

# **ATTACHMENT 1 PROCEDURES, ROLES AND RESPONSIBILITIES**

## **ENHANCED PSOC LOCATE REQUEST PROCEDURES**

1. The CSE agency certifies that the request is being made as part of an investigation for an interstate child support case that appears to be appropriate for criminal non-support action, and that the state has exhausted all state and FPLS locate resources.
2. State PSOC Coordinator completes a [PSOC State Locate Services Request Form](#) and sends it to the OCSE PSOC Locate Coordinator.
3. Upon receipt of the referral, the OCSE PSOC Locate Coordinator will:
  - Assign a PSOC case number;
  - Establish a case file;
  - Enter the appropriate referral information into the case tracking log, and
  - Obtain multiple years of wage data using the SSADARS system available through the FPLS.
4. The OCSE PSOC Locate Coordinator will provide the results to the State PSOC Coordinator via fax or other secure method.

Response timeframe: The maximum time between receipt of a PSOC locate request and return of results to the state is two weeks.

Please remember that any Annual Wage Record (AWR) obtained from SSADARS is considered by the IRS to be federal income tax data and must be treated as such. The state must verify the data with another source (i.e. the employer) before including the information in a referral for prosecution. The information provided by the third party may be included with the referral, but the AWR report may not.

## **CRIMINAL PROSECUTION FOR NON-SUPPORT REFERRAL PROCEDURES**

1. Before referring a case for federal criminal prosecution for non-support, the IV-D agency must:
  - determine the case meets the statutory criteria for federal prosecution under 18 U.S.C. §228, including that the referral is part of an investigation for an interstate child support case.
  - exhaust all available and reasonable alternative enforcement remedies.
2. State PSOC Coordinator completes [PSOC Federal Criminal Prosecution for Non-Support Referral Form](#) and sends it to the OCSE PSOC Coordinator.
3. Upon receipt of the referral, the OCSE PSOC Coordinator will:
  - assign a PSOC case number

- establish a case file
  - enter the appropriate referral information into the case log, and
  - forward the referral to the appropriate OIG agent with a cover letter.
4. The OCSE PSOC Coordinator then acts as a coordinator of requests and information between the OIG or the Assistant U.S. Attorney (AUSA) and the referring state. However, at their discretion, the OIG or the AUSA may contact the CSE agency directly to exchange information.

Response timeframe: The maximum time between receipt of a criminal non-support referral and forwarding to the OIG is two days.

## **PSOC ROLES AND RESPONSIBILITIES**

### *State PSOC Coordinator*

- Coordinates enhanced PSOC locate request activities with the OCSE PSOC Locate Coordinator
- Coordinates referral activities for criminal non-support prosecutions with the OCSE PSOC Coordinator

### *OCSE PSOC Locate Coordinator*

- Receives enhanced PSOC locate requests and criminal non-support referrals from State PSOC Coordinators
- Performs the appropriate locate activity for PSOC locate requests and provides results to states
- Forwards criminal non-support referrals to the OIG and coordinates information between OIG and states

### *OIG Investigative Branch*

- Responsible for performing PSOC investigations
- Receives PSOC criminal non-support referrals from the OCSE PSOC Coordinator

Generally, each HHS Region has an Assistant Special Agent in-charge (ASAC) who assigns cases to a Special Agent (SA) and supervises their activities. SAs present cases for prosecution to an AUSA; SAs also have discretion to reject referrals based on internal judgment.

### *DOJ Child Exploitation and Obscenity Section (CEOS) (National Center for Missing and Exploited Children (NCMEC))*

Headquarters entity for child exploitation statutes (pornography, domestic prostitution, child support enforcement, international parental kidnapping).

The CEOS:

- Provides expertise and training to Assistant U.S. Attorneys (AUSAs) in the districts that prosecute cases
- Produces a child support handbook to assist AUSAs in its endeavor to prosecute child support cases
- Provides input to executive and legislative branches on policy and legislation regarding child support case prosecutions

Each judicial district has a chief U.S. Attorney who manages many divisions, including a criminal division under which child support cases are assigned to AUSAs.

- AUSAs determine prosecutorial merit of cases.
- Cases are assigned based on availability.
- In some states, referrals are made directly to the AUSA office.