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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 96 LCM-3

Date: January 11, 1996

Division: Management Support &
Quality Improvement

TO: Local District Commissioners

SUBJECT: Providing Evidence of Child Support Payments

ATTACHMENTS: A Procedures for Obtaining Confirmation of Support
Payments (Available on-line)
B Draft Form - Request for Confirmation of Support
Payments (Available on-line)
C Draft Form - Certification of Record of Support
Payments (Available on-line)

This memorandum is written to provide local districts with updated information related to the introduction of Support Collection Unit (SCU) records into evidence in family court proceedings. This memorandum also contains procedures and forms to be used by SCU staff as may be necessary.

Since the implementation of centralized payment processing, as authorized under SSL 111-(h)(2) and (h)(11), some local districts have requested clarification regarding the most effective methods to admit SCU payment records into evidence in enforcement proceedings in family court. These inquiries appear to have been based upon some family courts' concerns regarding the chain of custody of support payments and the need to present foundation testimony adequate to compel the admission of SCU payment records into evidence. These concerns appear to have abated substantially over the past year.

This memorandum is intended to further clarify the underlying statutory authority for the submission of SCU records into evidence and to advise SCUs of assistance available from the Department for that purpose.

Background

Social Services Law 111-h (1) states: "...the department, subject to the availability of funds, shall furnish centralized collection and disbursement services for and on behalf of each social services district". Social Services Law 111-h (11) states: "The department may provide for the

performance of the collection and disbursement functions of the support collection units by contract with a fiscal agent. For purposes of any reference to support collection unit in this chapter or any other law, the fiscal agent under contract with the department shall be deemed to be part of all support collection unit for which the fiscal agent performs collection and disbursement functions."

Description of Fiscal Agent Payment Processing and Controls

On a daily basis, the Department's fiscal agent: receives payments; identifies the respondent Child Support Management System (CSMS) account to which each payment should be credited; records specific information for each payment; creates a payment file; reconciles the daily summary of payment file records to the records of the daily bank deposits of payment remittances; transmits an electronic payment file to the Department and deposits child support payments into each district's SCU bank account. The payment processing functions completed by the fiscal agent are in accordance with established procedures that have been approved by the Department and which conform to the prescribed cash control procedures of the Office of the State Comptroller.

Payments are required to be processed within a 99.6% accuracy rate. For all districts other than New York City, all payments must be processed within one day of receipt; for New York City, all payments must be processed within two days of receipt. The fiscal agent's daily operations are monitored by Department staff located on-site to ensure that procedures are adhered to and that all processes are completed within the performance standards required while maintaining the maximum accountability, control and security of payments processed. A monthly sampling report of payments processed is also required to ascertain the consistency of meeting the 99.6% payment processing accuracy rate.

Local district SCUs are required to examine the daily transaction records and to perform daily account reconciliation and balancing functions in order to further verify the fiscal agent's performance. Deposit and disbursement information via CSMS records are available to each SCU for that purpose. Similar oversight and performance requirements are likewise in place for all other centralized processes performed by the fiscal agent.

SCUs retain total control over all other account-specific CSMS records, including the creating and maintenance of CSMS accounts, ensuring funds are distributed correctly, insuring the accuracy of address information, completing modifications to support obligations, completing adjustments for error correction and performing monthly bank reconciliation of undistributed funds on deposit to CSMS record of undistributed funds.

Methods for Providing Evidence of Support Payments

There are three means by which local district SCUs may provide evidence to family court regarding a respondent's record of payment(s) to satisfy support obligations. They are, in order of Department preference:

1. CPLR 4518(a) - by providing a copy of the respondent's CSMS Payment History screen(s) (IVDHST and IVDHTO) accompanied with foundation testimony by Support Collection Staff.
2. CPLR 4520 and SSL 111-h(10) - by providing a copy of the respondent's CSMS Payment History screen(s) (IVDHST and IVDHTO) along with a certificate or an affidavit from a public officer. Court acceptance under this rule would result in prima facie evidence based on the contents of the document(s).
3. CPLR 4518(f) - by providing a copy of the respondent's CSMS Payment History screen(s) (IVDHST and IVDHTO) accompanied with a certification by an official of a social services district attesting to the accuracy of the content of the record or report of support payments.

Methods #1 and #2 routinely have been the preferred methods used by the majority of the local district SCUs and they should continue to be the preferred method of entering payment evidence in enforcement proceedings with family court.

In those rare instances where Method #3 is required because Methods #1 and #2 are specifically not acceptable by the family court, local district SCUs should follow the procedures outlined in Attachment A to obtain the confirmation of payments needed to support the certification required by Method #3.

A summary of the local district, fiscal agent, and Department responsibilities regarding the "Confirmation of Support Payments" process in Support of Method #3 is as follows:

Local District Responsibilities

Complete Section I of the "Confirmation of Support Payments" request form, fax to the Central Collection and Disbursement of Support Payments fiscal agent, and receive completed form from fiscal agent. Based on receipt of confirmation, complete the "Certification of Record of Support Payments" form for use by the "social services official" as evidence in enforcement proceeding with family court.

Requests should not be forwarded to the fiscal agent earlier than three business days prior to the date the case appears on the family court calendar.

Fiscal Agent Responsibilities

Receive request for "Confirmation of Support Payments"; complete Section II acknowledging review of: processed payments, suspense postings for preceding two business days (inclusive of "received-on" date), exception items, and the New York State Child Support Processing Center bank account summary; affix official fiscal agent signature; and fax completed "Confirmation of Support Payments" to requesting local district.

Department Responsibilities

The Department will oversee procedure development by the fiscal agent and will keep local district SCU staff apprised of any changes. The Department's OCSE Contract Monitoring Unit staff will monitor the fiscal agent's performance regarding completion of individual payment processing confirmations as well as adherence by the fiscal agent to performance standards.

Established Timeframes for Requesting and Receiving Confirmations

Confirmation requests received by 12:00 noon by the fiscal agent will be processed and returned to the respective local district SCU by 12:00 noon the following business day. Confirmation requests received after 12:00 noon will be processed and returned to the respective local district SCU by 4:00 p.m. the following business day.

Official Forms

Each local district will be provided, under separate cover prior to January 15, 1996, with the final version of the forms to be used when requesting "Confirmation of Support Payments" (Attachment B) from the fiscal agent and "Certification of Record of Support Payments" (Attachment C) to be completed by the appropriate social services district official for submission to family court.

Chargeback of Costs to Local Districts

The Department will incorporate the costs of the confirmation process into the existing chargeback process used to obtain the local district's share of the costs of the central collection and disbursement of support payment functions completed by the fiscal agent on behalf of each local district. The one-time start-up costs, not to exceed \$48,000 statewide, will be charged back to each district by dividing each local district's total caseload (ADC and Non-ADC) by the total caseload statewide. The resultant percentage will be multiplied times the \$48,000 or less figure to determine each local districts gross share. Each local districts gross share will be multiplied by 17% to determine their local share.

In addition, the Department will be charged \$4.31 per transaction fee for each confirmation of payment request completed by the fiscal agent. The fiscal agent will provide the Department with a listing of each local district SCU request processed monthly. Once each quarter, the Department will include the costs of confirmation requests as one of the costs charged back to local districts under the central collection and disbursement chargeback process. The local district share of each confirmation of payment costs will also be 17%.

Implementation Date

Local district SCU staff can begin requesting "Confirmation of Support Payments", using official fax forms only, on January 15, 1996 (see local district responsibilities contained herein for limitations regarding requests).

The procedures described in Attachment A of this memorandum will ultimately be incorporated as an update to the Child Support Enforcement Manual, Volume I which will be provided to local district SCU staff as soon as that update is completed.

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State OCSE staff are available to provide assistance to local districts. Please feel free to have your Support Collection Unit staff contact their OCSE county representative if they have any questions regarding this LCM.

Please share a copy of this LCM and its attachments with your Support Collection Unit supervisor and their attorneys.

David Avenius, Deputy Commissioner
Division of Management Support and
Quality Improvement

Procedures for Obtaining Confirmation of Support Payments

The procedures outlined below will enable local district Support Collection Unit (SCU) staff to obtain a confirmation of support payments needed to assist SCU staff to provide evidence to family court in accordance with Civil Practice Law and Rules (CPLR) 4518(f), by providing a copy of the respondent's Child Support Management System (CSMS) Payment History screen(s) (IVDHST and IVDHTO) accompanied by a certification by an official of a social services district attesting to the accuracy of the content of the record or report of support payments.

The "Confirmation of Support Payments" process described herein is to be limited to only those cases which appear on a family court calendar within three business days from the date the request for confirmation of payments is initiated.

Requests for confirmation of payments for cases other than those appearing on a family court calendar will be returned unprocessed as resources are limited and the timeframe for returning confirmations requested by all 58 local districts cannot be extended.

The following details the procedures to be completed by the local district and Department's central collection and disbursement of support payment fiscal agent staff:

<u>Responsible Unit</u>	<u>Procedure</u>
Local District SCU	<ol style="list-style-type: none"> 1. Complete Section I of "Confirmation of Support Payments" request form. 2. Fax completed "Confirmation of Support Payments" request form to Department's central collection and disbursement of support payments fiscal agent.
Fiscal Agent	<ol style="list-style-type: none"> 3. Receive "Confirmation of Support Payments" requests from local district SCU staff. 4. Conduct review of: support payments processed, suspense postings for preceding two business days (inclusive of "received-on" date), exception items and the New York State Child Support Processing Center bank account summary. 5. Complete Section II of the "Confirmation of Support Payments" to include affixing appropriate signature at end of this section. 6. Fax completed "Confirmation of Support Payments" request form to requesting local district SCU. 7. Retain a copy of each completed "Confirmation of Support Payments" request form.

Local District SCU

8. Receive completed "Confirmation of Support Payments" request form.
9. Obtain respective respondent case file.
10. Print out current Child Support Management System (CSMS) Payment History screen(s) (IVDHST and IVDHTO) for the respondent case for which a "Confirmation of Support Payments" request form has been completed.
11. Complete a "Certification of Record of Support Payments" form for respective respondent case.
12. Attach "Certification of Record of Support Payments" form to respective CSMS respondent Payment History screen(s) (IVDHST and IVDHTO) and provide to social services official presenting evidence to family court.
13. Retain in respondent case file the original "Confirmation of Support Payments", a copy of the CSMS respondent Payment History screen(s) (IVDHST and IVDHTO) and a copy of the "Certification of Record of Support Payments".