, Refugee, Ukrainian, Victim of Trafficking.

- If NCP was previously included on the public assistance case, a case should be created, and paperwork sent to the CP. It should be documented on CSLN that the parties are refugees.
 - A minimum of four attempts to contact the CP must be made, utilizing all necessary means of possible contact.
 - Phone calls to the CP should be made using an authorized language translator service if CP's primary language is known. (The language record can be found in the open public assistance block and/or Individual Demographics page in KEES).
- If NCP was not previously included on the public assistance case, cannot be found on KEES, or is not known, as case should be created and an email sent to the DCF.CSSRefugees@ks.gov mailbox with the referral number for CSS Administration to further review. Admin staff will research KEES to determine if there is enough information to proceed with the case or closure using the 'BG' closure code.
- If a IV-D referral states that the NCP has been deported, resides in a foreign country (in which the Title IV-D Office has no reciprocity), or is deceased, it should be deactivated. Staff should be reviewing PAR2 of the referral for this information.

Sanction for Non-Cooperation

If no response is received after all four contact attempts have been made, the case should be reviewed for non-cooperation following normal non-cooperation procedures. Refer to Chapter 4, Section 3: Cooperation with the Title IV-D Office.

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- [Chapter 3 Section 3: Mandatory Cases](#)
- [Chapter 4 Section 3: Cooperation with the Title IV-D Office](#)

Revision History

Version	Date	Description of Revision
Version 1	4/1/2024	Final Approved Version
Version 2	5/21/2024	If NCP was not previously included on the public assistance case, cannot be found on KEES, or is not known, a case should be created and an email sent to the DCF.CSSRefugees@ks.gov mailbox with the referral number for CSS Administration to further review. Admin staff will research KEES to determine if there is enough information to proceed with the case or close using the 'BG' closure code.

CHAPTER 20: TRIBAL

Section 1: Background

Version: 1	Effective Date: 1/1/2024
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Background

The funding for Indian tribes and tribal organizations is authorized under section 455(f) of the Social Security Act, as added by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Public Law 104-193) and was amended by the Balanced Budget Act of 1997 (Public Law 105-133). The NPRM and interim rule were published in the Federal Register on August 21, 2000 (NPRM: 65DR 162 et seq.; interim final rule: 65FR 162 et seq.).

The legislation noted above provides authorization for direct federal funding for tribal child support programs. PRWORA created the authority to establish tribal child support programs with direct funding. To jumpstart implementation, the Federal Office of Child Support Services (OCSS) announced Special Improvement Project (SIP) grants available to federally recognized tribes and tribal organizations. The grant funding provided an opportunity for Tribal Nations to enhance an existing child support program.

OCSS consulted extensively with tribes on developing the tribal regulations; all federally recognized tribes were invited to attend. OCSS held six Nation-to-Nation Consultations, lasting 2 ½ days each. During consultation, a number of tribes, expressed concern that efforts they had under way, including the demonstration projects, would be unduly delayed, or disrupted if they had to wait for the final rule to receive funding to continue the programs that they put into place. In response to this concern, and in an effort to ensure that tribes can begin to provide services as quickly as possible, OCSS issued an Interim Final Rule that took effect immediately upon publication.

On March 30, 2004, after additional consultation and public input, OCSS published the Final Tribal IV-D Program Rules in the Federal Register that provided the mechanism for the development, enhancement and/or ongoing operations of a tribal child support program. OCSS released Action Transmittal (AT)-04 01 to disseminate the Final Rule. The U.S. Government Publishing Office maintains and encourages use of a current electronic version of 45 CFR 309 and 45 CFR 310. The regulations cross-reference 45 CFR 75 - Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS awards, which apply to tribes.

The number of tribal child support programs has grown significantly since 2004.

Memorandum of Understanding (MOU)

An MOU is a formalized statement of the mutual expectations between two parties; for example, two tribal programs or a tribal and state program. It is not legally binding but does represent a commitment by the parties to conduct interagency business in a specified manner. An MOU can be a powerful tool since it requires the parties to come to mutual agreements. Components to an MOU include, but are not limited to a:

- description of the partner agencies;
- brief history of the relationship of the agencies;
- purpose of the MOU;
- roles and responsibilities of each program;
- description of the resources each program can contribute to the project;
- designation of person(s) responsible for the project management;
- reporting methodologies and deadlines;

- duration of the MOU; and
- signature(s) of authorizing person(s).

Limited-Service Agreements

A service agreement is generally considered a contract wherein a service is formally defined. Service agreements can be legally binding depending on the language included. The components of a service agreement include but are not limited to:

- scope of services; o parties responsible for the delivery of services and the delivery time;
- general terms of the agreement including fees and reporting;
- sanctions for non-compliance of the agreement, and o authorized signatures.

According to 45 CFR 309.60(c), if a tribal child support program delegates any function of the tribal child support program to another tribe, state, or another program or entity pursuant to a cooperative arrangement, contract or tribal resolution, copies of the documents must be appended to the Comprehensive Program Plan and submitted to OCSS for approval.

There are four federally recognized tribes in the State of Kansas, The Delaware Tribe of Kansas, Kickapoo Tribe of Kansas, Sac and Fox Nation of Missouri in Kansas and Missouri, and Prairie Band Nation. The Delaware Tribe of Kansas, Kickapoo Tribe of Kansas, and Prairie Band Nation have a current MOU with Kansas Child Support Services to provide limited services.

Policy

- N/A

References

- [eCFR: Part 309](#): Tribal Child Support Enforcement (IV-D) Program
- [eCFR: Part 310](#): Computerized Tribal IV-D Systems and Office Automation
- [eCFR: Part 75](#): Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards

Procedure

- N/A

Forms and Tools

- N/A

Frequently Asked Questions

- N/A

Related Information

- <https://www.acf.hhs.gov/css/child-support-professionals/tribal-agencies>
- [ACF Tribal & Native American Affairs | The Administration for Children and Families \(hhs.gov\)](#)
- <http://www.supporttribalchildren.org/>



Revision History

Version	Date	Description of Revision
Version 1	01/01/2024	Final Approved Version

CHAPTER 20: TRIBAL

Section 2: Limited Services

Version: 1	Effective Date: 1/1/2024
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Background

- N/A

Definitions

1. **"Title IV-D Tribal Liaison"** Responsible for communications between the tribal agencies and the Title IV-D Office. This includes setting up and monitoring all limited services cases from the Kansas tribes.

Policy

Per CFR 302.34, the state plan shall provide that the State will enter into agreements, which are reflected in a record, for cooperative arrangements with appropriate courts; law enforcement officials, such as district attorneys, attorneys general, and similar public attorneys and prosecutors; corrections officials; and Indian Tribes or Tribal organizations. Such arrangements may be entered into with a single official covering more than one court, official, or agency, if the single official has the legal authority to enter into arrangements on behalf of the courts, officials, or agencies. Such arrangements shall contain provisions for providing courts and law enforcement officials with pertinent information needed in locating noncustodial parents, establishing paternity, and securing support, to the extent that such information is relevant to the duties to be performed pursuant to the arrangement. They shall also provide for assistance to the IV-D agency in carrying out the program and may relate to any other matters of common concern. Under matters of common concern, such arrangements may include provisions for the investigation and prosecution of fraud directly related to paternity and child and spousal support, and provisions to reimburse courts and law enforcement officials for their assistance.

References

- N/A

Procedure

Limited-Services

Since the tribal IV-D agencies are limited in their enforcement abilities, they have entered into a cooperative agreement with the Title IV-D Office to submit past-due support owed in tribal IV-D cases for FDSO, SDSO, KDMV & KDWP restrictions/certifications and credit reporting.

- The Title IV-D Tribal Liaison will receive a Transmittal, Statement of Confidentiality, Copy of the order and arrears from the tribe.
- Follow instructions for opening a new case as limited services. The tribe must be entered as the Custodial Party (CP) using the ORGZ number that corresponds with the tribe's payment center. Activate these as incoming interstate case using the corresponding Tribal code found on IIMC Tribal.

- If the tribe only wants a specific service, the remaining services will need to be manually exempted. For instance, if the PBPB only wants limited service for FDSO, a manual exemption would be added for CRED, KDMV, KDWP & SDSO.
- Addresses will need to be monitored on these cases periodically so that notices go out to the NCP's.
- Add the Journal Entry; all legal details except the debt detail will be an "AJ" (arrears judgment) as current does not accrue on tribal cases. No IWO's are issued or needed.
- Activate the AJ and verify the corresponding PEPR time frame is not AF or FC/NC/NF/JJA.
- The tribes will send updated balances periodically. Upon receipt, review and adjust balances to match the tribe.

Tribal Transfer Process

The CSS Enrollment Forms have specific tribal questions for applicants to complete. The Title IV-D Tribal Liaison should review and determine whether the case should transfer to tribe or remain with the Title IV-D Office.

1. Review the CP's enrollment form for the following information:
 - a. Are one or all of the parties a member of a tribe?
 - b. Do either of the parties reside on a Kansas reservation?
 - c. Is there a current tribal order?
 - d. Does the CP request Kansas Tribal CSS?
2. If the CP requests Kansas Tribal CSS and TANF is not open, the case transfers to the tribe and is closed through KS CSS. However, if mandatory programs are open, the CP must cooperate with the tribe.
3. Email the enrollment form to the appropriate tribal contact and make sure they know that the CP must cooperate.
4. If the CP doesn't request Tribal CSS, the case will remain open with KS CSS. However, if there is an existing tribal order; one of the parties resides on Kansas reservation; or if the NCP is employed by a Kansas tribe or casino, notify the assigned case worker to issue an outgoing transmittal to the tribe requesting establishment or enforcement.
5. Narrate all of the above. Email the case worker to let them know the review result and if transferring to tribe, update the tribal transfer spreadsheet accordingly.

Sample narrative when case remains with The Kansas Title IV-D Program:

REC'D ENROLLMENT FORM FOR TRIBAL REVIEW. CP STATES THAT SHE IS A MEMBER OF THE CHEROKEE NATION AND NCP IS A MEMBER OF THE PIMA TRIBE. NEITHER PARTY RESIDES ON KS RESERVATION, NO KNOWN TRIBAL ORDER AND CP DOESN'T REQUEST KS TRIBAL CSS. CASE WILL REMAIN WITH YOUNG WILLIAMS. EMAIL TO A. KOTTMAN TO ADVISE.

Sample narrative when transferring case to tribe:

REC'D ENROLLMENT FORM FOR TRIBAL REVIEW. CP STATES THAT SHE IS A MEMBER OF THE CHEROKEE NATION AND NCP IS A MEMBER OF THE PIMA TRIBE. CP REQUESTS THAT (TRIBE) WORK HER CASE. TRANSFERRING CASE TO (TRIBE) THIS DATE. ADVISED THAT CP IS OPEN (ASSISTANCE IF APPLICABLE) AND MUST COOPERATE. EMAIL TO (WORKER) TO ADVISE CASE CAN BE CLOSED USING TR CODE AND NO 60 DAY LETTER IS NEEDED.

Forms and Tools

- N/A



Frequently Asked Questions

- N/A

Related Information

- N/A

Revision History

Version	Date	Description of Revision
Version 1	01/01/2024	Final Approved Version

GLOSSARY OF COMMON CHILD SUPPORT TERMS

Abatement – A process of reducing or eliminating a parent’s obligation to pay child support.

Accessible – The health care insurance plan is available and provides coverage for the child residing within the geographic area covered by the insurance plan.

Account - Demand deposit account, checking account, negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund.

Accrual – The accumulation or increase of child support payments that are due.

ACF Administration for Children and Families - The agency in the Department of Health and Human Services (DHHS) that houses the Office of Child Support Services (OCSS)

Acknowledged Father – Man who has established a father-child relationship through the paternity acknowledgement process.

Acknowledgment – See paternity acknowledgment.

Act - The Federal Social Security Act including 42 U.S.C. § 651 et seq.

Action Transmittal - Document sent out as needed, which instructs State child support programs on the actions they must take to comply with new and amended Federal laws.

Adjudicate – The entry of a judgment, decree, or order by a judge or other decision-maker based on the evidence submitted by the parties.

Adjudicated Father – Man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

Adjustment - The federal term for an upward or downward change in the child support obligation. Kansas statutes use the term “modification” instead of “adjustment”. **See Modification*

Administration for Children and Families (ACF) – The agency within the Department of Health and Human Services that houses the Office of Child Support Services.

Administrative Process - Method by which support orders are made and enforced by an executive agency rather than by courts and judges.

AEI Automated Administrative Enforcement of Interstate Cases – Provision in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) giving States the ability to locate, place a lien on, and seize financial assets of delinquent obligors across State lines.

Affidavit - A written statement signed under oath or by affirmation, which is usually notarized.

Affidavit of Redirection – A written statement signed under oath to change the payee of a child support order.

Age of Majority – **See Emancipation*

Agreed Order - A court order that does not require a trial or court hearing, because both sides agree to the terms of the order.

Aid to Families with Dependent Children (AFDC) – Former entitlement program that made public assistance payments on behalf of children who did not have the financial support of one of their parents by reason of death, disability, or continued absence from the home; known in many States as ADC (Aid to Dependent Children). AFDC was replaced with Temporary Aid to Needy Families (TANF) under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

Agent of the child – A person, usually a parent, who has the legal authority to act on behalf of a minor.

Alleged Father – A person who has been named as the father, or believes he is the father, of a child born out of wedlock, but who has not been legally determined to be the father; also referred to as putative father.

Allowable Disposable Income - This is the maximum amount available for child support withholding, calculated by applying a state's limitations or the Consumer Credit Protection Act limits to the noncustodial parent's disposable income.

Amend – To change or alter.

Arrearage - Past due child support, medical support, and spousal support as well as attorney fees, guardian ad litem fees, costs, interest, and penalties - excluding property settlements.

Arrears only case - A child support case in which the current support obligation has been terminated, but past due child support is owed to the State and/or the obligee.

Asset – Real or personal property of an individual subject to payment of debt.

Assignment of Support Rights - occurs when, as a condition of receiving Temporary Assistance for Needy Families (TANF) assistance, the applicant or recipient of TANF assigns to the State any rights to child support from any other person which accrues during the period the family receives assistance. The assignment of rights shall not exceed the total amount of assistance paid to the family.

Attach - To take or seize property to bring the property under the control of a court or tribunal.

Attorney for the Child - A licensed lawyer who has entered into an attorney-client relationship with either the child or the child's resident parent to provide legal representation to the child or resident parent related to the establishment of paternity, or the establishment, modification, or enforcement of child support. An attorney-client relationship imposes an ethical and fiduciary duty upon the attorney to represent the client's best interests under applicable rules of professional responsibility.

Bankruptcy - The procedure by which a person is relieved of certain debts once the person has placed all of his/her property and money in the bankruptcy court's care. The individual who files for bankruptcy will receive "protection" from his/her creditors. When an NCP files bankruptcy, the filing will affect the ability of the Kansas CSS Program to enforce the obligation but does not relieve the obligation. There are different types of bankruptcy claims which can have varying effects on the support obligation.

Bench Warrant - Document issued by a judge to law enforcement which permits a law enforcement officer to arrest a person.

Best Interests of the Child - Taking actions that would benefit the child and avoiding actions that might bring financial, physical, psychological, or emotional harm to the child.

Biological Father - The man who provided the paternal genes of a child. The biological father is sometimes referred to as the natural father.

Born Out of Wedlock – A child born to an unwed mother.

Buccal Swab - Method of tissue sample collection that involves gathering cells from the cheek on the inside of the mouth. The sample is used to identify DNA characteristics, which provides evidence to determine Parentage.

Burden of Proof – The duty of a party to produce the greater weight of evidence on a point at issue.

Business day - a day on which State offices are open for regular business.

Caretaker - A parent, relative, or guardian who has physical custody of a child.

Case – A collection of people associated with a particular child support order, court hearing, and/or request for IV-D services. This typically includes a Custodial Parent (CP), a dependent(s), and a Non-Custodial Parent (NCP) and/or Putative Father (PF). Every child support case has a unique Case ID number and, in addition to names and identifying information about its members, includes information such as CP and NCP wage data, court order details, and NCP payment history.

Case Closure – The process used when a IV-D case meets federal case closure criteria and the case is closed. Once a case is closed, all locate, establishment, and enforcement actions stop.

Case ID - Unique identification number assigned to a KAECSSES case.

Case Initiation – First step in the child support process.

Case Law - Law established by the history of judicial decisions in cases.

Case Member - Participant in child support case; a member can participate in more than one case. Examples would be Custodial Parent (CP), a dependent(s), and a Non-Custodial Parent (NCP) and/or a Putative Father (PF).

Case Worker - The child support worker assigned to handle and manage a child support case.

Cash Medical – Any child support order calculated pursuant to the Kansas Child Support Guidelines, or an amount ordered to be paid toward the cost of health care coverage provided by another parent through the parent's employer or otherwise, or for other medical costs not covered by insurance.

Central Authority - The agency designated by a government to facilitate support enforcement with a foreign reciprocating country (FRC) pursuant to section 459A of the Act.

Centralized Collection Unit – A single, centralized site in each State IV-D agency to which employers can send child support payments they have collected for processing. This centralized payment-processing site is called the State Disbursement Unit (SDU) and is responsible for collecting, distributing, and disbursing child support payments. In Kansas, this is known as the Kansas Payment Center (KPC).

Central Registry - A centralized unit maintained by every State IV-D agency responsible for receiving, distributing, and responding to inquiries on all incoming intergovernmental IV-D cases. Kansas Central Registry is at the State CSS Administration Office.

Certified Copy – A copy of a document or record, signed by an officer of the court or tribunal, who has custody of the original documents, declaring it a true copy of the original.

Chain of Custody – Tracking and control of evidence. In the genetic testing process, the tissue or blood sample must remain intact and secure from the time the sample is collected until received by the laboratory.

Child - The subject of the Parentage, child support, or medical support order.

Child in Need of Care (CINC) - An action filed in Court Prevention and Protection Services division of DCF which may or may not include a child being removed from the home for a period.

Child Support - Financial support paid by a parent to help support a child or children of whom they do not have custody. Child support can be entered into voluntarily or ordered by a court or a properly empowered administrative agency, depending on each State's law. Financial resources provide the necessities of living (food, shelter, clothing, or medical support). Child Support can involve cases:

(IV-D cases) where the custodial party (CP) is receiving child support services offered by State and local agencies; (such services include locating a Non-Custodial Parent (NCP) or putative father (PF); establishing Parentage; establishing, modifying, and enforcing child support orders; collecting distributing, and disbursing child support payments).

(IV-A cases) where the CP is receiving public assistance benefits and the case is automatically referred to Child Support Services (CSS) so the State can recoup the cost of the benefits from the Non-Custodial Parent (NCP) or defray future costs.

(IV-E cases) where the child(ren) is in the foster care system and residing with another family or placed in an institution and the case is also automatically referred to CSS to recoup or defray the costs of foster care.

(Non-IV-D orders) where the case or legal order is privately entered into and CSS is providing locate, enforcement, or collection services often entered into during divorce proceedings.

Medical support- where the child(ren) is provided with health coverage, through private insurance from the Non-Custodial Parent (NCP) or public assistance that is reimbursed whole or in part by the NCP, or a combination thereof.

Monetary payments- in the form of a one-time payment, installment, or regular automatic withholdings from the NCP's income, or the offset of State and/or Federal tax refunds and/or administrative payments made to the NCP, such as Federal retirement benefits.

Child Support Attorney - An attorney contracted with or employed by DCF to provide services under Title IV-D of the Act.

Child Support Services (CSS) - CSS is the Title IV-D agency for the State of Kansas. CSS is a division of the Department for Children and Families.

Child Support Enforcement Network (CSENet) – A nationwide communication network linking child support enforcement agencies allowing them to transmit information other than documents through statewide child support systems.

Child Support Order - A legal document requiring a party to pay support for a child(ren) filed with the Clerk of the District Court.

Child Support Pass-Through – When a state or tribal child support agency collects child support for a public assistance (TANF) recipient, the state or tribe can keep the money to reimburse itself and the government for the public assistance provided to the individual. States and tribes have the option to “pass-through” or give the child support payments custodial parent with no effect on TANF – meaning the child support pass-through amount would not be considered income for determining if a custodial parent is eligible for TANF.

Child Support Worksheet (CSWS) - a worksheet prepared pursuant to the Guidelines that shall be completed and filed with the Court when the Court is asked to order or modify support.

Children's Health Insurance Program (CHIP) – A state insurance program that provides low-cost health coverage to children in families that earn too much money to qualify for Medicaid but enough to buy private information.

Clerk of District Court - The official record keeper of court documents and/or files.

Code of Federal Regulations (CFR) – Rules adopted by the federal government to guide states in implementing federal statutes and federally mandated programs. <https://www.ecfr.gov/>

Conditionally Assigned Arrears – The balance from the temporarily assigned arrears that does not exceed URA when the family goes off assistance where a temporary assignment was in effect.

Confidential information - any information relating to a specific person that the Title IV-D program is required to protect from unauthorized disclosure. Confidential information includes, but is not limited to, Federal Tax Information (FTI) and/or Personal Identifiable Information (PII) provided by the Internal Revenue Service (IRS), Social Security Administration (SSA), and Office of Child Support Services (OCSS).

Confidentiality – The limitation of the use and disclosure of case file information based upon federal and state law.

Consumer Reporting Agency - A person or company regularly engaging, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information about consumers for the purpose of furnishing consumer reports to third parties and uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

Consumer Credit Protection Act (CCPA) - Federal law that limits the amount that may be withheld from earnings to satisfy child support obligations. States are allowed to set their own limits provided they do not exceed the Federal limits. Regardless of the number or withholding orders that have been served, the maximum that may be withheld for child support in Kansas is 50% of earnings.

Continuing Exclusive Jurisdiction (CEJ) - A tribunal of a state retains sole authority to modify a support order issued by that tribunal as long as: (a) One of the parties of the order maintains residency in that state, or (b) Until all of the parties of the order have filed a written consent with the tribunal that issued the order to allow another state to modify the order and assume continuing exclusive jurisdiction over the order. CEJ applies in states that have adopted UIFSA and is the basis for the one-state interstate process.

Controlling Order - The order that the CSS considers the one order used for purposes of enforcement and modification of the child support obligation. It remains in effect whether the parties remain in the state until another controlling order is determined.

Controlling Order State – The state in which the only order was issued or, where multiple orders exist, the state in which the order determined by a tribunal to control prospective current support pursuant to the UIFSA was issued.

Convention - the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007. Countries who have adopted the Convention are referred to as "Convention countries".

Cooperation - As a condition of PRWORA eligibility and some types of Medicaid, the recipient is required to cooperate with the CSS in identifying and locating the Non-Custodial Parent, establishing Parentage, and/or obtaining child support payments.

Cost of Raising a Child (CRCH) - Retroactive child support judgment that may be obtained only at the time of original order being entered. Parentage must not have previously been legally established. Per Kansas law, judgment may not exceed five years prior to filing of petition.

Cost Recovery – A process by which states assess charges to the custodial parent or non-custodial parent to recoup funds expended on services.

Court Order - A legally binding order issued by a court of law and issued by a judge. A court order related to child support can dictate how often, how much, what kind of support a Non-Custodial Parent is to pay, how long he or she is to pay it, and whether an employer must withhold support from their wages.

Court Order Garnishment System (COGS)- a garnishment system that allows the Social Security Administration to respond to income withholding orders (IWOs) received from Title IV-D agencies.

Court Trustee - Many, but not all, Kansas District Courts have a trustee who is responsible for enforcing child support orders issued by that district court.

Credit Bureau - An entity that keeps records on the credit used by persons and on the financial reliability of those persons.

Creditor – One to whom a debt is owed.

Criminal Nonsupport – Criminal charges against a non-custodial parent who refuses to pay child support. There are criminal offenses for failure to pay support at the state and federal levels. Federal actions require interstate activity.

Current Support - The amount of the monthly child support obligation due for a particular month.

Custodial Parent/Party (CP) (Payee) - The person who has primary care, custody, and control of the child(ren). A caretaker relative or government agency may be treated as a Custodial Parent (payee).

Custody Order – Legally binding determination that establishes with whom a child shall live. The meaning of different types of custody terms (for example: joint custody, shared custody, split custody) varies from state to state and tribe to tribe.

Customer – Individuals or entities that are involved with child support services.

Debtor - A person who owes money to another person or to an entity.

Default – The failure of a defendant to file an answer or response or appear in a civil case within the required time frame after having been properly served with a summons and complaint.

Default Judgment – A decision made by the court or administrative authority when the defendant fails to respond or appear.

Default Order - A court order entered against the party who failed to take care of a legal obligation.

Defendant (Respondent) – A person against whom a civil or criminal proceeding is started.

Delinquency - Failure, omission, or violation of a duty. The term is often used in reference to fall behind on a debt, such as child support.

Delinquent - for the purposes of income withholding, means the obligor is in arrears in the amount equivalent to one month of court ordered child support.

Department for Children and Families (DCF) – An organizational unit of the Executive Branch of Kansas State Government that administers public assistance, social services, juvenile justice programs, and child support enforcement services. The Department and all its divisions work together to ensure clients reach self-sufficiency. Child Support Services (CSS) is a division of the DCF.

Dependent – Any person who has not reached the age of emancipation or who has not been legally declared emancipated.

Direct costs - Expenses that can be traced directly to, or identified with, a specific cost center, such as a department, program, service, and/or activity and is covered in the cost allocation plan.

Direct Deposit - An electronic bank transaction through which child support payments may be deposited to the obligee's bank account.

Direct Income Withholding – A procedure whereby an income withholding order can be sent directly to the Non-Custodial Parent's employer in another State without the need to use the IV-D Agency or court system in the Non-Custodial Parent's State.

Disbursement – The process of transmitting funds to the appropriate recipient via debit card, check, or direct deposit.

Disposable Income - Income less personal income taxes, social security and Medicare deductions, cost of dependent health care coverage for all dependent children and mandatory pension deductions.

Distribution - The rules covering the priority order for allocating child support collections to the various types of debt within a child support case.

Domestic Relations Affidavit (DRA) – The DRA profiles the domestic situation of the parties; the finances, the children, the income and the expenses. CSS is currently using a Short Form DRA.

Domestic Support Obligation - A debt that accrues before, on, or after the date of the order for relief in a bankruptcy case. A domestic support obligation may be alimony or child support from a divorce or Parentage order.

Driver's License Restriction - If a Non-Custodial Parent is behind in paying court ordered child support, the Non-Custodial Parent's Kansas Driver's License may be restricted. This information will be provided to the Kansas Department of Motor Vehicles (KDMV), and the Non-Custodial Parent's license may be restricted. This restriction will allow the Non-Custodial Parent to only drive to and from work, school or medical appointments.

Due Process - The conduct of legal proceedings according to those rules and principles which have been established in our system of law for the enforcement and protection of private rights. It is a safeguard against unreasonable, arbitrary, and capricious decisions.

Duty of Support - An obligation to pay child support, including medical support, or child and spousal support, imposed by law, order, decree, or judgment of any court or administrative agency, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise, and includes the duty to pay past due support, judgments for past due support, and a duty to provide medical support.

Electronic Disbursement – A child support payment that’s electronically transferred to an account. The most common electronic disbursements are direct deposits to a bank or other financial institution or through an electronic payment card.

Electronic Document Exchange (EDE) - an ancillary application provided by the federal Office of Child Support Service’s (OCSS) Federal Parent Locator Service (FPLS) which permits Title IV-D agencies to securely send and receive documents through the FPLS Portal.

Electronic Funds Transfer (EFT) – The paperless exchange of money between banks. It can include any type of payment to an individual or other state agency, regardless of the source.

Emancipation – The age under which the child becomes a legal adult and is given certain rights as an adult. In Kansas, emancipation occurs when a minor turns 18 years of age or June 30 of the school year during which the child became 18 years of age, if the child is still attending high school. In addition, emancipation in Kansas occurs when a minor is or was married, is an active member of the U.S. military, or receives a declaration of emancipation from a court.

Enforcement - The application of remedies to obtain payment of a child support or medical support obligation contained in a child support order. Examples of remedies include garnishment of wages, federal tax intercept, seizure of assets, liens placed on assets, denial and/or restriction of licenses such as driver's, professional, recreational, and United States passports.

Enrollee - The individual enrolling in Title IV-D services or automatically referred to Title IV-D services through the IV-A/IV-D interface. An enrollee is not required to live in the county or State in which he or she is enrolling in Title IV-D services.

Enrollment Form/Application – A form used by CSS to gather information for a child support case and any existing court orders.

Establishment - The legal process of determining parentage, and/or establishing a child and/or medical support obligation, or the legal amount of a child support order.

Ex Parte – One side only; on or from one party only.

Expedited Process - Processes designed to ensure timeliness of services and to increase the effectiveness of the child support program.

Family Violence - a pattern of behavior used by an individual to gain or maintain power and control over another individual. Also referred to as domestic violence, domestic abuse, or intimate partner violence.

Family Violence Indicator (FVI) - Family Violence Indicator is used to identify a victim, on KAECSSES, who is involved in domestic violence or child abuse. When this information is transferred to the Federal Case Registry, the identity of the victim remains anonymous and is not reported to other states as disclosure of such information could be harmful to the victim(s). Information can only be given to other states by judicial process.

Federal Case Registry (FCR) - A national database implemented on October 1, 1998, that contains basic participant and case information from each of the State Case Registries for all Title IV-D cases, as well as for non-Title IV-D (NIVD) cases with child support orders established or modified on or after October 1, 1998. The FCR also assists Title IV-D child support offices in locating case participants living in different States to establish, modify, and enforce child support orders.

Federal Debt Set Off– **See Offset*

Federal Financial Participation (FFP) – The portion of a state’s child support expenditures that are paid by a federal government match. Most child support costs are matched two to one. In other words, the federal share of most child support costs is 66%.

Federal Fiscal Year (FFY) – The federal fiscal year begins October 1st and ends September 30th.

Federal Information Processing Standards (FIPS) - A unique five-digit FIPS code is assigned to represent each county in the country. The first two digits in the code identify the state and the last three digits identify the county. FIPS codes are used in interstate cases to identify the initiating and responding jurisdictions for purposes of federal incentive funding.

Federal Office of Child Support Services (OCSS) –The federal agency that oversees the national child support program.

Federal Offset Program - The service provided by CSS in cooperation with the federal government in which monies due by an obligor (e.g. tax refund) from the federal government are intercepted for payment of overdue support owed. **See Offset*

Federal Parent Locator Service (FPLS) - An assembly of systems operated by OCSS that assists Title IV-D child support offices in locating case participants living in different States to establish Parentage, as well as to establish, modify, and enforce child support orders. The FPLS can search for addresses in records of the IRS, Department of Defense, National Personnel Records Center, Social Security Administration, Department of Veterans Affairs, State Employment Security Agencies, Federal Case Registry, and the National Directory of New Hires.²²

Federal Tax Information (FTI) - Any federal tax return or federal tax return information received from the IRS. With respect to the statewide child support system, FTI is anything showing FDSO (payment type) associated with any payments, adjustment, or joint return status from the FCR and Federal Offset Program.

Financial Affidavit – A signed and notarized statement (excluding Domestic Affidavit) regarding the person’s financial circumstances.

Financial Institution - A bank, savings and loan, thrift, federal or state credit union, benefit association, insurance company, safe deposit company, money-market mutual fund, or similar institution.

Financial Institution Data Match (FIDM) – A process whereby information on accounts held by banks, savings & loan companies, brokerage houses, and other financial institutions is matched against those child support obligors who owe arrears (past-due support).

Foreign Country - a country, or a political subdivision of a country, other than the United States that authorizes child support orders to be issued and:

- Is a foreign reciprocating country;
- Has a reciprocal arrangement for child support with Kansas;
- Has laws or procedures for the establishment and enforcement of support orders that are substantially similar to the Uniform Interstate Family Support Act (UIFSA); or
- Is a Convention country.

Foreign Support Order (FSO) - Any order, judgment or decree that is entered by a court or administrative agency outside the State of Kansas, including orders issued by a tribal court located in Kansas or located in another state.

Form W-2G - A federal form that must be filed with the IRS to report gambling winnings if:

1. The winnings (not reduced by the wager) are \$1,200 or more from a bingo game or slot machine; 2. The winnings (reduced by the wager) are \$1,500 or more from a keno game; 3. The winnings (reduced by the wager or buy-in) are more than \$5,000 from a poker tournament; 4. The winnings (except winnings from bingo, slot machines, keno, and poker tournaments) reduced, at the option of the payer, by the wager are: a. \$600 or more, and b. At least 300 times the amount of the wager; or 5. The winnings are subject to federal income tax withholding (either regular gambling withholding or backup withholding).

Foster Care – Placement of a child into DCF’s custody by a court. Substitute parental care provided by DCF to children who are unable to remain in their own home, including room, board, supervision, and guidance.

Foster Care Maintenance – Money paid by a state to meet the needs of a child in foster care.

Full Faith and Credit – Doctrine under which a State must honor an order or judgment entered in another State or tribal court.

Full Faith and Credit Child Support Order Act (FFCCSOA) – Law effective October 20, 1994, which requires States to enforce child support orders made by other States or tribal courts if the issuing State’s tribunal had subject matter jurisdiction to hear and resolve the matter and enter an order; and the issuing State’s tribunal had personal jurisdiction over the parties; and reasonable notice and the opportunity to be heard was given to the parties. FFCCSOA also limits a State’s ability to modify another States’ child support orders to instances when the State tribunal seeking to modify the order has jurisdiction to do so; and, the tribunal that originally issued the order no longer has continuing, exclusive jurisdiction over the order either because the child and the parties to the case are no longer residents of the issuing State, or the parties to the case have filed written consent to transfer continuing exclusive jurisdiction to be transferred to the tribunal seeking to make the modification.

Full Services – Comprehensive child support services provided by a IV-D agency that include locate, Parentage establishment, establishment of a monetary and medical support order, enforcing the support order, and modifying the support order.

Futures Disbursed – Child support amounts due in the future that are collected and paid out to the Custodial Parent.

Gaming facility - Refers to any location hosting legal gambling operations, such as a racetrack, casino, and/or riverboat where any game, slot machine, mobile gaming device, table, or sports wager that may be played as approved by the Kansas Gaming Commission.

Garnishment – The procedure by which an obligee reaches tangible or intangible personal property of the obligor in the possession, control, or custody of a third party.

Genetic Testing – Analysis of inherited factors (usually by blood or tissue test) of mother, child, and alleged father which can prove or disprove a particular man fathered a particular child.

Good Cause – A legal reason for which a PRWORA recipient is excused from cooperating with the Child Support Services process. Instances may include cases involving rape, incest, and potential for harm to the Custodial Parent or child from the Non-Custodial Parent. Only the Automated Eligibility program of Department of Children and Families may grant a good cause request. **See Family Violence.*

Grant – The cash amount of the PRWORA benefit.

Guardian ad Litem (GAL) – A legal representative who is given the responsibility for a child’s well- being.

Guidelines - Procedures established by Kansas statutes to evaluate the incomes and circumstances of both parents responsible for support of a minor child(ren) to determine the amount of a child support obligation.

Health Insurance – Health care coverage which includes public or private fee for service, health maintenance organization, preferred provider organization, and other types of coverage that are available to either parent under which medical services could be provided to dependent children.

Home State - The State in which the child(ren) in a case has lived with a parent, or person acting as a parent, for the last 6 consecutive months preceding any action, or if the child(ren) is under 6 months old, the State in which the child(ren) has lived since birth.

Imputed Income – Income assigned to a parent for the purpose of calculating the amount of child support under the Kansas statutory guidelines, when the actual income is not available. Income can be imputed based on past work history, minimum wage, or earning ability in the available job market.

Incarcerated - A person in a county jail or state correctional facility.

Income - Any form of payment or return in money to an individual, regardless of source. Income includes, but is not limited to, wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability, permanent-partial disability and permanent total disability workers' compensation payments, unemployment compensation, disability, annuity and retirement benefits, and any other payments made by any payor.

Income Withholding Order (IWO) - An order that directs an employer to withhold regular amounts from each paycheck a Non-Custodial Parent (payor) receives. The employer then sends this money to KPC as child support.

Independent Verification - The process of obtaining and confirming confidential information through a second source.

Indirect costs - Expenses incurred for common or joint purposes, and not solely for Title IV-D activities, therefore they cannot be recovered directly.

Individual Mandate - The common phrase for a provision of the Affordable Care Act (ACA) that requires an individual who is responsible for paying taxes in any given month to maintain health insurance coverage for themselves and any dependent for such month.

Initiating – A term used with the intergovernmental processing of child support matters. When Kansas requests another state to initiate action on a Non-Custodial Parent residing in the other state, Kansas becomes the "initiating" state.

Initiating State - The State, tribe, or country that forwards a request or pleading to another State, tribe, or country.

Initiating Agency – A state or tribal IV-D agency or an agency in a country, as defined in federal rules, in which an individual has applied for or is receiving services.

Injured Spouse – Refers to the current spouse of the Non-Custodial Parent in relation to a joint federal tax intercept. The injured spouse can apply to the Internal Revenue Service (IRS) for his or her pro rata share of the joint federal tax return.

Intact Family – A family in which the mother, father, and child live together.

Interactive Voice Response (IVR) - A phone system for client service information about child support.

Intercept – A method of collecting child support payments by taking a portion of the non-custodial's non-wage payments. Non-wage payments include federal and state tax refunds, unemployment benefits and disability benefits.

Intergovernmental – Existing or occurring case between two or more governmental jurisdictions that may include any combination of States, Tribes, and countries.

Intergovernmental Title IV-D Case – A IV-D case in which the Non-Custodial Parent lives and/or works in a different jurisdiction than the Custodial Parent and child(ren) that has been referred by an initiating agency to a responding agency for services. A case that has been referred by an initiating agency to a responding agency for Title IV-D services. An intergovernmental Title IV-D case may include any combination of referrals between States, tribes, and countries.

Internal Revenue Service (IRS) - The IRS is the revenue service for the United States federal government, which is responsible for collecting taxes and administering the Internal Revenue Code, the main body of the federal statutory tax law. The IRS is a provider of confidential and personally identifiable information.

Intrastate – Between jurisdictions within the boundaries of a single state.

Issuing State – The state in which a determination of Parentage, a support order, a modification, or a judgment originated.

Judgment – The official decision or finding of a judge upon the respective rights and claims of the parties to an action; also known as a “decree” or “order” and may include the “findings of fact and conclusions of law.”

Judicial Process – Using the court to determine child support legal obligations, including establishing paternity and orders, and enforcing and modifying orders.

Jurisdiction – The legal authority which a court or administrative agency has over particular persons or property and over certain types of cases. The jurisdiction may be limited to the county, circuit, district, or state.

Kansas Child Support Guidelines - Directions for calculating child support obligations to provide consistency in judgments between Courts and jurisdictions. The Guidelines are reviewed and revised every four years by the Kansas Child Support Guidelines Committee.

Kansas Department of Corrections - Juvenile Services - The State agency responsible for the care, custody, and control of juvenile offenders.

Kansas Payment Center (KPC) – The central unit responsible by law for the receipt and disbursement of child and/or medical support payments for the state of Kansas. **See State Disbursement Unit*

KAECSES – Kansas Automated Eligibility and Child Support Enforcement (Services) System – the statewide child support system used for all IV-D cases.

Legal Father – A man who is recognized by law as the male parent of another person.

Levy - A legal process of obtaining money through seizure of real or personal property.

Liability for Support- An obligation of support due a child who has been abandoned, neglected, or not adequately supported by any person legally responsible to provide such support, which includes child support, medical support and an ordered obligation to pay spousal support when a child support obligation is contained in the same order.

License Restriction - The state may restrict a driver's license and/or a commercial driver's license, professional, occupational, and/or recreational license of a person who is in arrears in child support obligation payments. **See Driver's License Restriction*

Lien - A claim or encumbrance upon real or personal property.

Locate - The use of various automated and manual sources by CSS to locate addresses, employers and/or assets of a Non-Custodial Parent so appropriate action can be taken.

Long Arm Jurisdiction – Authority that a tribunal in a State has over a person who is not in that State. A tribunal can have this authority if certain circumstances exist in the case. These circumstances are defined in UIFSA.

Lottery Intercept – When money won from the lottery is seized from a noncustodial parent to pay past-due child support.

Maintenance – **See Spousal Support.*

Medicaid - Medical assistance to older adults or lower income children and adults under a state plan approved under Title XIX of the Social Security Act.

Medicaid Management Information Systems (MMIS) – The computer system used to manage the Medicaid program.

Medicaid Only IV-D Case - A case where the child or children have been determined to be eligible for or are receiving Medicaid under Title XIX of the Social Security Act, but who are not current or former recipients of aid under Title IV-A or IV-E of the Act. A Medicaid-Only case is reported as a never-assistance case.

Medical Child Support Order – A judgment or decree by the court that a party must provide medical or dental coverage for the child(ren). Medical support may or may not be ordered in conjunction with child support.

Minute Sheet – Notes taken by the judge’s clerk during a hearing or trial. A summary of what happened at the hearing.

Modification – The legal process of changing the terms of a court order, such as the amount of monthly support, (either increase or decrease). **See Adjustment*

Motion - An application to the court requesting an order or rule in favor of the party that is filing the motion. Motions are generally made in reference to a pending action and may address a matter in the court’s discretion or concern a point of law.

Multistate Employer - An employer who conducts business in two or more states. As with single-state employers, multistate employers are required by law to report all new hires to the State Directory of New Hires operated by their state government. A multistate employer may report all of their new hires to the SDNH of only one state in which they do business rather than to each of them.

Multistate Financial Institution Data Match (MSFIDM) - An exchange of data between states' Title IV-D programs and multistate financial institutions to compare account holders and child support obligors owing past due child support.

National Conference of Commissioners on Uniform State Laws (NCCUSL) – A group formed of attorneys who draft uniform laws to ensure clarity and stability to critical areas of law. The Kansas Child Support program uses two uniform laws drafted by NCCUSL on a daily basis – Uniform Interstate Family Support Act (UIFSA) and Uniform Parentage Act (UPA).

National Medical Support Notice (NMSN) – The notice used to enforce the provision of health care coverage for children of parties who are required to provide health care coverage through an employment-related group health plan in accordance with a child support order.

National Directory New Hires (NDNH) – A national database containing New Hire (NH) and Quarterly Wage (QW) data from every State Directory of New Hires (SDNH) and Federal agency and Unemployment Insurance (UI) data from “State

Workforce Agencies.” OCSS maintains the NDNH as part of the expanded FPLS. (Tribes can choose to obtain access by agreements with a State.)

Need to Know Basis or Least Privilege - Means that a person must have access to only enough information to carry out their official duties.

New Hire Reporting - An employer is required to submit data on a new or rehired employee within 20 days of hiring to the State Directory of New Hires (SDNH) in the state where they do business. A multistate employer has the option of reporting all new and rehires to a single state where any employee works. SDNHs submit the data to the National Directory of New Hires (NDNH), and it is compared to child support order information in the Federal Case Registry for child support case processing. Tribal programs can have access to NDNH data by agreement with a state.

Non-Cooperation – A customer's refusal to assist CSS in establishing Parentage or in establishing, modifying and enforcing a child support order.

Non-Custodial Parent (NCP) - The parent who does not have primary care, custody, or control of the child, and who may have an obligation to pay child support. Also referred to as the obligor.

Non-Disclosure – A finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information. Interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal makes a non-disclosure finding by ordering that the address or identifying information not be disclosed.

Non-IV-D (NIVD) Case - A case in which none of the parties has enrolled in Title IV-D services, the case has not been automatically referred through the IV-A or IV-E interfaces for Title IV-D services, or a case that was formerly a Title IV-D case that is now closed to Title IV-D services.

Non-Public Assistance Case (NPA) - Any Title IV-D case in which neither the enrollee nor the child is receiving TANF or Medicaid.

Non-Sufficient Funds (NSF) - Banking term used to describe the situation where an individual's bank account does not contain enough money to pay the check presented to the bank for payment.

Notice of Assignment (NOA) - A legal notice filed with the court that states who is entitled to support payments in a CSS case.

Notice of Intent to Issue Income Withholding (NOI) - provides information about the IWO and details on how the obligor can contest implementation of the IWO.

Notice to Payor (NTP) - The notice sent to the employer or payor to withhold child support from a payment.

Nunc Pro Tunc – A court order correcting language or clarifying a previous court order.

Obligation - Amount of money to be paid as support by a Non-Custodial Parent. It can take the form of financial support for the child, medical support, or spousal support which must have an underlying child support order. An obligation is a recurring, ongoing legal responsibility.

Obligee - Any person entitled to receive support under an order for support and includes the agency of this or another jurisdiction to which a person has assigned the right to support.

Obligor - An individual who has been ordered by a Court to pay child support.

Office of Child Support Services (OCSS) – The federal agency responsible for the administration of the Child Support program. Created by Title IV-D of the Social Security Act in 1975, OCSS is responsible for developing child support policy, oversight, evaluation, and audits of state and tribal child support programs; and providing technical assistance and training to those programs. OCSS operates the Federal Parent Locator Service, which includes the National Directory of New Hires and the Federal Case Registry. OCSS is part of the Administration for Children and Families within the Department of Health and Human Services.

Offset – A way to collect past due support by attaching federal tax refunds (Federal Offset) or payments from the State of Kansas (State Offset). State Offset will automatically apply to tax refunds, lottery winnings, a portion of Unemployment Insurance and other payments owed to the Non-Custodial Parent. The Non-Custodial Parent’s Social Security number must be known for offset to be used.

One-State Remedies – The exercise of a state’s jurisdiction over a non-resident parent or direct establishment, enforcement, or other action by a state against a non-resident parent in accordance with the long-arm provision of UIFSA or other state law.

Operation of Law – The automatic creation of a right or liability through the application of a rule of law rather than an agreement or court order.

Order to Show Cause (OSC) – A court order requiring a person to appear in court and explain to the court why the court should not take the proposed action (e.g. contempt).

Overpayment - When any child support payments collected and distributed to an individual exceed the amount the individual is entitled to receive, a payment to an individual not entitled to receive the payment, or fraudulent payments.

Parentage – The legal mother-child relationship and father-child relationship as determined by the state.

Parentage Order - A court order showing the legal parents of the child(ren).

Parenting Time - Parenting time refers to the time a parent spends with their child(ren). Parenting time may also be referred to as “visitation”.

Passport Denial - CSS may deny a passport to any person owing a child support arrearage in an amount greater than \$2,500.

Past Due Support – The amount of support ordered by the Court and has not been paid. **See Arrearage*

Parentage – Legal fatherhood.

Parentage Acknowledgment – A declaration or attestation by a man, or both parents, that the man is the father of a child, usually provided in writing on an affidavit or form.

Parentage Establishment - The process of determining legal fatherhood by court order, administrative order, acknowledgment, or other method provided for under State law.

Payee - The person, or entity, that receives money from a person paying child support. Used interchangeably with the Custodial Parent or the state in TANF cases.

Payor - One who pays or is obligated to make a payment to an obligee.

Permanently Assigned Arrears – Includes arrears that accrued during periods when the obligee received TANF assistance and past due support assigned to the State prior to October 1, 1997, up to the amount of the past public assistance disbursed.

Personal Identifiable Information (PII) - Any information connected to a specific individual that can be used to uncover that individual's identity, such as their social security number, full name, or email address.

Personal Jurisdiction – Court's authority over an individual against whom a legal action is being brought.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 - (PRWORA), also known as the Welfare Reform Act, was signed into law on August 22, 1996. Its primary goal is to move families off public assistance by helping them become self-sufficient.

Petition – A formal written request submitted to the court or administrative tribunal for specific action, stating facts and circumstances as a cause for judicial action and containing a formal request for relief. A petition is usually the first document filed in a court action.

Petitioner – A person or agency that brings an action by filing a petition in a tribunal. As both obligees and obligors can file petitions in interstate cases, the term "petitioner" does not necessarily mean the obligee.

Plaintiff - A person who brings an action; the party who complains or sues in a civil case.

Pleading - Statement or allegation, presented to the court in legal form, which constitutes a plaintiff's cause of action or defendant's grounds of defense.

Prenatal – Before birth.

Presumed Father – Man who by operation of law is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

Primary Residential Custody – The arrangement designates one party to be the primary custodial party. The child resides mostly with that party and the other party is awarded specific parenting time.

Pro Rata – A proportion or percentage of the total amount.

Pro Se – To appear in court without legal representation.

Public Assistance (PA) - The benefits provided by PRWORA or Title IV-E. These are programs administered by DCF. Public assistance includes TANF, Medicaid, Child Care assistance, Food Assistance and Foster Care.

Putative Father – **See Alleged Father.*

Quarterly Wage Data - Data on all employees submitted by (private sector) employers on a quarterly basis to the State Workforce Agency in the state in which they operate business. The data is then submitted to the National Directory of New Hires to be compared against child support order information contained in the Federal Case Registry for possible enforcement of child support obligations. Federal agencies report the data directly to the NDNH.

Query Interstate Cases for Kids (QUICK) - An electronic communication tool used by Title IV- D agencies to view case data from another State.

Quick Locate - An expedited interstate request for limited locate services.

Reasonable Cost – The cost to provide health care coverage or to provide cash medical support for children at no more than 5% of the providing party's gross income.

Reciprocity - The process by which one jurisdiction grants certain privileges to another jurisdiction on the condition that it receives the same privileges.

Recreational License Denial - If a Non-Custodial Parent is behind in paying court-ordered child support, the Non-Custodial Parent may be denied the purchase of a recreational license. Payment information will be provided to the Kansas Department of Wildlife, Parks, and Tourism (KDWP). Once KDWP has been notified, KDWP is required to deny the sale of a recreational license. Recreational licenses include hunting licenses, stamps, tags, fishing licenses, trapping licenses, boating permits, park and camping fees.

Referral - Request sent to a child support agency from another jurisdiction or a non-child support agent/agency asking to establish a child support case.

Register - Means to file in a Kansas Court a support order or judgment determining parentage of a child that was issued in another State, tribe, or country.

Registration – The formal filing process through a tribunal by which an order of one jurisdiction is recognized in another jurisdiction. After registration, an action can be taken in a tribunal of the responding jurisdiction as if the order was issued in that jurisdiction. An order may be registered for enforcement, modification, or both.

Respondent - A person against whom a tribunal action has been brought and who must respond to that action. Both obligees and obligors can be respondents. A person can be a petitioner in one action in a case, and later be a respondent in another action brought in the same case. The term "respondent" therefore does not mean the same thing as "obligor."

Responding agency – The agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case.

Responding state - The State, tribe, or country that receives and acts on a request or pleading sent by another State, tribe, or country under the Uniform Interstate Family Support Act (UIFSA).

Return Information - Any information provided in relation to the federal tax return, including, but not limited to the taxpayer's identity, address, income, deductions, exemptions, credits, tax liability, tax withheld, tax payments; and whether the taxpayer's return was, is being, or will be examined.⁴⁷

Review - An objective evaluation of information necessary for the application of the Kansas Child Support Guidelines. The review procedure requires completion of a current Child Support Obligation Worksheet (CSWS). The new worksheet must then be compared to the current order to determine if, pursuant to Kansas law and guidelines, there is a basis for modifying the order.

Review and Adjustment – Refers to a federal mandate that the Title IV-D offices have a policy whereby they periodically 'review' the current support order to determine if the current child support order is appropriate or should be 'adjusted'.

**See Modification*

Ross Hearing - In a Ross Hearing, the court determines whether it is in the child's best interest to set aside a presumption of paternity in favor of a third party.

Rule 133 – Every written motion must, in the motion or in an accompanying memorandum, must state the reasons for the motion and cite authorities, if any, the court should consider in ruling upon the motion. A response must be filed no later than 7 days after the service of the motion, or as otherwise stated by the court.

Rule 170 – A party directed by the court to prepare an order must serve on counsel of record and unrepresented parties a copy of the proposed order and a notice that unless an objection is received within 14 days after the service of the proposed order, the order will be filed with the court. A Certificate of Service must be filed with a copy of the proposed order and the notice attached. The objection must be served not later than 14 days after the service of the proposal on the party that drafted it. If there is an objection, reasonable efforts must be made to resolve the objections. If there is no objection, the drafter must submit the original to the court for approval.

Satisfaction of Judgment (SOJ) – A formal acknowledgment by the creditor that a judgment or part of a judgment has been fully satisfied and is no longer due and owing.

Secretary - The Secretary of the Kansas Department for Children and Families.

Self-Assessment - An annual review, performed by the Self-Assessment Unit of the CSS Administration office, that measures Kansas's performance on the federally established self-assessment criteria.

Service by Publication – Service of process accomplished by publishing a notice in a newspaper or by posting on a bulletin board of a courthouse or other public facility, after a court determines that other means of service are impractical or have been unsuccessful. This process is not legal in every state.

Service of Process - The delivery of a writ or summons to the party to whom it is directed for the purpose of obtaining jurisdiction over that party.

Show Cause – A court order directing a person to appear and bring forth any evidence as to why the remedies stated in the order should not be confirmed or executed.

Social Security Act – Part D of Title IV – Child Support and Establishment of Paternity Sec. 651 Authorization of Appropriations - The federal Social Security Act including 42 U.S.C. § 651 et seq. To provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment benefits.

Supplemental Security Income (SSI) - SSI benefits are received from Social Security. These benefits cannot be counted as income and cannot be garnished for child support.

Social Security Disability Insurance (SSDI) - A benefit of the Title II program paid to individuals who can no longer work because of a medical condition that is expected to last at least one year or may result in death. SSDI is funded by and based upon the worker's income tax contributions to the Social Security Trust Fund.

Social Security Retirement (SSR) - A benefit paid to eligible retired workers as early as age 62 and is funded primarily by employment taxes.

Sole Custody – The child lives with one party and that party makes all the major decisions regarding the child's upbringing.

Spousal Support - Court ordered support of an ex-spouse. Also referred to as maintenance or alimony. **See Maintenance*

State - A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory under the jurisdiction of the United States, and includes an Indian nation or tribe.

State Case Registry (SCR) – Required by federal law, an automated system maintained by each State that contains a record of all child support orders established or modified after September 30, 1998.

State Debt Setoff - **See Offset*

State Directory of New Hires (SDNH) - This directory is a database of employment information on newly hired employees reported to a State. This information also goes to the National Directory of New Hires, where it is used by the Federal Parent Locator Service (FPLS).

State Disbursement Unit (SDU) - The central location operated by the state for receiving, receipting, distributing and disbursing child support payments and the clerk of district court in this state where the obligor is ordered to make payments. **See Kansas Payment Center*

State Fiscal Year (SFY) – The state fiscal year beginning July 1st and ending June 30th.

State Parent Locator Service (SPLS) - A service operated at the State level by Title IV-D agencies and is part of individual States' statewide child support systems. The SPLS accesses a variety of automated data matches with the FPLS and other State and private sources. The SPLS consists of multiple systems and interfaces with States' statewide child support systems that may include each States' State Directory of New Hires, State Case Registry, and State Disbursement Unit.

State Plan - The Title IV-D state plan for the Child Support Services program under Section 454 of the Act. The State Plan is prepared and maintained by the State CSS Administrative Office and sent to OCSS for approval.

State Verification and Exchange System (SVES) - An automated system administered by the Social Security Administration that contains information on Title II beneficiaries (retirement, survivors, disability, and health insurance), Title XVI recipients (supplemental security income), and prisoner data from federal, State, and local correctional facilities. SVES information is received from the Federal Case Registry (FCR) and is shared with the statewide child support system and the Federal Parent Locator Service (FPLS) State Services Portal; this information is used by States to issue income withholding orders (IWOs) and check the status of participants' Social Security claims.

Statewide Child Support System - The federally mandated statewide automated computer system that has been implemented by CSS for the collection, distribution, and disbursement of child support payments. Currently known as KAECSSES.

Statute of Limitation (SOL) – The period of time allowed by law to file or enforce a legal action.

Stay – An order by a court that suspends all or some of the proceedings in a case.

Stipulation – A signed agreement between the parties to a legal proceeding. In Kansas, a stipulation must be approved by a judge to be enforceable.

Subject Matter Jurisdiction – The authority of a particular court to hear the type of case before it.

Subpoena – An order requiring an individual to appear at a court or administrative hearing to testify or to provide evidence in a case.

Summons – A legal document used to begin a court proceeding. It is a means of acquiring jurisdiction over a party and to "summon" the party into court.

Supplemental Security Income (SSI) - a benefit, under the Title XVI program, that is awarded to individuals with low income and limited resources who are 65 or older, blind, or disabled. SSI benefits are also available to disabled children whose income and resources fall within the eligibility requirements. SSI is a form of public assistance, funded by general tax revenues, intended to protect the recipient from poverty.⁵³

Support Order - Any order entered by a court or administrative agency of this or another state which orders support of a child or a child and a spouse, including medical support.

Surety Bond - A written agreement between the obligor and a surety or a commercial insurance company that is filed with the Court to assure that the obligor will comply with making consistent, future child support payments.

Suspend Support – Temporarily stop child support.

Suspense – Support that has not been disbursed and is being held by DCF.

Taxpayer Identity - The name, mailing address, and/or taxpayer identification number of a person with respect to whom a federal tax return is filed.

Temporarily Assigned Arrears – Past-due support that was assigned because the family received TANF between October 1, 1997, and September 30, 2009.

Temporary Assistance for Needy Families (TANF) – The Title IV-A program which provides states and territories with flexibility in operating programs designed to help low-income families with children achieve economic self-sufficiency. States use TANF to fund monthly cash assistance payments to low-income families with children, as well as a wide range of services.

Terminate Support – Ending a child support obligation.

Third Party Liability (TPL) - A public assistance recipient may have medical insurance in addition to the medical coverage provided by Medicaid or medical support. The medical insurance provider is financially responsible for the coverage and is billed by Third Party. Liability for medical expenses incurred by the recipient. Medicaid pays the difference between the amount of the medical bill and the amount the insurance company has paid.

Title IV-E - refers to the Title of the Social Security Act addressing federal payments for foster care and adoption assistance.

Tribe - refers to the organizational unit that has been given authority by OCSS to administer a Title IV-D program in an Indian or Alaska Native Tribe, band, nation, or community which has been recognized by the Secretary of the Interior as an Indian Tribe.

Tribunal – A Court, administrative agency, or a quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. In Kansas, the tribunal is a Court authorized to establish, enforce, or modify child support orders, or determine parentage.

Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) - When there is an existing order, it can almost always be enforced anywhere in the U.S.A. That order can't be changed, parenting time can't be modified, and legal custody can't be given or removed from a parent. New orders CANNOT be issued unless the court has jurisdiction to do so. In Kansas, the Uniform Act is codified under, K.S.A. 23-37,101 et seq.

Uniform Interstate Family Support Act (UIFSA) – Law enacted by all states that provides mechanisms for establishing and enforcing child support obligations in interstate cases (when a noncustodial parent lives in a different state from the

child and the custodial party). Among the law's provisions is ability of state child support agencies to send withholding orders to employers across state lines. (UIFSA does not apply to tribes.)

Unreimbursed Public Assistance (URA) – The amount of public assistance that has been paid during the entire time the obligee received assistance less the amount collected and used to reimburse the state and federal government for the payment of that assistance.

Venue – The particular location (usually a county) where an order was entered.

Viable – The cost to provide health care coverage or to provide cash medical support for children at no more than 5% of the providing party's gross income.

Visitation – The right of a noncustodial parent to visit or spend time with their child/children.

Vital Records – A division of the Department of Health and Environment which keeps and manages records and data relating to birth, death, marriage, and divorce.

Wage Withholding – A procedure by which automatic deductions are made from wages or income to pay a debt such as child support.

Warrant – A check issued by the SDU.