**NEW YORK STATE**

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| **David A. Paterson**<br>*Governor* | **OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**<br>40 NORTH PEARL STREET<br>ALBANY, NY 12243-0001 | **David A. Hansell**<br>*Commissioner* |

# Administrative Directive

**Section 1**

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| **Transmittal:** | 08-ADM-12 |
| **To:** | Local District Commissioners |
| **Issuing Division/Office:** | Center for Child Well-Being<br>Division of Child Support Enforcement |
| **Date:** | December 29, 2008 |
| **Subject:** | Poverty-Level Noncustodial Parent (NCP) Modification and Arrears Pilot Initiative to Improve Child Support Compliance |
| **Suggested Distribution:** | Child Support Enforcement Coordinators<br>Support Collection Unit Supervisors<br>IV-D Attorneys<br>Accounting Staff<br>Staff Development Coordinators<br>Temporary Assistance Staff |
| **Contact Person(s):** | Division of Child Support Enforcement at 1-800-343-8859<br>Office of Legal Affairs – Susanne H. Dolin at 1-518-474-9833 |
| **Attachments:** | 1. Special Child Support Pilot Program for Low-Income Noncustodial Parents<br>2. Pilot Program for Poverty-Level Review of Your Support Order<br>3. Response for the Poverty-Level Review for Modification of a Support Order and/or Compromise of Arrears<br>4. Financial Disclosure Affidavit<br>5. Affidavit of No Convictions or Threats against Custodial Parent and/or Child(ren) or No Fraudulent Intentional Program Violations<br>6. Incarcerated Noncustodial Parents Department of Correctional Services (DOCS) Website Lookup Instructions<br>7. Support Collection Unit Worksheet for Evaluating Noncustodial Parent Response for a Poverty-Level Review<br>8. Support Collection Unit Determination of Poverty-Level Review<br>9. Agreement to Modify Order of Support and/or Compromise Arrears<br>10. Petition for an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears<br>11. Order Upon Agreement to Modify an Order of Support and/or Compromise Arrears<br>12. Support Collection Unit Worksheet for Calculating Poverty-Level Arrears<br>13. LDSS Notification to State of Unreimbursed Assistance (URA) Adjustment as a Result of a Compromise of Arrears<br>14. Satisfaction of Money Judgment<br>15. Affidavit in Support of Notice of Motion to Vacate an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears<br>16. Notice of Motion to Vacate an Order Upon Agreement to Modify an Order |

| | | | of Support and/or Compromise Arrears | | |
| | | | 17. Poverty-Level Review of Support Orders Pilot Program Frequently Asked Questions | | |
| | | | 18. Child Support Standards Act (FCA §413) | | |
| | | | 19. Child Support Standards Chart | | |

| **Attachment Available On – Line:** | ⊠ |
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## Filing References

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|---|---|---|---|---|---|
| | | 18 NYCRR 300.11 | FCA§§ 413, 416, 425, 571 CPLR§§2221, 5101, 5020 45 CFR 302.70(a)(9) | CSMS Reference Manual | PIQ-99-33 PIQ-05-01 |

## Section 2

## I. Summary

This Administrative Directive (ADM) sets forth criteria, procedures, and forms for a pilot initiative to increase support payment compliance in current temporary assistance or care cases. The term "temporary assistance" will be used throughout this ADM and includes family assistance and safety net assistance, and "care" refers to Medicaid assistance.

The focus of the pilot is on current temporary assistance or care cases in which only permanently-assigned arrears exist, and where the noncustodial parent (NCP) demonstrates poverty-level income or, in the absence of income, documentary proof of inability to work (e.g., incarceration or disability). Cases with family-owed arrears are not included in this pilot.

For the pilot, the Center for Child Well-Being (CCWB) within the Office of Temporary and Disability Assistance (OTDA) and local social services districts will identify and contact pre-selected noncustodial parents fitting established criteria and offer the NCP an opportunity for a poverty-level review of their financial circumstances in relation to their child support obligations. Upon request of the NCP and where it is demonstrated by the NCP or through information otherwise available to the Support Collection Unit (SCU) that the NCP's current financial condition is at or below the federal poverty-level ($10,400 for 2008), SCUs will use these procedures and forms to evaluate and agree to reduce the current support obligation and, if appropriate, permanently-assigned arrears may be reset to levels commensurate with poverty-level guidelines for support obligations. This pilot initiative will be evaluated over a nine-month period to assess NCP participation, payment compliance, and employment activity. The results will determine whether the pilot should be continued, expanded, modified, or discontinued.

## II.    <u>Purpose</u>

The fundamental child support questions to be assessed by this pilot are whether NCPs will become active participants in their child support case and whether NCPs will increase their support payment compliance.

This pilot is aimed at creating opportunities for NCPs to become engaged in their child support obligations and begin complying with their support obligations.

## III.   <u>Background</u>

OTDA is committed to creating opportunities for new partnerships with NCPs to build a culture of compliance with child support obligations.  This includes ensuring that obligation amounts are commensurate with the NCP's income and ability to pay and that the NCP's child support debt does not provide a disincentive to obtaining legitimate employment.  In order to meet the support obligations to their children, NCPs need to obtain and maintain steady, legitimate jobs.

CCWB's Data Analysis Unit (DAU) has identified certain NCP's who are <u>potentially</u> eligible for the pilot program. The NCPs selected for this pilot are those NCPs under criminal justice supervision (i.e., either incarcerated, on probation or parole) or on temporary assistance or care and who may not be able to pay their current support amounts and/or realistically pay down accumulated arrears. <u>At the time of pre-selection</u>, all of the selected NCPs had an account on CSMS with an obligation amount greater than $25 per month and permanently-assigned arrears greater than $500.

CCWB's DAU indicates for this selected population that:

- The average obligation amount is $276 per month with average arrears of $9,670.

- 28% have never made a child support payment; and 22% made their last payment prior to 2007.

This pilot follows three tenets of the Federal 2005-2009 Office of Child Support Enforcement (OCSE) National Child Support Enforcement Strategic Plan:

- Modify orders to ensure that obligations stay consistent with ability to pay.

- Aim primarily at consistent, reliable payment of current support, even if it means compromising uncollectible permanently-assigned arrears to bring the noncustodial parent back into the fold.

- Apply principles of early intervention including engaging parents in understanding their rights and responsibilities to support their children, and the use of automation to detect non-compliance as early as possible.

Federal law at §466(a) (9) of the Social Security Act (the Act), the implementing regulation at 45 CFR 302.70(a) (9), and State law at Civil Practice Law and Rules (CPLR) §5101, provide that child support is a judgment on and after the date due with the full force, effect and attributes of a judgment of the state, and is not subject to retroactive modification by a court.

According to OCSE PIQ-05-01: "If, in accordance with state law or procedures, permanently-assigned arrearages are compromised by the state, we encourage states to reduce the unreimbursed assistance amount (URA) balance by an amount equal to the amount of permanently-assigned arrearages compromised by the state." This ADM will provide for a commensurate reduction in the URA consistent with the federal direction when arrears are compromised.

State law, Family Court Act (FCA) §425, provides that local Social Services districts may enter into agreements to support that must be approved by the court.

## IV.   Program Implications

The pilot will allow the local social services districts and the NCP to agree that: (1) the support obligation is modified to $25.00 per month; (2) any unpaid child support due and owing after the effective date of the modified order shall accrue to no more than $500 prospectively (unless the order is later subject to an upward modification); and (3) the local district shall waive any and all legal right to the permanently-assigned arrears existing as of the effective date of the modified order that are in excess of $500. Thus, if the NCP fails to pay pursuant to the modified order resulting from this pilot, arrears may accrue to no more than $1,000.

> Example of Poverty-Level Modified Order:
> James Sweet is on temporary assistance. Mr. Sweet has an order of support which provides for a current obligation of $100 per week. Mr. Sweet has not been able to pay his child support obligation and has accrued $7,000 in arrears/past-due support. In two years, if Mr. Sweet was still on temporary assistance and did not modify his order or pay his current obligation amount, he would owe an additional $10,400, bringing his arrears/past-due support to $17,400, and his arrears/past-due support would continue to accrue.
>
> Mr. Sweet proves that he is at poverty-level and receives a modified order of support for $25 per month and his arrears/past-due support of $7,000 is reduced by $6,500 to the compromise amount of $500. If he did not pay his modified obligation, two years later Mr. Sweet's prospective arrears/past-due support would accrue and be capped at $500, and he would owe a maximum of $1,000 in arrears/past-due support at any one time.

Note that in the foregoing example, if it is later determined that Mr. Sweet's financial situation has improved such that he now has income in excess of the federal poverty-level, the district may petition the court for an upward modification of the order resulting from this pilot and the cap associated with the modified order resulting from this pilot would be terminated. The cap associated with the compromise would remain.

Nonpayment of support and the resulting accumulation of arrears do not benefit anyone. NCPs given an opportunity to have their orders reviewed by the SCU may become more compliant with support obligations if their orders are reset to be commensurate with their current income. Since payment of child support and employment are inter-related, and given that accounts are systematically monitored for payments by income execution, this pilot will also test whether offers to modify current support and reduce support debt will provide an incentive to NCPs to obtain legitimate employment. This pilot provides procedures and forms which, when used by the SCUs, will assist CCWB in the evaluation of the program implications resulting from this pilot.

## V. Required Action

### A. Criteria for CCWB's Selection of NCPs for Pilot

1. The NCP is under criminal justice supervision either by the Department of Correctional Services (DOCS), Division of Parole (DOP), or the Division of Probation and Correctional Alternatives (DPCA), or the NCP is in receipt of temporary assistance or care.

2. There is a current temporary assistance or care child support account with permanently-assigned arrears only (i.e., custodial parent and child are on assistance or care and no money is owed, or potentially owed, to the custodial parent/obligee).

3. There is a current monthly child support obligation amount greater than $25 per month and arrears on the account are over $500.

4. There is no indication of family violence or good cause exemption on the case record.

### B. CCWB and Processing Center Actions for Pilot

1. <u>Case selection and mail out of letter and forms</u>. CCWB will finalize a list of pre-selected NCPs that have been reviewed and confirmed by the SCUs and produce and mail the following:
   - *Special Child Support Pilot Program for Low-Income Noncustodial Parents* notice (Attachment 1);
   - *Pilot Program for Poverty-Level Review of Your Support Order* letter (Attachment 2);
   - *Response for the Poverty-Level Review for Modification of a Support Order and/or Compromise of Arrears* (Attachment 3);
   - *Financial Disclosure Affidavit* (Attachment 4); and
   - *Affidavit of No Convictions or Threats against Custodial Parent and/or Child(ren) or No Fraudulent Intentional Program Violations* (Attachment 5).

   CCWB will systematically set the status and reason code H001 08 (RESP SENT POV LEVEL REV FORM) indicating that the forms were mailed to the NCP. The final lists of pre-selected NCPs will be e-mailed by CCWB's DAU to SCUs.

2. <u>Mail returned as undeliverable</u>. If the letter and forms identified in V.B.1 are returned "undeliverable" to the processing center, the VER-IND on the IVDJRA record will be updated to "N," and the undeliverable documentation will be forwarded to the SCU for location of the NCP (see V.C.2).

3. <u>NCP response to letter</u>. The NCP is advised in the letter to respond within forty-five (45) business days of the postmarked date on the envelope accompanying the letter. The NCP may contact the Child Support Helpline (CSH) for general questions, and, where appropriate, for referral to SCUs if they have any specific questions regarding completion of the required documentation prior to submittal.

When the NCP completes the required documentation, it must be mailed to the processing center at the following address:

New York State Child Support Processing Center
PO Box 15365
Albany NY 12212-5365

4.  <u>NCP is not interested in poverty-level review</u>.  If the NCP responds that they are **not** interested in requesting a poverty-level review, the processing center will set the status and reason code H901 08 (RESP TO POV LEV FORMS-NO REVIEW).

5.  <u>NCP is interested in poverty-level review</u>. If the NCP responds that they are interested in the review, the processing center will forward the poverty-level response form and required documentation to the respective SCU for review and action as discussed in V.C. The processing center will set status and reason code H901 09 (RESP TO POV LEV FORMS-REQ REVIEW).

6.  <u>No response is received</u>. If there is no response from the NCP, CCWB will systematically update the status and reason code to H801 08 (NO RESPONSE TO POV LEV FORMS) sixty (60) business days after the documentation identified in V.B.1 is mailed to close out the open status group.

7.  <u>Data capture of new information</u>. The processing center will data capture the following NCP information, if included on the response form and if different than the information on CSMS:
    - Social Security number
    - Date of birth
    - Mailing address
    - Employer
    - Telephone number

C.  **Local District Actions for Pilot**

1.  <u>SCUs will review and confirm pre-selected list</u> provided by CCWB's DAU with the November 20, 2008 Dear Colleague Letter.  By December 5, 2008, the SCUs will send the list back to the DAU indicating any case the SCU wants removed from the process as not meeting one or more of the criteria.

2.  <u>SCUs conduct location efforts if mail was undeliverable</u>.  If the processing center forwards undeliverable mail to the SCU, the SCU should attempt to locate the NCP.  If NCP mail was originally sent to a DOCS facility, the SCU may review the *Incarcerated Noncustodial Parents Department of Correctional Services (DOCS) Website Lookup Instructions* (Attachment 6) for instructions on locating current addresses of NCPs in State correctional facilities.

3.  <u>SCU forwards letter and forms</u>.  If NCP is located, the documentation identified in V.B.1 that was returned "undeliverable" must be mailed by the SCU to the new address for the NCP, and a remark entered on the remarks screen.  If no address can be found for the NCP, the SCU will set the status and reason code H801 08

(NO RESPONSE TO POV LEV FORMS) to indicate no response was received to the poverty-level forms, and note this on the remarks screen.

4. <u>SCU receives letter and forms from processing center</u>.  When the processing center forwards the NCP response form and required documentation indicating an interest in a poverty-level review, the SCU will set the status and reason code to H001 09 (RESP REQ POV LEV REVIEW).

5. <u>SCU conducts reviews and completes worksheet</u>.  The SCU has forty-five (45) business days from receipt of the poverty-level response to review the submissions, complete the *Support Collection Unit Worksheet for Evaluating Noncustodial Parent Response for a Poverty-Level Review* (Attachment 7), and determine whether the request is approved or denied. The SCU should carefully review the returned affidavits and supporting documentation and follow the guidance provided in the *Support Collection Unit Worksheet for Evaluating Noncustodial Parent Response for a Poverty-Level Review* to ensure that the NCP meets the eligibility for the review.  Additionally, the SCU must update CSMS with any new employment, benefits, financial institution, and/or any other information obtained from the *Financial Disclosure Affidavit* that may be beneficial in automated enforcement activities.

6. <u>SCU determines review is denied</u>.  If the SCU determines that the poverty-level review is denied, the SCU will complete and mail to the NCP the *Support Collection Unit Determination of Poverty-Level Review* (Attachment 8). The SCU will set the status and reason code to H801 09 (DOES NOT MEET POV LEV ELIG) and enter the reason for denial on the remarks screen.

7. <u>SCU determines review is approved</u>.  If the SCU determines that the poverty-level review is approved, the SCU will prepare an *Agreement to Modify Order of Support and/or Compromise Arrears* (Attachment 9) and mail the agreement **unsigned** along with the *Support Collection Unit Determination of Poverty-Level Review,* a copy of pages 1, 2, and 21 of the *Child Support Standards Act (FCA §413)* (Attachment 18) and a copy of the *Child Support Standards Chart* (Attachment 19) to the NCP.  If the NCP is eligible for a $25 per month order and compromise of arrears, the SCU will set the status and reason code to H901 10 (MEETS POV LEV ELIG-MOD/ARRS).  Alternatively, if the NCP is only eligible for a $25 per month order, the SCU will set status and reason code H901 11 (MEETS POV LEV ELIG-MOD ONLY).

   NOTE: The address provided on CSMS and/or the documentation submitted by the NCP may not be up-to-date for incarcerated NCPs due to transfers of inmates between correctional facilities. As noted in V.C.2, SCUs may review *Incarcerated Noncustodial Parents Department of Correctional Services (DOCS) Website Lookup Instructions* for instructions on locating current addresses of NCPs in a State correctional facility.

8. <u>SCU actions upon receipt of agreement</u>.  SCUs should monitor the mail for return of a signed agreement. The NCP has fifteen (15) business days to sign and return the agreement. If the NCP returns a signed *Agreement to Modify Order of Support and/or Compromise Arrears*, the SCU has fifteen (15) business days to:  (1) sign and notarize the agreement; (2) complete and file a *Petition for an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears* (Attachment

10); and (3) prepare an *Order Upon Agreement to Modify an Order of Support and/or Compromise Arrears* (Attachment 11).

9. <u>The SCU will forward the prepared documents in V.C.8 to the court and mail a copy of the documents to the NCP</u>. The SCU will set the E200 02 (MODIFICATION PETITION) status and reason code for the modification petition and set a tickler date fifteen (15) business days from the mailing date.

10. <u>SCU actions upon receipt of court order</u>. The SCU will then monitor for receipt of the order from the court for fifteen (15) business days. If the petition is dismissed, the SCU will set status and reason code E801 11 (POV LEV MOD PETITION DISMISSED). The NCP will be notified by the court of the dismissal. Upon receipt of the order approving the agreement, the SCU has five (5) business days to complete the *Support Collection Unit Worksheet for Calculating Poverty-Level Arrears* (Attachment 12) and make the accounting adjustments necessary to reflect the modified order and, if appropriate, the compromise of arrears (See VI. for Systems Implications).

11. <u>SCU actions if arrears are compromised</u>. If arrears were compromised and there is a URA balance that needs to be adjusted for those arrears which are permanently-assigned temporary assistance arrears, the SCU will also complete the *LDSS Notification to State of URA Adjustment as a Result of a Compromise of Arrears* (Attachment 13) and send it to CCWB as directed on the notice. The SCU will set status and reason code E901 36 (POV LEV ORDER-URA ADJ REQD) if the order is entered and there is a corresponding URA adjustment (i.e., permanently-assigned arrears are being compromised).

12. <u>SCU actions if arrears are not compromised</u>. If arrears will not be compromised, the SCU will set status and reason code E901 37 (POV LEV ORDER-NO URA ADJ REQD) if the order is entered and there is no corresponding URA adjustment (i.e., permanently-assigned arrears are not being compromised).

13. <u>SCU actions if arrears were set to money judgment</u>. If there is a money judgment for any portion of the arrears compromised and the judgment amount for any one or more such judgments is reduced to zero as a result of the agreement to compromise, the SCU will complete the *Satisfaction of Money Judgment* (Attachment 14) and file it with the clerk of the county where the judgment was entered. A copy of the *Satisfaction of Money Judgment* must be mailed to the NCP within ten (10) business days after the date of filing pursuant to CPLR § 5020. The SCU will set status and reason code E001 00 (ENFORCEMENT ACTIVITY INITIATED) to open an E group and set status and reason code E905 02 (MONEY JUDGMENT SATISFACTION) designating that the money judgment is satisfied.

14. <u>SCU actions if NCP misrepresents facts</u>. If at any time after the order is issued the SCU identifies that the NCP falsely represented income, benefits, and assets as being equal to or below the federal poverty-level, or falsified other statements in affidavits, the SCU may complete and file an *Affidavit in Support of Notice of Motion to Vacate an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears* (Attachment 15) and a *Notice of Motion to Vacate an Order Upon Agreement to Modify an Order of Support and/or Compromise Arrears* (Attachment 16) with the court. The SCU will set status and reason code E001 04

(MOTION TO VACATE POV LEV ORDER) indicating that the motion has been filed.

Depending on the outcome of the hearing, systems adjustments to restore the account to what it was prior to the entry of the modified order must be made accordingly. The SCU will set status and reason code E801 12 (MOTION TO VAC POV LEV ORD DENIED) if the motion to vacate is denied or E901 38 (MOTION TO VAC POV LEV ORD APPRVD) if the motion to vacate is approved.

## VI. <u>Systems Implications</u>

### A. Account Adjustments

1. The SCU must adjust the CSMS CSSA module, and the current and arrears DSS ledgers, so that the poverty-level order is accurately reflected on CSMS.

2. The CSMS CSSA module will be updated to reflect a poverty-level order of $25 per month.

3. The current DSS ledger will be adjusted to $25 per month which, if not paid by the NCP, will be capped at $500 prospectively. Note that if an upward modification of the order is granted by the court after issuance of an order pursuant to this pilot, the cap must be eliminated.

4. The permanently-assigned arrears ledgers will be adjusted retrospectively to reflect a compromise of arrears to $500. The hierarchy for purposes of ledger adjustments that should remain on the account is:

   - most recent money judgment ledger(s);
   - most recent non-judgment arrears ledger(s) for general obligation amount;
   - most recent past-due amount on any other DSS ledger(s) not factored into the permanently-assigned arrears category; then
   - most recent past-due arrears on current ledger(s).

5. The result of the modified order will be a current obligation amount of $25 per month and a maximum arrears accumulation of $1,000 at any time.

### B. Updates to the CSSA module

1. Input the NCP's actual income as provided on the affidavit or other supporting documentation on the CSMS CSSA module (IVDJSA).

2. Compare the income amount (line 1A on IVDSA3) to the amount in the poverty-level field in the upper right hand corner of IVDSA1.

3. Enter an "S" (poverty-level order) in the CRT-ORD/TYPE field on line 15 of IVDSA3 if line 1A is equal to or less than the poverty-level amount. Note: The system will only permit an "S" to be stored if the income amount is zero or greater than zero but not greater than the poverty-level amount.

4. By entering the income amount and the "S," the SA-IND field of "S25" will be systematically set and this will cause the SUP-DEL field on page 00 of IVDQRY to be set to $500. If the order includes a compromise of arrears and the remaining permanently-assigned arrears are a net due on a current ledger, the SCU should input the appropriate amount (i.e. $500 plus the net due) but no more than $1,000 in the SUP-DEL field on page 00 of the IVDQRY screen via a 21 SADU transaction code and type. This will cause current charges to systematically stop if delinquency on current charges reaches the appropriate amount but no more than $1,000.

C. **Account Adjustments for the Current Ledger**

1. The only current ledger that will remain active on the CSMS case is the DSS current support ledger 21--. The obligation amount will be changed as of the date the new order was issued.

2. To change the obligation amount, access the IVDQRY screen, page to the current support ledger, and enter transaction type 09, transaction code OAMT_25, for a $25 order.

3. To change the obligation frequency, access the IVDQRY screen, page to the current support ledger and enter transaction type 10, transaction code OFRQ M01, for a monthly amount.

4. For any other current ledger, change the obligation amount to zero, and terminate the ledger on the IVDQRY page by entering a transaction type 07, transaction code LDST_03.

D. **Account Adjustments to Compromise Permanently-Assigned Arrears**

1. Permanently-assigned arrears are those arrears which reside on the following ledgers: 2-A---, 2-BJ--, 2-BI--, 2-BP--, 2-BR--, 2-CA--, 24AX-- and 24BX-- and are identified on IVDQRY. The past-due amount on any other DSS ledgers are not factored into the permanently-assigned category. The SCU must follow the hierarchy identified in VI.A.4 for the appropriate account adjustments for the compromise to $500 of permanently-assigned arrears existing as of the date the modified order was entered, and the respective ledger(s) that will remain after adjustments.

2. If the remaining permanently-assigned arrears are on an arrears ledger with an Arrears-Set-At-Balance (ASAB), the SCU must reduce the ASAB balance down to $500 in arrears that are the result of the arrears compromise. Note: if there is a current obligation amount on the arrears ledger with an ASAB, the obligation amount must be set to zero.

3. For any ledger that is being terminated, the NET DUE will be reduced to the amount that was paid on the ledger, or zero. This is done by processing a negative batch 61 or 62 to the appropriate ledger.

4. To terminate a ledger, on IVDQRY page to the specific ledger, enter transaction type 07, transaction code LDST _03.

5. For any ledgers established to charge interest, the first and last charge dates must be adjusted to stop charging. Enter an 11 FPMT transaction for the first charge date and a 30 LDUE transaction for the last charge date, and for each, set the dates to 00/00/0000.

**E.   New Statuses and Reason Codes for Poverty-Level review process**

The following statuses and reason codes have been created to support the poverty-level review process:

| Status | Reason Code | Description |
|--------|-------------|-------------|
| E001 | 04 | MOTION TO VACATE POV LEV ORDER |
| E801 | 11 | POV LEV MOD PETITION DISMISSED  (*) |
| E801 | 12 | MOTION TO VAC POV LEV ORD DENIED |
| E901 | 36 | POV LEV ORDER-URA ADJ REQD  (*) |
| E901 | 37 | POV LEV ORDER-NO URA ADJ REQD  (*) |
| E901 | 38 | MOTION TO VAC POV LEV ORD APPRVD |
| E905 | 02 | MONEY JUDGMENT SATISFACTION  (**) |
| H001 | 08 | RESP SENT POV LEV REV FORMS |
| H001 | 09 | RESP REQ POV LEV REVIEW |
| H801 | 08 | NO RESPONSE TO POV LEV FORMS |
| H801 | 09 | DOES NOT MEET POV LEV ELIG |
| H901 | 08 | RESP TO POV LEV FORMS-NO REVIEW |
| H901 | 09 | RESP TO POV LEV FORMS-REQ REVIEW |
| H901 | 10 | MEETS POV LEV ELIG-MOD/ARRS |
| H901 | 11 | MEETS POV LEV ELIG-MOD ONLY |

(*) For this process, the existing status and reason code E200 02 MODIFICATION PETITION will also be used.
(**) For this process, the existing status and reason code E001 00 ENFORCEMENT ACTIVITY INITIATED will also be used.

F.    **Summary Timetable for Pilot**

The following timetable summarizes pilot activity and timeframes for major activities within the pilot:

| Description of Activity | Timeframe |
|---|---|
| CCWB will finalize the list and processing center will mail out forms to eligible NCPs. | Pilot Initiation (December 29, 2008) |
| NCP responds to the poverty-level review, provides completed forms, and documentation to the processing center.  The processing center forwards the response and documentation to the respective SCU. | 45 business days |
| SCU completes the poverty-level review, makes a determination, and, if disapproved, mails determination letter or, if approved, mails determination letter, agreement, and a copy of the CSSA chart to NCP. | 45 business days |
| NCP signs agreement has it notarized and mails agreement back to the SCU. | 15 business days |
| SCU signs and notarizes the agreement, and prepares a petition for court approval of the agreement, and forwards the petition along with a proposed order to the court, and sends a copy to the NCP. | 15 business days |
| SCU monitors for court order. | 15 business days |
| SCU receives court order and makes account adjustments, adjusts URA and files judgment satisfactions, if appropriate. | 5 business days |
| A copy of any satisfaction filed must be sent to the NCP. | 10 business days |
| **Total Timeframe for Poverty-Level Reviews** | **150 business days** |
| CCWB will evaluate pilot for activities undertaken by SCUs and NCPs, payments made, obligations modified, arrears compromised, etc. and will close out the data collection, nine months after project initiated. | Pilot Conclusion (September 30, 2009) |

VII.    <u>Additional Information</u>

A.    **Evaluation of Pilot**

CCWB will be evaluating activity on the selected cases for this pilot over the nine-month period to assess if there has been an increase in support payment compliance.  The entry of the statuses and reason codes by SCU staff is critical to support the evaluation of this pilot.  The findings of the evaluation will be shared with the local districts and the results will aid in determining whether the pilot should be continued, expanded to a larger population, modified, or discontinued.

B.     **Availability of Pilot Forms**

The following pilot forms will be made available for local district use on ERS under Resources, Poverty-Level Review.  Local districts may save the documents for use with this pilot locally:

- *Support Collection Unit Worksheet for Evaluating Noncustodial Parent Response for a Poverty-Level Review*
- *Support Collection Unit Determination of Poverty-Level Review*
- *Agreement to Modify Order of Support and/or Compromise Arrears*
- *Petition for an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears*
- *Order Upon Agreement to Modify an Order of Support and/or Compromise Arrears*
- *Support Collection Unit Worksheet for Calculating Poverty-Level Arrears*
- *LDSS Notification to State of URA Adjustment as a Result of a Compromise of Arrears*
- *Satisfaction of Money Judgment*
- *Affidavit in Support of Notice of  Motion to Vacate an Order Upon Agreement to Modify Order of Support and/or Compromise Arrears*
- *Notice of Motion to Vacate an Order Upon Agreement to Modify an  Order of Support and/or Compromise Arrears*
- *Child Support Standards Act (FCA§413)*
- *Child Support Standards Chart*

C.     **Frequently Asked Questions (FAQs)**

*Poverty-Level Review of Support Orders Pilot Program Frequently Asked Questions* (Attachment 17), in use by the Child Support Hotline (CSH), are included with this ADM for local district informational purposes.

VIII.   **Effective Date**

This ADM is effective immediately.

**Issued By**
**Name:**            Scott E. Cade
**Title:**            Deputy Commissioner and Director
**Division/Office**:     Center for Child Well-Being
                Division of Child Support Enforcement