



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE**

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ALBANY, NY 12243-0001

Andrew M. Cuomo
Governor

Administrative Directive

Section 1

Transmittal:	11-ADM-04
To:	Local District Commissioners
Issuing Division/Office:	Center for Child Well-Being (CCWB) and Center for Employment and Economic Supports (CEES)
Date:	May 24, 2011
Subject:	Desk Reviews of the Distribution and Disbursement of Support Collections
Suggested Distribution:	Child Support Enforcement Unit Coordinators Support Collection Unit Supervisors Temporary Assistance Directors Staff Development Coordinators Accounting Staff Resource and Recovery Staff
Contact Person(s):	Division of Child Support Enforcement at 1-800-343- 8859 Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344 Office of Legal Affairs at 1-518-474-9502
Attachments:	<u>Attachment 1-Summary of Changes and Improvements to the Desk Review Process</u> <u>Attachment 2-Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections</u> <u>Attachment 3-Information and Instructions for Completing the Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections Form</u> <u>Attachment 4-First-Level Desk Review Determination</u> <u>Attachment 5-Confirmation of Receipt of Your Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections</u> <u>Attachment 6-Calculations Worksheet for Desk Review of Pass-through Payments</u> <u>Attachment 7-Information and Instructions for Completing the Calculations Worksheet for Desk Review of Pass-through Payments</u> <u>Attachment 8-Calculations Worksheet for Desk Review of Cumulative Excess Support Payments</u> <u>Attachment 9-Information and Instructions for Completing the Calculations Worksheet for Desk Review of Cumulative Excess Support Payments</u> <u>Attachment 10-Support Collection Unit Notification to State of Unreimbursed</u>

Assistance Adjustment as a Result of a Cumulative Excess Support Payment Desk Review Attachment 11-Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections Attachment 12-Information and Instructions for Completing the Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections Attachment 13-Second-Level Desk Review Determination Attachment 14-Notification of a Second-Level Desk Review Request Attachment 15- Request for Additional Information to Support Second-Level Desk Review	
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90-ADM-41 97-ADM-7 99-ADM-5 06-ADM-16 08-ADM-08 09-ADM-04 09-ADM-21 10-ADM-04	06-ADM-16	18 NYCRR 347.12; 347.13; 347.25; 352.15; and 352.31(d)		Temporary Assistance Source Book (TASB) BICS Manual Fiscal Reference Manual, Volume 2, 3, and 4	LDSS-4148A LDSS-4148B <i>Dear Commissioner</i> letter dated May 3, 2004 <i>Dear TA Director</i> letter dated November 17, 2005 <i>Dear Colleague</i> letter dated June 1, 2007 <i>Dear Colleague</i> letter dated April 22, 2008 <i>Dear Colleague</i> letter dated May 19, 2008 ABEL Transmittal 09-5 Information #3

Section 2

I. Summary

This Administrative Directive (ADM) refines the procedures for local district and state staff to conduct desk reviews for current or former recipients (collectively referred to as *recipients*) of temporary assistance (TA) who dispute the distribution and disbursement of support collections. TA will be used throughout this ADM and includes family assistance and safety net assistance. Implementation of these procedures will ensure that local district staff conduct desk reviews in a timely and uniform manner and, when

appropriate, expedite payments to recipients. Coordination between the Support Collection Unit (SCU) and TA Unit is critical to the success of the desk review process.

This ADM **cancel**s previously issued instructions, notices, and forms issued with **06-ADM-16** dated December 13, 2006 and entitled *Desk Reviews of the Distribution of Child Support Payments*.

Additionally, this ADM discontinues the desk review forms and instructions only provided in 08-ADM-08, dated October 29, 2008, entitled *Increase in the Pass-through and Disregard of Support Payments* as rights to a desk review of pass-through payments for the amount identified in Phase I implementation have expired. All other information provided in 08-ADM-08 remains in effect.

This ADM also serves as notification that the procedures and forms for a desk review request for current excess support payments provided in 09-ADM-21, dated November 13, 2009, entitled *Temporary Assistance Excess Support Process and Procedures for Reviewing Cases that have Support Collections in Excess of the Temporary Assistance Deficit*, are discontinued effective February 1, 2011. All other information provided in 09-ADM-21 remains in effect.

A summary of the revisions and improvements to the desk review process included in this ADM are included in the *Summary of Changes and Improvements to the Desk Review Process (Attachment 1)*.

II. Purpose

The purpose of this ADM is to provide a complete resource for requesting, conducting, and reporting the results of desk reviews of the distribution and disbursement of support collections as required by Section 347.25 of Title 18 of the New York Codes, Rules and Regulations, and includes supplemental instructions and mandatory forms for implementing the process. Further, this ADM includes changes to the pass-through payment amounts effective January 1, 2010 and aligns the calculations worksheet and instructions with the changes provided in 10-ADM-04, dated June 18, 2010, entitled *Increase in the Pass-through and Disregard of Support Payments – Phase II*. Finally, this ADM includes revisions to calculations worksheets and instructions for issuing pass-through and cumulative excess support payments as a result of completing desk review worksheets which streamline and improve the desk review process based on state and local district experience with the desk review process.

III. Background

A *desk review* is a procedure for recipients of TA who are or were receiving child support services to dispute the amount of or claim non-receipt of a **pass-through payment** or a **cumulative excess support payment**. Refer to Section V.B.1.c. for further information on payment types.

A desk review is conducted jointly by the SCU and TA Unit upon the written request of a recipient who believes that the distribution and disbursement of support collections made for the period(s) during which an assignment of support rights was in effect is incorrect.

It involves an examination of information contained in the child support account and TA case record. The desk review must result in a written determination to the recipient that includes an explanation of how the SCU distributed and disbursed support collections received on behalf of the recipient for the period(s) reviewed, and how the TA Unit paid any pass-through and excess support payments.

If appropriate, the TA Unit is tasked with issuing a payment to the recipient or arranging for recovery of an overpayment. A second-level desk review is available to the recipient from the New York State Office of Temporary and Disability (OTDA) only after completion of a first-level desk review by the SCU and TA Unit if the recipient does not agree with the first-level determination.

Experience with the current processes at both the local district and state levels has provided an opportunity for enhancements and improvements to the first-level and second-level desk review processes which are included in this ADM. The improvements are identified in the *Summary of Changes and Improvements to the Desk Review Process (Attachment 1)*.

IV. Program Implications

The implementation of the procedures contained in this ADM will allow the SCU and TA Units to satisfy the requirements of the pertinent regulation through a streamlined process that includes enhancements for appropriate communication between the SCU and the TA Unit, and between OTDA and the SCU and/or TA Unit. The mandatory revised forms necessary to address the pass-through and excess support payment desk review requests, and expedite payments to recipients where appropriate, are included.

V. Required Action

The SCU and TA Unit are tasked with calculating and responding to first-level pass-through and cumulative excess support payment desk review requests. The SCU is tasked with receiving and maintaining records of the first-level desk review requests; taking CSMS account maintenance actions that will ensure that support collections are distributed and disbursed appropriately; conducting a conference with the recipient, if requested; and providing CSMS collection, distribution and disbursement information as required on the calculations worksheets. The TA Unit is tasked with providing WMS/BICS disbursement record information as required on the first-level desk review calculations worksheet; taking actions as a result of the first-level desk review that would allow for the issuance of any payments due to the recipient or recovery of any overpayments due from the recipient by any authorized means; and reporting the results of the first-level desk review to the recipient, the SCU, and the TA Unit tasked with issuing payments due to the recipient or recovering an overpayment.

OTDA is tasked with reviewing and responding to the second-level desk review requests.

Notices and forms to be used by local districts for first-level desk reviews will be made available on ASSETS as templates in the *State Folder* of the *Local Correspondence* tab in the *Document Generation* module for local district use. Additionally, all desk review

notices and forms used for first-level and second-level desk reviews may be viewed on ERS under *Resources* in the folder entitled *Desk Reviews of Distributions*.

A. Request Form

The SCU and TA Unit shall be familiar with how a recipient is notified of the rights to a desk review and how a recipient may obtain the desk review request forms.

1. Notification of a recipient's right to a desk review is provided through:
 - OTDA Client Information Booklet 1, LDSS-4148A, *What You Should Know About Your Rights and Responsibilities*;
 - OTDA Form LDSS-3677 and LDSS-3677 NYC *Monthly Report of Support Collected*;
 - Child Support Enforcement Program's *Monthly Notice of Support Payments*; and
 - Notices produced by the Client Notice System (CNS) as a result of the monthly automated process, such as *Excess Support (Sys. Gen.) Active Case* and *Excess Support (Worker Authorized) Active Case* letters. (Refer to the November 17, 2005, *Dear Temporary Assistance Directors* letter, which discusses the automated excess support process, the countable payments eligible to be offset by child support, and certain excess support notices for details.)

2. Desk review request forms are available through several sources. Recipients who wish to request a desk review may obtain a desk review request form by:
 - Telephoning the New York State Child Support Customer Service Helpline (CSH) at 1-888-208-4485 (TTY: 1-866-875-9975) (Relay Service www.fcc.gov/cgb/dro/trs_providers.html);
 - Visiting their local district Child Support Enforcement Unit (CSEU) or SCU reception areas (see the *Dear Colleague* letter dated April 22, 2008, entitled *Availability of Desk Review Request Form and Instructions*, for further information); or
 - Accessing the *Custodial Parent Services* link within the New York State child support website at newyorkchildsupport.com.

3. When a recipient requests a desk review request form, the recipient must be provided with a standard request form *Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections* (**Attachment 2**) and *Information and Instructions for Completing the Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections* Form (**Attachment 3**) to assist in completion of this form.

4. The recipient must be provided with or must obtain a return address to submit the completed desk review request form, as follows:
 - Where the CSH is contacted by the recipient for a desk review request form, the CSH will also include a cover letter which provides the SCU address for return of the request form.
 - Where the recipient receives the standard request form and instructions from the CSEU or SCU, the local district must ensure that the SCU address is provided for submittal of the completed form.
 - Where the recipient obtains the standard request form and instructions from the child support website, a link is provided for obtaining the appropriate local district address.

B. First-Level Desk Review

After obtaining a standard first-level desk review request form from one of the methods identified in Section V.A., the recipient must complete and submit the request form to the SCU address provided, and may include documentation to support their request. Upon receipt of a *Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections*, the SCU and TA Unit jointly conduct the desk review.

1. SCU Procedures

The SCU must complete the desk review procedures outlined in Section V.B.1.a. through e. within fifteen (15) calendar days from the date that the SCU receives the first-level desk review request.

a. Review the First-Level Desk Review Request Form for Critical Information

- i. The SCU must receive the desk review request form and review the request form to ensure that the recipient has provided the following critical information:
 - necessary information (e.g., name and Social Security number or Individual Taxpayer Identification Number) to identify the recipient and related CSMS account number(s) and TA case number(s);
 - the recipient's current mailing address;
 - the period(s) for which the recipient requests the desk review;
 - the type of payment(s) involved, which can include a pass-through payment and/or cumulative excess support payment; and
 - the reason(s) or factor(s) which the recipient believes led to the recipient's non-receipt of the identified type of payment(s), including review of any documentation provided to support their request.

- ii. If **critical information is missing** from the desk review request form that will not enable the SCU to identify the correct CSMS account number(s), and the SCU is unable to obtain the required information from internal records or from the recipient submitting the request, the SCU must conclude the desk review. The SCU must complete the *First-Level Desk Review Determination (Attachment 4)*, by checking the appropriate box(es) and mailing the determination to the recipient promptly but no later than fifteen (15) calendar days from the SCU's receipt of the desk review request form. This form should be reproduced on SCU letterhead for this purpose. The determination must include a copy of the original desk review request form.

Note: Because no CSMS account was located, no status and reason codes can be set. In the event the recipient obtains the missing critical information to identify the child support account(s) or TA case(s), the recipient may resubmit the original first-level desk review request form with the missing critical information or obtain a new desk review form for submittal to the SCU. The SCU must maintain a copy of the determination letter for their records should further information be submitted.

- iii. Where the SCU determines the appropriate CSMS account(s) based on the critical information provided, the SCU must enter status and reason code **H001 04 (REQUEST FOR DESK REVIEW RECD)** on the CSMS IVDJSI screen for each account to record that the desk review request has been received. The status and reason code must record the date that the first-level desk review request was received in the EFF ST DT field.

Note: A forthcoming ASSETS release will advise SCUs of the systematic setting of status and reason code **H001 04 (REQUEST FOR DESK REVIEW RECD)** when actions in Section V.B.1.b. are completed. Until such time, SCUs must manually enter the status and reason code as instructed.

b. **Confirm Receipt of the First-Level Desk Review Request**

The SCU must acknowledge receipt of the desk review request form immediately through use of the *Confirmation of Receipt of Your Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections (Attachment 5)*.

The SCU must complete the information required on the confirmation letter and mail the letter to the recipient at the address provided on the desk review request form.

c. **Confirm the Period that Must be Included in the Desk Review**

The SCU must confirm the appropriate review period for the desk review based upon the recipient's request form.

- i. For a desk review of a **pass-through payment**, the desk review is limited to an accounting of the distribution and disbursement of support collections made during the calendar year in which the desk review is requested and the calendar year preceding the calendar year in which the desk review is requested for pass-through payments. The SCU must conduct the desk review for the period(s) requested on the desk review request form, plus up to the two consecutive months that follow each period requested if appropriate. Refer to *Information and Instructions for Completing the Calculations Worksheet for Desk Review of Pass-through Payments (Attachment 7)* for a definition of this payment type.
- ii. For a desk review of a **cumulative excess support payment**, a collection and disbursement must be made during the calendar year in which the desk review is requested or the calendar year preceding the calendar year in which the desk review is requested in order to be eligible for a desk review. However, after a determination is made that the desk review request meets the eligibility requirement, the cumulative excess support desk review must be conducted for a period which covers the full period(s) of the TA assignment, and must consider collections, distributions, and disbursements for all periods through to the last month that a disbursement was made to the TA Unit for such assignments. This is necessary in order to accurately determine the correct amount of cumulative excess support payments. If the period of the cumulative excess support desk review requires records not available on ASSETS or CSMS (e.g., microfiche or paper records), obtain the ASSETS/CSMS archived collection, distribution and disbursement information needed. Copies of any archived records used in the cumulative excess support desk review must be maintained to support the desk review and made available to OTDA upon request with notification that a second-level desk review has been requested (see Section V.C.1.b.). Refer to *Information and Instructions for Completing the Calculations Worksheet for*

Desk Review of Cumulative Excess Support Payments (Attachment 9) for a definition of this payment type.

Note: For purposes of determining the date that is to be used to capture the opening balance of unreimbursed assistance, CSMS uses the date of TA initial eligibility or the date of birth of the oldest child, whichever is later. Where medical verification has been provided to the TA Unit and that Unit has made a referral to the child support enforcement unit, this period should include the period of time that the recipient was pregnant.

d. Conclude the Desk Review with No Calculations Worksheet

i. If upon review of the critical information provided on the request form per Section V.B.1.a., and the period determination made for the desk review per Section V.B.1.c., the SCU determines that the desk review can be concluded and that no calculations worksheet will be required, the SCU must conclude the desk review. The desk review can be concluded prior to completing a first-level calculations worksheet where the following circumstances are verified:

- The desk review request was completed and submitted by a person who is not the recipient of TA entitled to claim non-receipt of a support pass-through payment, and the person requesting the review is not entitled to such information (see the *Dear Colleague* letter dated June 1, 2007, entitled *Release of Information to Requesting Party* for further information);
- The desk review request is for a pass-through payment and the request period is not within the calendar year in which the desk review request was submitted or the prior calendar year;
- The desk review request was received from a custodial parent who was never a recipient of TA or who had no support account established with the SCU at any time during the period(s) for which the review is requested;
- There were no collections received during the calendar year in which the desk review request was submitted or the prior calendar year;
- The type of collection received was not appropriate for the type of desk review requested (e.g., the desk review is for a pass-through payment and the collection is the result of a federal income tax refund offset);
- The desk review request does not involve a matter that can be addressed by the SCU or the TA Unit; or

- The CSMS account record indicates that the support collected was forwarded to another local district SCU or another state for distribution.
- ii. Where one or more of the circumstances in Section V.B.1. d.i. is met and the SCU concludes the desk review, the SCU will complete the *First-Level Desk Review Determination (Attachment 4)* by checking the appropriate box(es) and mailing the determination to the recipient promptly, but no later than fifteen (15) calendar days from the SCU's receipt of the desk review request form, by first class mail. The determination must include a copy of the original desk review request form.
 - iii. The SCU must enter new status and reason code **H901 12 (DESK REVIEW CONCLUDED-NO WKSHT)** to conclude the desk review, and enter remarks for actions taken regarding the desk review request on the CSMS IVDJRR record (e.g., *Pass-through desk review requested for a period beyond the allowable period. Desk review concluded. Determination letter sent to CP on 4/1/XX*). No further action is required.
- e. **Prepare a Calculations Worksheet for Desk Review**
- i. Where the first-level desk review is not concluded per Section V.B.1.d., the desk review will require that a calculations worksheet be completed. The SCU must determine the types of information needed to conduct the desk review. If the recipient did not provide the information necessary to complete the calculations worksheet, the SCU must make reasonable efforts to obtain the information, which might include contact with:
 - the sources of collections, including income withholders, noncustodial parents, another county SCU, or another state's IV-D agency to obtain information or documentation relevant to the support collections under review;
 - another county SCU or another state's IV-D agency to obtain information or documentation relevant to the support account; or
 - the TA Unit to obtain information or documentation regarding the TA case.

All efforts made by the SCU to obtain information must be fully documented on the remarks record.

- ii. The SCU must conduct a conference with the recipient, if requested by the recipient on the desk review request form. The SCU must conduct the conference by telephone or in person promptly but no later than seven (7) calendar days from receipt of the desk review request form and must allow the recipient to present documentation or information to support their desk review request. That documentation or information becomes part of the desk review record.
- iii. The SCU must review the CSMS account records and confirm that the information is accurate. Some potential problems include:
 - CAN or CIN does not match CSMS account records: the SCU must review CSMS records to determine the TA case number (CAN) or client identification number (CIN) that is being used and validate whether it is correct. If it is not, the correct CAN or CIN must be obtained and corrected. Please refer to the *Dear Colleague* letter dated May 28, 2004, for improvements to the WMS data match process regarding CAN/CIN.
 - TA status on CSMS: the SCU must review CSMS records to determine if there has been a change in TA status. If a change in TA status has occurred, the appropriate adjustments to CSMS, such as building a TA ledger or terminating a TA ledger (converting the account to, or de-converting the account from, TA) must be completed. Additionally, other CSMS adjustments such as a change in a distribution switch from a “3” (*disburse no money*) to a “1” (*disburse all applied per court order*) may be necessary so that any collections which have not been disbursed will be disbursed.
 - A collection is not on record: the SCU must review any proof of collections submitted to locate funds which are alleged to have not been applied to a CSMS account, and apply the funds appropriately. The SCU must also review suspense accounts to identify collections not yet applied to the intended CSMS account.
- iv. If CSMS account maintenance is required, the SCU must complete the account maintenance within two (2) business days of receipt of the desk review request and prior to completing the calculations worksheet required for the desk review. Any adjustments to the CSMS account or disbursements of collections received that were not distributed appropriately and which will change or impact the period of the desk review must be completed and incorporated into the desk review (e.g., after account

maintenance is performed, collections previously disbursed to DSS are adjusted and are now to be distributed to the family, the reporting of the disbursement of those collections for that month must accurately reflect the adjustment).

v. Based on the type of payment identified by the recipient on the desk review request form, the SCU must complete the required steps recording the collection and disbursement information identified on one or more of the following:

- *Calculations Worksheet for Desk Review of Pass-through Payments (Attachment 6)*. Complete Steps 1 and 2 following the instructions provided in **Attachment 7**; or
- *Calculations Worksheet for Desk Review of Cumulative Excess Support Payments (Attachment 8)*. Complete Steps 1 and 2 following the instructions provided in **Attachment 9**.

vi. After completion of the appropriate steps, enter the SCU worker's name, initials, title, telephone number, and the date that the SCU's portion of the calculations worksheet is completed by the SCU.

vii. Forward to the TA Unit the calculations worksheet, the original desk review request form, and any documentation provided within fifteen (15) calendar days of the SCU's receipt of the desk review request form. The SCU should retain a copy of the desk review documents until the desk review is completed by the TA Unit and the desk review determination package is received.

f. Additional SCU Steps Required After the TA Unit Completes the First-Level Desk Review

i. When the TA Unit completes actions required for a first-level desk review as identified under Section V.B.2., the SCU will receive a copy of the first-level determination package (see further details in Section V.B.2.c.). Upon the SCU's receipt of a copy of the first-level determination package from the TA Unit, the SCU must review the results, enter the status and reason code **H901 04 (DESK REVIEW W/WRKSHT COMPLETED)** and enter remarks to support the desk review on the IVDJRR screen (e.g., *Pass-through desk review completed. CP entitled to additional payment of \$100.00 on 12/1/XX*).

- ii. Where the cumulative excess support calculations worksheet included with the first-level determination package reports assistance repayments to TA not previously known to the SCU and that impact the CSMS unreimbursed assistance balance, SCU workers must complete a *Support Collection Unit Notification to State of Unreimbursed Assistance Adjustment as a Result of a Cumulative Excess Support Payment Desk Review* form (**Attachment 10**) and provide the completed form to the state as instructed on the form.
- iii. Where the SCU determines that the reported assistance payments to TA do not impact the CSMS unreimbursed assistance balance, no further action is required.

2. **TA Unit Procedures**

The SCU will provide the TA Unit with the calculations worksheet, the original desk review request form, and any documentation provided with the first-level desk review request. The TA Unit must complete the desk review procedures outlined in Section V.B.2.a. through c. within thirty (30) calendar days, but no later than forty-five (45) calendar days from the date that the SCU received the first-level desk review request.

- a. **Required Steps to Prepare for Completion of the First-Level Desk Review**
 - i. Review the TA CAN and CIN that the SCU has provided on the calculations worksheet to ensure that it matches the TA case information. If the information does not match, contact the SCU to resolve the discrepancy.
 - ii. Review the TA case address and make sure it is the same address the SCU has provided. If the information does not match, contact the SCU to resolve the discrepancy.
 - iii. Review the time period that the desk review request is for to determine if payment information is needed other than what is available through BICS. If so, obtain the archived payment information needed. This should only be needed for desk review requests for cumulative excess support payments. Copies of all TA Unit records used in the desk review must be maintained to support the desk review and made available to OTDA when notification is sent that a second-level desk review has been requested (see Section V.C.1.b.).

Note: When determining the start date of the assistance period that is to be used to capture payment history for the

cumulative excess support desk review process, the TA Unit must use the date the TA case first opened unless the recipient was in receipt of assistance while pregnant. In these instances the start date of the assistance period that is to be used to capture payment history for the cumulative excess support desk review process must be the date the pregnancy was medically verified.

- iv. Review the case payment history to determine if any benefits have been expunged and should be reissued. This can be done by reviewing BICS or by reviewing the EBT report *EBT – Workers Action Lists*.
- v. Review the *IV-D MRB/A Exception Reports [WIV5CX]* for the period being reviewed to ensure all pass-through payments have been made. If there are outstanding pass-through payments that have not been issued, issue the outstanding pass-through payments prior to completing the desk review worksheet. See ABEL transmittal 09-5, Information #3.
- vi. Review Section B of the CSMS-8649 Report, *Obligation and Collection Greater than Assistance Granted*, to ensure that the case being reviewed does not appear on this report. If the case does appear on the CSMS-8649 Report, refer to 09-ADM-21, Section V.A., entitled *Required Action* and take the necessary steps before beginning the TA Unit portion of the desk review.

b. Complete the Desk Review Calculations Worksheet

- i. Based on the information gathered in the steps listed in Section V.B.2.a., calculate the amount of the pass-through or excess support payments by completing and finalizing the required steps in the appropriate desk review calculations worksheet as follows:
 - *Calculations Worksheet for Desk Review of Pass-through Payments (Attachment 6)*. Complete Steps 3, 4, 5, and 6 following the instructions provided in **Attachment 7**; or
 - *Calculations Worksheet for Desk Review of Cumulative Excess Support Payments (Attachment 8)*. Complete Steps 3, 4, 5, 6, 7, and 8, as appropriate, following the instructions provided in **Attachment 9**.
- ii. Upon completion of the calculations worksheet, the results of the first-level desk review will be one of the following:
 - no additional payment is due to the recipient;

- an additional payment is due to the recipient; or
- the recipient has been paid too much money; and
- support payments have been identified for future months.

iii. On the calculations worksheet, enter the TA Unit worker's name, initials, title, telephone number and the date that the calculations worksheet is completed by the TA Unit.

c. Complete the *First-Level Desk Review Determination Letter*

i. The TA Unit must review any comments provided by the SCU on the calculations worksheet which may include, but are not limited to, one or more of the following:

- a change in the type of desk review that was conducted;
- a portion of the months included in the desk review request are outside of the allowable time period;
- collections have not been received for the periods identified;
- the collection received is not appropriate for the type of desk review requested; or
- an adjustment was done to the CSMS account.

ii. Prepare a *First-Level Desk Review Determination* letter (**Attachment 4**) on TA Unit letterhead by checking the appropriate box(es) indicating the results and, if applicable, providing the amount and projected date of any payment due to the recipient or the amount of any overpayment calculated. The letter must be issued to the recipient within forty-five (45) calendar days of the SCU's receipt of the desk review request form.

iii. Include the name and telephone number of the TA Unit worker completing the determination letter.

iv. The determination letter identified in Section V.B.2.c.ii. must include a copy of:

- the completed calculations worksheet(s) used as part of the review process;
- the original *Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections* form and any documentation provided by the recipient for the desk review;
- the *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections* form (**Attachment 11**); and

- *Information and Instructions for Completing the Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections (Attachment 12).*

Collectively, these documents shall be referred to as the *first-level determination package*.

- v. The TA Unit must mail the first-level determination package to the recipient by first class mail. A copy must be sent to the SCU so that the CSMS account records can be updated with the correct status and reason code. The TA Unit must retain a copy of the entire first-level determination package (excluding Attachments 11 and 12) in the TA case file.

Note: The first-level desk review determination letter advises the recipient that a second-level desk review by OTDA may be requested if the recipient disputes specific facts contained in the first-level desk review determination, and provides notice of the opportunity for the recipient to provide additional but previously unavailable documentation to OTDA for consideration in the second-level review.

d. Required Actions as a Result of the Desk Review

- i. The TA Unit must disburse additional pass-through or cumulative excess support payments identified as a result of the desk review no later than thirty (30) calendar days from the date of the determination letter. Where a payment is determined to be due to the recipient, the TA Unit must first review the record to ensure that the appropriate payment due to the recipient has not been previously issued by another worker or, in the case of a cumulative excess support payment, by the automated cumulative excess support process before processing the payment due.
- ii. If the payment has not been issued, the TA Unit must issue the appropriate payment.
- iii. If the payment due to the recipient has been previously issued, no further action is required.
- iv. If the recipient has received pass-through or cumulative excess support payments in error, a recovery of the overpayment may be pursued by any authorized means.

C. Second-Level Desk Review

Recipients may request a second-level review of the SCU/TA Unit's desk review determination if they do not agree with the first-level determination. A request for a second-level review must be submitted to OTDA by completing and mailing a *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections (Attachment 11)* within twenty (20) calendar days of the date of the SCU/TA Unit's desk review determination.

Upon receipt of a *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections* form, OTDA conducts the second-level desk review. The results of the desk review must be provided to the recipient in accordance with the timeframes established in 18 NYCRR 347.25.

1. Notification of Receipt of Second-Level Desk Review Request

- a. OTDA must notify the local district of receipt of the second-level desk review request immediately through use of the *Notification of a Second-Level Desk Review Request (Attachment 14)*. The notice will advise the local district that a second-level desk review has been received.
- b. In addition, the notice requires that the TA Unit promptly provide copies of all TA Unit records used in the first-level desk review that are not available electronically. Where the box on the notice is checked indicating that copies of archived SCU collection, distribution, and disbursement records not available electronically through ASSETS/CSMS are required, the SCU must promptly provide copies of the archived records used in the first-level desk review.
- c. The return date(s) for the TA Unit and SCU to provide the required copies of records will be provided on the notice. The TA Unit and SCU may provide the required copies of records by e-mail, fax, or mail to the address(es) identified on the notice with a copy of the *Notification of a Second-Level Desk Review Request* received from OTDA.

2. Referrals from OTDA to the SSD for Information to Complete the Second-Level Desk Review and Required SSD Actions

- a. Where a second-level desk review cannot be completed by OTDA because additional information is required, a *Request for Additional Information to Support Second-Level Desk Review (Attachment 15)* shall be completed to identify the information or action that is required and shall be submitted to the appropriate SCU that conducted the first-level desk review. Instances in which additional information may be requested include, but are not limited to, those identified on the *Request for Additional Information to Support Second-Level Desk Review*.

- b. The SCU must promptly review the *Request for Additional Information to Support Second-Level Desk Review* from OTDA. If the reason for the request for additional information does not impact or change the results of collections, distributions, and disbursements as reported in the first-level desk review, the SCU must promptly forward the *Request for Additional Information to Support Second-Level Desk Review* to the TA Unit.
- c. If the reason for the request for additional information impacts or changes the results of collections, distributions, and disbursements as reported in the first-level desk review, the SCU must promptly complete all required actions involving the child support program and/or CSMS. If the required actions are due to CSMS account maintenance adjustments that impact the collection, distribution and disbursement information for the month(s) or period of review, it will be necessary to complete a new calculations worksheet and the appropriate box identifying the worksheet as “revised” must be checked.
- d. Upon completion of all required SCU actions in Section V.C.2.c., the SCU must forward the *Request for Additional Information to Support Second-Level Desk Review* and any revised calculations worksheet to the TA Unit for completion.
- e. The TA Unit must promptly review the *Request for Additional Information to Support Second-Level Desk Review* from the SCU. If the reason for the request for additional information does not impact or change the results of the calculations of the amount of the pass-through or cumulative excess support payments the recipient was entitled to as reported in the first-level desk review, the TA Unit must promptly, but no later than the date specified on the *Request for Additional Information to Support Second-Level Desk Review*, return the *Request for Additional Information to Support Second-Level Desk Review* to OTDA.
- f. If the reason for the request for additional information impacts or changes the results of the calculations of the amount of the pass-through or excess support payments the recipient was entitled to, the TA Unit must promptly complete all required actions involving the TA program and/or WMS, including any revisions required to the TA Unit’s section of the first-level desk review worksheet. If a revised worksheet has been included by the SCU, the TA Unit must complete the revised worksheet accordingly.
- g. Upon completion of the review in Section V.C.2.g., the TA Unit must complete the *Request for Additional Information to Support Second-Level Desk Review* form and any revised calculations worksheet and forward the documents to OTDA on or before the

date specified so that the second-level desk review may be completed.

3. Completing the Second-Level Desk Review

- a. OTDA must issue a second-level desk review determination in writing to the recipient using the *Second-Level Desk Review Determination (Attachment 13)* letter in accordance with the timeframes established in 18 NYCRR 347.25.
- b. A copy of the *second-level determination package*, which includes a revised or confirmed calculations worksheet and new documentation considered in the second-level desk review, must be mailed to the recipient by first class mail, and a copy must be sent to the SCU and the TA Unit with instructions to process a payment to the recipient or arrange for an overpayment, if appropriate. OTDA will update CSMS account record(s) with the correct status and reason code(s).

Note: The second-level determination letter advises the recipient that a review under Article 78 of the Civil Practice Law and Rules of the OTDA determination may be filed within four (4) months of the date of the determination letter if the recipient disputes specific facts contained in that determination. Further, the recipient will be advised that if legal assistance is required, they may wish to contact a local not-for-profit legal services corporation. The telephone number of a local not-for-profit legal services corporation will be provided.

4. Additional SCU Steps Required After OTDA Completes the Second-Level Desk Review

- a. When OTDA completes the actions required for a second-level desk review as identified in Section V.C.3., the SCU will receive a copy of the second-level determination package.
- b. Upon the SCU's receipt of a copy of the second-level determination package from OTDA, the SCU must review the cumulative excess support calculations worksheet included with the second-level determination package. Where the sum of the amounts reported in Step 5 of the calculations worksheet for the *Total Unreimbursed Temporary Assistance Amount for Period* and *Total Amount of Previous Payments Sent to the Recipient* differ from the sum of the **NET-PA-PAYMENTS** field on the CSMS IVDJCH record or on the client tab in ASSETS, the SCU must complete a *Support Collection Unit Notification to State of Unreimbursed Assistance Adjustment as a Result of a Cumulative*

Excess Support Payment Desk Review form (**Attachment 10**) and provide the completed form to the state as instructed on the form.

- c. Where the SCU determines that the reported assistance payments to TA do not impact the CSMS unreimbursed assistance balance, no further action is required.

5. Additional TA Unit Steps Required After OTDA Completes the Second-Level Desk Review

- a. When OTDA completes the actions required for a second-level desk review as identified in Section V.C.3., the TA Unit will receive a copy of the second-level determination package with instructions to process a payment to the recipient or to arrange for recovery of an overpayment, if appropriate.
- b. Upon the TA Unit's receipt of a copy of the second-level determination package and instructions from OTDA, where a payment is determined to be due to the recipient, the TA Unit must first review the record to ensure that the appropriate payment due to the recipient has not been previously issued by another worker or by the automated cumulative excess support process before processing the payment due.
 - i. If the payment has not been issued, the TA Unit must issue the appropriate payment.
 - ii. If the payment has been previously issued, no further action is required.
 - iii. Upon the TA Unit's receipt of a copy of the second-level determination package and instructions from OTDA, if the recipient has received pass-through or excess support payments in error, a recovery of the overpayment may be pursued by any authorized means.

VI. Systems Implications

There are no systems implications.

VII. Additional Information (Optional)

The SCU and TA Unit must maintain the case records for all desk reviews for six (6) years from the date of either the first or second-level desk review determination, whichever is later.

VIII. Effective Date

This ADM is effective immediately.

Issued By

Name: Kevin J. Boyle
Title: Acting Deputy Commissioner and Director
Division/Office: Center for Child Well-Being

Issued By

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports