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**INFORMATION MEMORANDUM**

**To:** State Agencies Administering or Supervising the Administration of Titles IV-B, IV-D, and IV-E of the Social Security Act

**Subject:** Appropriate Referrals, Requests for Location Services, Child Support Applications, and Electronic Interface between Child Welfare and Child Support Enforcement Agencies.

**Legal and Related:** Title IV-D, Sections 453, 454(8), 454(29) and 471(a)(17) of the Social Security Act (the Act); 45 CFR 302; 45 CFR 303; 45 CFR 307; Office of Child Support Enforcement Information Memorandum IM-99-01; Office of Child Support Enforcement Action Transmittals OCSE-AT-07-02, OCSE-AT-02-04, OCSE-AT-99-04, OCSE-AT-99-09, OCSE-AT-98-27; Office of Child Support Enforcement Policy Interpretation Question OCSE-PIQ-07-03; Office of Child Support Enforcement Federal Case Registry Interface Guidance Document; 45 CFR 1355.53; Children's Bureau Child Welfare Policy Manual and Action Transmittals ACF-OISM-001 and ACF-OSS-05.

**Purpose:** This Information Memorandum (IM) provides information to State title IV-D and title IV-B/IV-E agencies on three main issues:

1. Referrals by the title IV-B/IV-E agencies to the IV-D agency (this includes determining what constitutes an "appropriate" referral and also defining the difference between requests for location services and full case referrals);
2. Applications for child support on behalf of children not receiving title IV-E foster care payments; and
3. Electronic interfaces between the title IV-D agency's State child support enforcement systems (CSES) and the title IV-B/IV-E agency's Statewide Automated Child Welfare Information Systems (SACWIS).

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## **II. INTRODUCTION**

The Children's Bureau (CB) and the Office of Child Support Enforcement (OCSE) understand the value of sound and effective interagency communications and coordinated actions between title IV-B/IV-E (child welfare) and title IV-D (child support enforcement) agencies.

Since these agencies share many children and families in common, the cooperative interaction and the exchange of pertinent data between title IV-B/IV-E and IV-D agencies, and their respective automated systems, can lead to improved outcomes for these agencies, the children and families that they serve, and the Federal agencies. Such cooperation and exchange of data can lead to:

1. Increased child support collections by title IV-D agencies;
2. The acquisition of information that title IV-B/IV-E foster care agencies can use for critical case planning and management, and permanency solutions;
3. Better outcomes for the children and families being served; and
4. Paternity Establishment for more children who are born out of wedlock.

Title IV-E agencies have the statutory authority to determine when it is appropriate to:

1. Secure an assignment of support rights to the State in title IV-E eligible foster care cases; and
2. Refer appropriate child welfare cases to child support enforcement agencies.<sup>1</sup>

The State title IV-D agencies may receive the following actions from title IV-E agencies:

1. Referrals for title IV-D services where the State has secured an assignment of rights to child support on behalf of a child receiving title IV-E foster care payments;
2. Applications for child support submitted on behalf of children receiving State foster care services rather than IV-E foster care payments; and
3. Locate requests for any children served by the title IV-B/IV-E agency.

In some instances, before they can determine whether securing assignment of support rights (and thus, referral for full services to child support) is warranted, title IV-B/IV-E agencies may attempt to locate an individual who has or may have parental rights to a child in order to engage that individual regarding the permanent placement of that child. Please note that agencies providing title IV-B services to children only have access for those children to IV-D agencies when seeking access to the Federal Parent Locator Service as authorized in section 453 of the Social Security Act. Referrals and assignment of support only apply to IV-E cases.

After discussing these actions, this memorandum will provide information on interagency communication and considerations for State title IV-B/IV-E and title IV-D agencies as they coordinate their work on the electronic interface between CSES and SACWIS.

### **III. REFERRALS FOR TITLE IV-D SERVICES WHEN THE STATE HAS SECURED AN ASSIGNMENT OF RIGHTS TO CHILD SUPPORT ON BEHALF OF A CHILD RECEIVING TITLE IV-E FOSTER CARE PAYMENTS.**

The title IV-E agency may send a **referral** for title IV-D services to the title IV-D agency where the State has secured an assignment of rights to child support on behalf of a child receiving title IV-E foster care payments. Please note that a IV-D case opened as a result of a referral from a title IV-E agency remains open, even if the child later becomes ineligible for continued title IV-E foster care payments (e.g., the child goes home or is moved to an unallowable placement).<sup>2</sup>

Although a title IV-E agency has the statutory authority to determine when it is appropriate to secure an assignment of support rights to the State for children receiving title IV-E payments, each title IV-E agency should collaborate with the State title IV-D agency to determine what constitutes an "**appropriate referral**."<sup>3</sup>

Agencies should consider how the referral criteria might be different for the circumstances each parent presents. For example, referral may be delayed for the parent who most recently had the child in care if reunification is a short-term goal. However, the referral may need to be made quickly for the parent who was not involved in the child's care to determine if additional resources in the form of child support may be available to assist in stabilizing the family situation. Additionally, medical support may need to be quickly sought from any employed parent, in order to reduce Medicaid costs or to provide private coverage.

#### **A. Appropriate Referrals**

The following are a few examples of circumstances that may constitute an **appropriate referral**:

1. *If children are determined eligible and will remain in foster care for a period that justifies establishing a child support case:* Subsequent to a referral, child support obligations may be established for and enforced against the parent(s) of a child who is removed from the home and placed in the care of the State and for whom title IV-E foster care payments are made. ACF has not established, nor are States required to establish, a minimum amount of time a child needs to be in the care of the title IV-E agency before that agency makes a referral to the title IV-D agency. However, ACF encourages title IV-E agencies to assess all case circumstances to determine if a referral would result in a more efficient, economical, and effective administration of the respective programs.

By evaluating Adoption and Foster Care Analysis Reporting System (AFCARS) data, a title IV-E agency may be able to identify relevant factors that affect the duration a child remains in the care of the State. Therefore, the IV-E agency may be better able to determine which cases to refer.

A title IV-E agency might be hesitant to refer a case for which title IV-E foster care payments are being made to a title IV-D agency if the child would be in the care of the State for only a short duration before being returned to his/her home. Again, through an analysis of AFCARS data, the title IV-E agency may be able to identify various circumstances that typically result in a child being returned to his/her home containing both legal parents only after a lengthy stay in the care of the State. For example, factors such as severe or multiple circumstances leading to a child's removal may indicate that the child will have a lengthy foster care stay as the title IV-E agency addresses these issues, thereby justifying a referral to the title IV D agency for child support.

2. *If establishing a child support case will help the title IV-E agency determine an appropriate case plan goal:* The establishment of a child support order and collection of child support against one or both parents of a child placed in the care of the State and determined eligible for title IV-E foster care may motivate a parent to decide whether he or she wants to take the necessary steps to regain or assume custody of the child. Alternatively, both parents could provide the title IV-E agency with information that will result in a decision to terminate the parental rights of either parent. The level of parental involvement can help determine the direction of case goals, such as:
  - Eventual placement/reunification with a parent wanting and able to take custody; or
  - Adoption, if the parents agree to terminate parental rights.
3. *If the case plan is to reunify the child with the parent or other relatives:* Child support can be an important resource for single parents or relatives raising children. Single parents or relatives who would be willing to care for a child may be unable to support him/her without receiving child support payments. Establishing a title IV-D child support case for a child for whom title IV-E foster care payments are made, and having support payments disbursed to the single parent or relatives when the child is placed in their home may help shorten the time that child spends in the care of the title IV-B/IV-E

agency, and ultimately lead to a more stable setting for the child. Once the child is no longer title IV-E eligible, Federal IV-D program regulations require that the title IV-D agency continue services unless the family directs otherwise.<sup>4</sup>

## **B. Inappropriate Referrals**

Inevitably, there will be IV-E foster care cases that are not well-suited to refer to title IV-D agencies. Some States have issued policy on "good cause" for **not** requesting that the title IV-D agency establish child support orders or paternity, locate noncustodial parents, or pursue support collections for title IV-E foster care cases. Examples of "good cause" criteria include, but are not limited to:

1. Adoption proceedings pending in court;
2. The child was conceived as a result of incest or rape; or
3. A court determination that parents would be unable to comply with an established reunification plan due to the financial hardship caused by paying child support.

We emphasize that these examples are provided only to illustrate how a State's title IV-E agency might have implemented "good cause" for not referring title IV-E cases to the State's title IV-D agency. There are no Federal requirements for States to establish good cause exceptions or to use these criteria. Please note that good cause criteria and other exceptions to cooperation are defined and applied by either the title IV-D agency or the title IV-E agency.

Title IV-E agencies should consult with their title IV-D child support counterparts to establish criteria to determine whether a referral would be appropriate. Both agencies should consider a variety of factors when establishing these criteria, including, but not limited to:

1. The paternity or child support status of the child in question;
2. The length of time required to establish paternity or child support orders; or
3. Availability of information regarding the noncustodial parent's location and employer so enforcement actions, such as income withholding, can be expeditiously taken.

The amount of time required to initiate and enforce child support collections may depend on any prior contact that has been made with the title IV-D agency on behalf of a child and actions already completed by that title IV-D agency.

Other case circumstances (in addition to the examples cited above) that States may want to consider when deciding what constitutes an "inappropriate referral" or a "good cause" determination may include:

1. *If children are expected to be in foster care for only a short time:* Some children removed from their home will predictably be in the care of the title IV-E agency for only a brief time before being returned to their home (e.g., when a child's removal from home is due to a short-term parental absence).

2. *If a noncustodial parent is a potential placement resource:* Title IV-E agencies may not wish to pursue the establishment of child support cases against parents with whom they intend to place children.
3. *If termination of parental rights (TPR) is imminent:* If it is likely the parental rights of a parent will soon be terminated, then that legal action will also terminate that parent's responsibility to pay child support.

#### **IV. APPLICATION FOR CHILD SUPPORT ON BEHALF OF CHILDREN NOT RECEIVING TITLE IV-E PAYMENTS**

While section 471(a)(17) of the Social Security Act grants title IV-E agencies authority "to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments", this authority **cannot** be exercised on behalf of children who are **not** receiving title IV-E payments. However, a different process may be pursued according to existing OCSE policy (OCSE-AT-07-02). The IV-E agency may submit an application for child support services or encourage the parent to do so when appropriate. Two examples where it may be advisable to submit an application for child support services on behalf of children not receiving title IV-E payments are:

1. *If the title IV-B/IV-E agency has placement and care responsibility for the child but the child is not title IV-E eligible:* Title IV-B/IV-E agencies may seek title IV-D agencies' assistance with respect to support order establishment, paternity establishment, locate services, and support collection activities for non title IV-E eligible children for whom the agency has placement and care responsibility, regardless of whether the child is in foster care or receiving services in his/her home. In these cases, the IV-B/IV-E agency must file an application and pay the application fee of up to \$25 on behalf of the family in order to receive services. The IV-D agency may not waive the fee, but some State IV-D agencies only charge a nominal fee or pay the fee for the children and families who they serve. Each IV-B/IV-E agency should consult with its IV-D agency counterpart to determine the fee policy in place.

Any child support obligation is set using a State's child support enforcement guidelines. Please note that even though a noncustodial parent may be obligated under State law for the amount of public assistance paid to that parent's child(ren), that obligation does not constitute a support order established in accordance with title IV-D child support requirements per the departmental regulations at 45 CFR 302.50.<sup>5</sup>

2. *If increased family financial resources are a consideration for maintaining children in their own home:* In circumstances where the title IV-B/IV-E agency may be providing in-home services but does not have custody of the child, the agency cannot submit an application for child support services on behalf of a single parent or relative family to pursue child support collections from a noncustodial parent. However, the title IV-B/IV-E agency may provide single parent or relative families with information about child support services and encourage the single parent or relative family to submit an application to the title IV-D agency.

Augmenting a single parent's or relative household's financial resources with child support can help reduce family stress and improve outcomes for the child and the household in which s/he is living. Aiding a single parent or relatives in establishing a child support case for purposes of collecting child support from a noncustodial parent can lead to essential support for in-home cases and help preclude a later removal, thereby preserving families and reducing foster care maintenance costs.

## **V. REQUESTS FOR LOCATION SERVICES**

In addition to receiving referrals from the title IV-E agency to open a case for child support services, the title IV-D agency will provide both the title IV-B and the IV-E agency with information about a noncustodial parent's location. Section 453(c)(4) of the Act<sup>6</sup> (42 USC 653(c)(4)) permits a State title IV-B or IV-E agency to request from the Federal Parent Locator Service (FPLS) information on, or facilitating the discovery of, the location of an individual who "has or may have parental rights to a child".<sup>7</sup> The title IV-B/IV-E agency may submit such requests for children receiving services from the title IV-B/IV-E agency in or outside of their own home, regardless of whether the child is in State custody.

Only the central State Parent Locator Service (SPLS) and any additional title IV-D child support offices designated under the Department's regulations at 45 CFR 302.35(b), may submit requests for information to the FPLS.<sup>8</sup> Therefore, title IV-B/IV-E agencies must submit requests for FPLS information through the SPLS.

We encourage State title IV-D agencies to communicate and work with their title IV-B/IV-E agency counterparts to facilitate processing locate requests and coordinate their respective efforts to automate these locate requests and responses to the greatest degree possible.

When the State title IV-D agency submits a query to the FPLS on behalf of the title IV-B/IV-E agency, using an "adoption locate" systems code is appropriate. The FPLS uses "AD," or "adoption locate," as the code most relevant to finding someone who has or may have parental rights to a child. Using this code instead of the general "locate" code (which can be used in any case where a non-IV-D authorized person is accessing the FPLS) will give States better statistics to prove how title IV-D and title IV-E collaboration is beneficial. For example, States would have an indicator of how many FPLS requests in a given year were made to assist in permanency planning for children in foster care.

Title IV-B/IV-E agencies should be aware that asking title IV-D agencies for assistance in locating the person who has or may have parental rights to a child may be beneficial when the following goals exist:

1. *To identify and locate noncustodial parents who may be interested in providing a permanent home for a child:* Locating noncustodial parents is a first step in assessing the parent/child relationship. In some cases, the title IV-B/IV-E agency may determine it is

appropriate to provide services to build the relationship between noncustodial parents and their children. As discussed in OCSE-AT-99-09, even if a noncustodial parent is unable to provide a home for the child, ruling out this alternative soon after a child's placement into foster care will allow the agency to move expeditiously toward adoption or another permanent placement.

2. *To identify other relatives who may be interested in providing a permanent home for a child:* Although the title IV-B/IV-E agency cannot request that the title IV-D agency use the Federal Parent Locator Service and State Parent Locator Service to locate nonparental family members, a title IV-B/IV-E agency may be able to obtain information from noncustodial parents about a child's relatives who may want to provide a home for the child.<sup>9</sup> Noncustodial parents or other identified relatives may be able to provide permanent placements or adoptive homes.
3. *To identify additional temporary placement resources for children:* Noncustodial parents may be appropriate short-term placement resources for their children. Alternatively, the title IV-B/IV-E agency may learn, through the noncustodial parent, of other relatives who may be willing to serve as a temporary relative foster care placement.
4. *To build a support network for children:* Even if noncustodial parents and other relatives cannot serve as placement or adoptive resources, they may be able to offer other assistance, such as after school or weekend supervision; purchasing clothing, toys, or school supplies; or otherwise supporting an at-risk family so that children can be maintained in their own home or, if the child is removed, facilitate his/her return to a safe and stable home.
5. *To involve additional family members in family group conferences, case plans, and permanency planning for children:* By involving an extensive support network of knowledgeable and interested family members in planning on behalf of a child, title IV-B/ IV-E agencies can cultivate the interpersonal relationships and creative solutions needed to ensure positive outcomes for children and families.
6. *To determine whether the noncustodial parent wants to terminate parental rights (TPR) in order to make children available for adoption/permanent placement:* Using the Federal Parent Locator Service and State Parent Locator Service can significantly shorten the time and reduce the resources spent identifying and contacting noncustodial parents. If there is a determination that a child's placement with either or both parents is not in the best interest of the child, the title IV-B/IV-E agency is in a position to initiate the termination of parental rights process with both parents, after which, the child would be available for adoption.

We recognize that title IV-B/IV-E agency's interest in locating the person who has or may have parental rights must be balanced against potential domestic violence concerns. Section 453(b)(2) of the Act says that "No information shall be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the parent or the child of such parent..." In addition, section 454(26) requires the title IV-D State plan to have safeguards in effect which are

designed to protect the privacy rights of persons involved in title IV-D child support cases, including cases involving domestic violence or child abuse.<sup>10</sup>

## **VI. INTERAGENCY COMMUNICATION**

The foster care and child support agencies should communicate regularly and effectively to assist each other in updating their respective case information. It may help to begin with simple steps, such as sharing a contact list of child support caseworkers with the child welfare caseworkers, and vice versa to build communication.

Obtaining new information from the child support or foster care agency could improve the other agency's case management and outcomes, improve the distribution of child support, and ensure prompt opening and closing of child support cases. Special issues related to such communication are addressed in this section.

### **Obtaining Critical Case Information**

As noted in the *What About the Dads*<sup>11</sup> report issued by the Department of Health and Human Services, an important reason for regular interagency communication and an automated interface between the two caseloads is that agencies may independently obtain information that may be of critical assistance to the partner agency in working the case. Information in the child support files might be able to help the foster care agency.

The significance of locating noncustodial fathers is a key example. In the *What About the Dads* report, caseworkers were found to ask a number of individuals for help in locating noncustodial fathers, yet few caseworkers sought the assistance of the State's child support agency. In slightly over half of all IV-E cases (55 percent), the noncustodial father had been contacted by the agency or worker.<sup>12</sup> With the child support agency's help in locating someone who "has or may have parental rights to a child<sup>13</sup>," the foster care agency will be able to make more informed and timely decisions about a child's permanency.

### **Child Support Collections Distribution Considerations**

The title IV-E agency should notify the title IV-D agency as soon as possible (preferably within two days) following a significant change in a foster care case including:

1. Changes in title IV-E foster care eligibility status;
2. A return of the child to a parent's custody; or
3. A discharge from foster care to a permanent placement.<sup>14</sup>

Title IV-D agencies must correctly distribute and promptly disburse child support collections in IV-E foster care cases according to section 457(e) of the Act (42 USC 457(3)) and 45 CFR 302.52. Delays in providing the title IV-D agency with accurate information can result in child support being disbursed inappropriately. (Most payments must be disbursed within two days of

receipt.<sup>15</sup>) If the child's foster care status changes, the distribution priorities will change (i.e., how collections are allocated between the State and family).

### **Case Closure**

A case which has been opened by both the Title IV-E and Title IV-D agencies may be closed at different times and for different reasons by either program. When a case is closed by one agency, the other agency does not necessarily close their case. As discussed in OCSE-PIQ-07-03, "once a IV-E agency determines that it is appropriate to secure an assignment of rights and to refer a case, the IV-D agency has an obligation to work the case as it would any other. This includes keeping a case open unless one of the case closure criteria in 45 CFR 303.11 applies... If no such assignment exists, the IV-D agency may close the case upon the IV-E agency's request."

If a child is no longer eligible to receive IV-E services, the case continues to receive IV-D services without application. When a child no longer receives title IV-E foster care maintenance payments, Federal IV-D regulations at 45 CFR 302.33(a)(4) require the title IV-D agency to "notify the family, within five working days of the notification of ineligibility, that title IV-D services will be continued unless the title IV-D agency is notified to the contrary by the family. The notice must inform the family of the consequences of continuing to receive title IV-D child support services, including the available services and the State's fees, cost recovery, and distribution policies."

IV-D case closure criteria should be considered not only in the development of case closure procedures but in the development of referral criteria. Consequences to State child support enforcement agencies when inappropriate cases are referred could be loss of financial incentives and/or assessment of penalties against the title IV-A TANF grant. For example, if the case is referred to child support but the child returns to live with the parents soon thereafter, the child support agency could potentially have to open and close the case without collections having been made, impacting the State's performance.

## **VII. ELECTRONIC INTERFACE**

ACF has issued policy indicating that an automated interface is mandatory for both SACWISs and CSESs. ACF certified many CSESs without the automated interface with a SACWIS. At the time of CSESs certification, SACWIS systems were not operational. However, once both the CSES and the SACWIS are operational statewide, the interface should be implemented.

ACF has issued guidance on such electronic exchanges and referrals in departmental regulations in Action Transmittal ACF-OSS-05, issued August 21, 1998, which defined, in section 1.C of the AT, the "Expected Results" of the interface to the title IV-D information system, and in OCSE's Information Memorandum-99-01, issued January 19, 1999, which provided information on title IV B/IV-E agency access to the Federal Parent Locator Service. Data shared through an automated interface between SACWISs and State CSESs should lead to more efficient,

economical, and effective administration of the title IV-E and title IV-D programs, resulting in tangible benefits accruing to children, families, States, and the Federal Government.

### **Systems Considerations for referrals for title IV-D Services where the State has secured an assignment of rights to child support on behalf of a child receiving title IV-E payment**

When planning to automate the referral process from the title IV-E agency to the title IV-D agency, these organizations should be cognizant that title IV-D statewide CSESs are required to be able to accept certain data elements (if available) from the title IV-E agency's automated system. Additionally, both organizations should be cognizant of and plan around the data required by the title IV-D agency's CSES to open a child support case.

We encourage State title IV-E and IV-D agencies to work together to agree upon operational processes and the exchange of data elements that will mutually satisfy their individual business and technical needs. This may lead to the exchange of data that, while not federally required, would lead to a more efficient, economical, and effective administration of both child welfare and child support programs. Some of the data regarding elements referenced in *Automated Systems for Child Support Enforcement: A Guide for States: 2007 Update*<sup>16</sup> may not be available from the title IV-B/IV-E agency at the time of initial referral. The title IV-E and title IV-D agencies should plan on how to handle these situations should any of the missing data be required to open a child support case in the CSES. (Please see the Federal Case Registry Interface Guidance Document for descriptions of types of requests.<sup>17</sup>)

### **Systems Considerations for Requests for Location Services**

Title IV-B/IV-E agencies should develop locate policies consistent with section 453 of the Act (42 USC 653). OCSE Information Memorandum 99-01 provides information regarding the locate information that title IV-D agencies may share with title IV-B/IV-E agencies.

We encourage State title IV-B/E and title IV-D agencies to collaborate in order to identify the data elements needed to process a request for location services. Additionally, each State IV-D agency should explain to its counterpart IV-B/IV-E agency how information from the State Parent Locator Service and Federal Parent Locator Service will be shared.

For example, some States permit records to be electronically marked or flagged to distinguish case referrals from requests for location services. Other States create temporary or dummy IDs so that cases may be deleted once the locate information is provided. Such marking or categorizing of incoming records can eliminate manual review steps by the title IV-D agency. Because the automated interface must accommodate variations in State business practice, ACF encourages the title IV-B/IV-E agency and the title IV-D agency to collaborate in the interface design so that this distinction between case referrals and requests for location services is clearly identified by the SACWIS, making automated requests received by the CSES easily recognizable and appropriately actionable.

Action Transmittal ACF-OSS-05 section 1.C describes ACF's expectations regarding the SACWIS/CSES automated interface. We further understand that, as with any automation, the State's internal policies as well as Federal statute, regulations and policies should drive the automated functionality. As a result, a State's referral/locate policies and procedures must comply with Federal child welfare and child support statute, regulations, and policies, while also meeting State business needs for both programs.

Existing child welfare policy requires title IV-B/IV-E agencies to assess each case individually to determine whether or not it should be referred to a title IV-D agency.<sup>18</sup> To ensure a more efficient, economical, and effective processing of these referrals through the electronic interface, ACF encourages States to support, as appropriate to comply with statutes, regulations, policies, and business needs, the case assessment process with automation. For example some States list referral criteria on a SACWIS screen. A worker reviews the criteria for each case and indicates which criteria are met; if all criteria are satisfied, the case is automatically forwarded via the electronic interface to the statewide CSES. A second option, employing a different automation strategy, is to embed the referral policies into software decision rules. The software automatically analyzes each case's demographic and assessment data to determine if referral criteria are met and forwards appropriate cases to the statewide child support system. Please note that the above options, although not prescribed by ACF, are provided as illustrations of possible automation approaches.

We encourage State IV-E agencies to automate the submission of requests for location services through the title IV-D agency to the FPLS. There is no individual assessment requirement for requests for location services and automating this process will reduce unnecessary labor on the part of the caseworker. We emphasize that once a decision is made to initiate a referral/locate, SACWIS requirements dictate that the interface must process the referral or locate request automatically.<sup>19</sup>

Whatever the degree or extent of automation chosen by the State, we recommend that for each case, the reason(s) for submitting or not submitting a referral or locate request are documented in SACWIS so that managers and administrators can review actions and confirm that Federal and State policies are correctly followed.

## **VIII. CONCLUSION**

We encourage your State title IV-D and title IV-E agencies to discuss the similarities and differences in their systems, and work together to develop good referral policies and coordinate on electronic interface efforts. While the communication barriers can seem daunting, it is important to keep in mind that some of the most basic ideas, such as sharing a contact list of child support caseworkers with the child welfare caseworkers, and vice versa, can be a fruitful first step towards helping the agencies work together.

/s/

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<sup>1</sup> Section 471(a)(17) of the Act requires a State plan for foster care and adoption assistance to provide "that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering... [titles IV-A and IV-D] to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part;..." Because this is a IV-E State plan requirement, the IV-E agency determines whether a referral to the IV-D agency is appropriate.

<sup>2</sup> This change in title IV-E eligibility status may affect the distribution of child support. Please see section VI. Interagency Communication for a discussion of distribution issues.

<sup>3</sup> 45 CFR 303.2(b) outlines title IV-D agency responsibilities when a case is referred to the agency.

<sup>4</sup> According to 45 CFR 302.33(a)(4) "Whenever a family is no longer eligible for assistance under the State's title IV-A, IV-E foster care, and Medicaid programs, the IV-D agency must notify the family, within five working days of the notification of ineligibility, that IV-D services will be continued unless the IV-D agency is notified to the contrary by the family. The notice must inform the family of the consequences of continuing to receive IV-D services, including the available services and the State's fees, cost recovery and distribution policies."

<sup>5</sup> OCSE-AT-93-04, issued March 22, 1993.

<sup>6</sup> For purposes of receiving FPLS information, section 453(c)(4) of the Act defines the term "authorized person" to include "a State agency that is administering a program under a State plan under subpart 1 of part B, or a state plan approved under subpart 2 of part B or under part E."

<sup>7</sup> OCSE-AT-99-09, issued June 16, 1999, says "Subsection 453(c)(4) permits a State IV-E or IV-B agency to request information from the FPLS to locate or facilitate the discovery of an individual who has or may have parental rights in order to make more informed and timely decisions about permanency." A title IV-B/IV-E agency must submit its request for FPLS information through the State title IV-D agency's State Parent Locator Service (SPLS) in accordance with 45 CFR 303.70.

<sup>8</sup> This is because the State plan requirement in subsection 454(8) of the Act provides that each State title IV-D agency must establish an SPLS utilizing all sources of information and available records and the FPLS, and because that section requires that the SPLS shall "disclose only the information described in sections 453 and 463 to the authorized persons specified in such sections for the purpose specified in such sections."

<sup>9</sup> The FPLS may not be used to locate any other relative of the child. See OCSE-IM-99-01/ACYF-CB-IM-99-02.

<sup>10</sup> OCSE-AT-98-27.

<sup>11</sup> <http://aspe.hhs.gov/hsp/06/CW-involve-dads/ib.htm> See "Implications."

<sup>12</sup> <http://aspe.hhs.gov/hsp/06/CW-involve-dads/ib.htm> See heading "Engaging Fathers".

<sup>13</sup> Subsection 453 (c) (4) of the Social Security Act.

<sup>14</sup> In the former Aid to Families with Dependent Children (AFDC) program, under 45 CFR 235.70(a), "A State plan under title IV-A of the Social Security Act must provide for prompt notice to the State or local child support agency designated pursuant to section 454(3) of the Social Security Act and to the State title XIX agency...". Prompt notice was defined in 45 CFR 235.70(b)(2) as "within two working days of the furnishing of aid or the determination that an individual is a recipient... [of aid]". The requirement in 45 CFR 235.70(b)(2) does not apply to the title IV-E program. However, we believe that this timeframe provides an excellent goal for States to try to achieve when providing notification on changes in case status.

<sup>15</sup> Section 454B(c) of the Social Security Act requires "Except as provided in paragraph (2), the State disbursement unit shall distribute all amounts payable under section 457(a) within 2 business days after receipt from the employer or other source of periodic income..."

<sup>16</sup> [http://www.acf.hhs.gov/programs/cse/stsys/dsts\\_cert\\_guide.html](http://www.acf.hhs.gov/programs/cse/stsys/dsts_cert_guide.html)

<sup>17</sup> Issued via OCSE-DCL-00-37 Section 6, chart 6-14 <http://www.acf.hhs.gov/programs/cse/pol/DCL/2000/dcl-00-37.htm>

<sup>18</sup> Child Welfare Policy Manual, section 8.4C.

<sup>19</sup> ACF-OSS-05, section 1.C, expected result (4). The interface must "allow for the automatic exchange of common and/or relevant data between the two systems (to prevent duplicate data entry),...."