Administrative Directive

Section 1

Transmittal:	12-ADM-03
To:	Local District Commissioners
Issuing Division/Office:	Center for Child Well-Being/Division of Child Support Enforcement
Date:	May 1, 2012
Subject:	Information about Child Support Services and Application/Referral for Child Support Enforcement Services (LDSS-4882)
Suggested Distribution:	Child Support Enforcement Coordinators Temporary Assistance Directors Medicaid Directors Foster Care Supervisors IV-D Attorneys DSS Attorneys
Contact Person(s):	Division of Child Support Enforcement at 800-343-8859, Extension 30574 Office of Legal Affairs at 518-474-9502
Attachments:	Attachment 1 - LDSS-4882, *Information about Child Support Services and Application/Referral for Child Support Services* Attachment 2 - LDSS-4882A, *Information about Child Support Services* Attachment 3 - LDSS-4882B, *Information for an Additional Noncustodial Parent (NCP) / Putative Father (PF)* Attachment 4 - LDSS-4882C, *Information for an Additional Child* Attachment 5 - *Application Cover Letter* Attachment 6 - *Intake Guidance Document*
Attachment Available On – Line:	☒

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-5 03 ADM 5 08-ADM-10 09-ADM-23 10-ADM-01 10-ADM-02 10-ADM-04	None	18 NYCRR 346.2; 347.3(a)(14); 347.5; 347.17; 360-3.2; 369.2; 369.7; 370.2(c);	SSL§§ 111-b (2-a), 111- g, 348(4); DRL §§ 236B(7)(b), 240(1)(a); FCA §§ 423, 523; 45 CFR 302.15, 302.33, 303.2		*Dear Colleague* letter issued April 12, 2005 *Dear Colleague*

		370.9; 422.2; 422.3; 422.4; 422.5; and 426.8			letter issued August 10, 2007

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Section 2

I.   Summary

This Administrative Directive (ADM) introduces a new form, LDSS-4882, *Information about Child Support Services and Application/Referral for Child Support Services* (**Attachment 1**). The LDSS-4882 includes a detachable *Application/Referral for Child Support Services* form which is used by families to obtain child support services and by local Temporary Assistance (TA), Medicaid (MA), and Foster Care (FC) programs to refer individuals to the Child Support Enforcement Unit (CSEU). In addition, the LDSS-4882 includes an *Information about Child Support Services* section that provides important information about the child support program, including descriptions of available child support services; the rights and responsibilities resulting from paternity establishment; the right to notice of legal proceedings; distribution policies; legal services and cost recovery; applicable fees; and payment and contact information. Information and instructions are provided regarding the use of the LDSS-4882. The impact of the LDSS-4882 on existing forms, notices, and TA (Family Assistance [FA] and Safety Net Assistance [SNA]), MA, and Title IV-E and Non-IV-E FC referrals to the CSEU is also discussed.

Further, instructions presented in 99 ADM-5, issued July 1, 1999, titled *Cooperation with Child Support Enforcement for Temporary Assistance, Medicaid, Foster Care and Child Care Services Applicants and Recipients*, are improved and clarified in this ADM, including instructions for the required signatures on referrals from the TA, MA, and FC programs to the CSEU. Other methods of applying for child support services (e.g., petition, application, or motion) are also explained. Finally, policy changes regarding applications for child support services in Non-IV-E FC cases are detailed.

Note: Any ADMs referred to herein are available on the Office of Temporary and Disability Assistance (OTDA) Intranet under *Directives, Policy Directives, Administrative Directives (ADM)*. Further, *Dear Colleague* letters (DCL) referenced in this ADM are available on ERS under *Dear Colleague Letters*.

II.   Purpose

This ADM informs social services districts (SSDs) of the new LDSS-4882 and the procedures for its use. The LDSS-4882 replaces the following documents:

- LDSS-2521 and DSS-2521S, *Application for Child Support Services* and Spanish translated version, used by individuals requesting child support services pursuant to Social Services Law (SSL) § 111-g and applicants for SNA and Non-IV-E FC, who must also apply for child support services;

- LDSS-2860, *Child Support Enforcement Referral*, for TA, MA, and Title IV-E FC referrals to the child support program;

- LDSS-3908 and LDSS-3908 SP, *Important Notice Regarding Child Support to Persons Applying for or Receiving Temporary Assistance or Foster Care Maintenance Payments under Title IV-E* and Spanish translated version, provided to TA and FC applicants/recipients; and

- *Notice of Child Support Annual Service Fee*, used by the SSD to notify all new applicants who applied for child support services after October 1, 2008 of the

federally required annual service fee and to give them the opportunity to claim prior receipt of assistance under the federal Title IV-A program.

With respect to the use of the LDSS-4882 as a referral form for TA, MA, and Title IV-E FC programs, this release modifies and improves certain aspects of the guidance provided in 99 ADM-5. For example, 99 ADM-5 required TA and MA workers to complete the LDSS-2860 for referrals to the CSEU. With the implementation of the LDSS-4882, however, TA and MA workers must provide the LDSS-4882 to all appropriate applicants/recipients to complete and return to the CSEU. In addition, new instructions make clear the required signatures on TA, MA, and FC referrals to the CSEU, affirming that the information provided is true and correct. Policy revisions regarding applications for child support services in Non-IV-E FC cases are described in Section V.E.2.b. Further, this release amends any and all such references to the DSS-2521 and/or DSS-2860 forms in 99 ADM-5 and any other related release. 99 ADM-5 will be re-released to reflect the updated guidance established in this release.

In addition, the discontinuance of the LDSS-3908 and the *Notice of Child Support Annual Service Fee* form will not amend instructions unrelated to the forms in their associated policy documents (see 10-ADM-04, issued June 18, 2010, titled *Increase in the Pass-through and Disregard of Support Payments – Phase II*; 10-ADM-01, issued February 25, 2010, titled *Changes to Assignment of Support Rights and Child Support Distribution in Current-Assistance Cases;* and 08-ADM-10, issued November 10, 2008, titled *Deficit Reduction Act (DRA) Annual Service Fee for Child Support*, respectively).

III.   Background

Title 45 of the Code of Federal Regulations (CFR), Section 302.33, requires states to provide child support services to individuals not receiving assistance under Title IV-A of the federal Social Security Act provided such individuals file an application for child support services. Further, 45 CFR 302.15(a)(1) requires the CSEU/Support Collection Unit (SCU) to maintain records, including records regarding the application for child support services. This requirement is met through the State mandated application form or by application made through the court. In addition, 45 CFR 302.15 directs the maintenance of records regarding other information and documents pertaining to a case, such as referral forms for applicants/recipients of TA, MA, and FC.

Currently, SSDs are required to use the LDSS-2521 and LDSS-2860 to collect pertinent case information from individuals applying for child support services and for TA, MA, and FC referrals to the CSEU. Since the information required for providing child support services is essentially the same for all types of cases, the need to have two distinct forms has been determined to be unnecessary. The LDSS-4882 has been developed to replace these forms.

Federal and State law require the imposition of a mandatory fee of $25 for a family that has never received Title IV-A assistance and for whom the CSEU has collected and disbursed to the family at least $500 of support during the federal fiscal year. Under this requirement, individuals receiving or who have ever received Title IV-A funded TA or Title IV-A funded SNA in New York State, or Title IV-A assistance in any other state, will not be subject to the annual fee. A fee will not be imposed for current FC, Title XIX (medical assistance), or non-IV-A funded SNA cases where assigned support is retained for reimbursement of the cost of such assistance. In the event at least $500 of support is collected and disbursed to the family in such cases, the $25 mandatory fee will be imposed.

Pursuant to 08-ADM-10, all new applicants who apply for child support services after October 1, 2008 are required to be provided with a copy of the *Notice of Child Support Annual Service Fee* by the SSD for their review and to give them an opportunity to claim prior receipt of Title IV-A assistance.

The information necessary to determine if applicants are subject to the federally mandated annual service fee has been incorporated into the LDSS-4882 (refer to *Section A – Applicant/Recipient Information, Applicant/Recipient's Temporary Assistance History*). Applicants are asked to indicate whether they are a current or prior recipient of assistance under the federal Title IV-A program (Temporary Assistance for Needy Families [TANF], formerly known as Aid to Families with Dependent Children [AFDC]). Coupled with the explanation of the annual service fee provided in the LDSS-4882 (refer to *Section 5 – Annual Service Fee*), the need for the separate *Notice of Child Support Annual Service Fee* introduced in 08-ADM-10 is eliminated.

Federal and State regulations, 45 CFR 303.2 and Title 18 of the New York Codes, Rules and Regulations (NYCRR) § 347.3(a)(14), require CSEUs to provide information that describes available child support services, the individual's rights and responsibilities, applicable fees, cost recovery, and distribution policies to all individuals requesting child support services, as well as to all TA, MA and Title IV-E FC applicants/recipients who are referred to the CSEU. When an individual requests child support services, the CSEU must make available all necessary child support services just as it would on behalf of applicants/recipients of TA, except legal services which are provided at the request of the individual (18 NYCRR § 347.17).

SSL § 111-b(2-a) also requires SSDs to notify individuals who may be required to assign support rights of their rights and responsibilities resulting from paternity establishment, of the right of the assignor to be kept informed of any proceeding in which he or she is involved, and that the attorney initiating the proceeding represents the SSD.

SSDs have used the LDSS-3908 and other local notices or brochures to fulfill federal and State notification requirements.   Mandated information is now to be conveyed by means of the *Information about Child Support Services* section of the LDSS-4882, or by the LDSS-4882A, *Information about Child Support Services* (**Attachment 2**), where the individual has made a request for child support enforcement services by application through the Family or Supreme Court (refer to Section V.B.1.b.). Both the LDSS-4882 and the LDSS-4882A, which mirrors the *Information about Child Support Services* section of the LDSS-4882, fully satisfy the federal and State notification requirements and eliminate the need to provide the LDSS-3908 or any other related local notice to applicants/recipients of child support services and applicants/recipients of TA, MA, and FC.

IV.   Program Implications

The CSEU/SCU must have on file an application for child support services as indicated. This includes the LDSS-4882 form; a petition filed with the Family Court; or a written application or motion to the Supreme Court meeting certain requirements (refer to Domestic Relations Law (DRL) §§ 236B(7)(b) and 240(1)(a); Family Court Act (FCA) §§ 423 and 523; SSL § 111-g; and 18 NYCRR §§ 346.2 and 347.17). Individuals applying for child support services directly through the SSD will complete the LDSS-4882. <u>Note</u>: A court order directing payment through the SCU is insufficient for child support services to be provided. The exception is where the individual has already applied for child support services in another SSD or state. Individuals

applying for child support services through the Family or Supreme Court, however, will be required to complete the LDSS-4882 only under the limited circumstances described in Section V.B.1.c.

Further, the LDSS-4882 will function as the application/referral for child support services form for TA, MA, or Title IV-E FC applicants/recipients, where the application and/or approval of the application for benefits constitutes an assignment of support rights, and for Non-IV-E FC cases (refer to SSL § 348(4) and 18 NYCRR §§ 360-3.2, 369.2 (b)(1)(iii)(a), 369.7, 370.9, 422.2, 422.3, 422.4, and 426.8). When a child is placed in FC and the agency determines that a referral should be sent to the CSEU, the FC worker will complete designated sections of the LDSS-4882 on behalf of a child placed in FC.

Note: If the applicant/recipient has multiple children involving different NCPs/PFs (e.g., an applicant/recipient has two (2) children and each child has a different NCP), the applicant/recipient must complete a separate LDSS-4882 for each NCP/PF and the associated child.

Finally, the LDSS-4882 will serve as the data entry form for the ASSETS case building module, resulting in more efficient case building.

The multi-purpose LDSS-4882, therefore, will be the primary information collection tool for all child support case types. The LDSS-4882 replaces the LDSS-2521, LDSS-2860, *Notice of Child Support Annual Service Fee*, and any local equivalents.

The LDSS-4882 (and the LDSS-4882A, which mirrors the *Information about Child Support Services* section of the LDSS-4882) also describes available child support services; the rights and responsibilities resulting from paternity establishment; the right to notice of legal proceedings; distribution policies; legal services and cost recovery; applicable fees; and payment and contact information. As such, all federal and State notification requirements are fulfilled in the LDSS-4882. Therefore, the LDSS-3908 or any other related local notices or brochures will become obsolete with the implementation of the LDSS-4882.

V.   Required Action

With few exceptions, the parents of a child under the age of twenty one (21) years are chargeable with the support of the child (FCA § 413). An individual may apply for child support services only for persons who have not attained twenty-one years (21) of age. Further, a referral for child support services must be completed for appropriate applicants for or recipients of TA, MA, or FC (18 NYCRR §§ 360-3.2 (c), 369.2(b), 370.2(c), 422.5, and 426.8). An applicant/recipient may either be the custodial parent; guardian (i.e., an individual who is not the parent, but has physical custody of at least one child under the age of twenty-one [21]); noncustodial parent; putative father; a child under the age of twenty one (21); or some other individual related to the child (45 CFR 302.33; FCA §§ 422 and 522). For SNA referrals, the applicant for child support services is the Commissioner or Designee of the SSD. Relatives or other suitable persons with whom the child is directly placed under child welfare supervision are also eligible for child support services (e.g., cases involving abuse and neglect, juvenile delinquents, or persons in need of supervision [PINS]). If the child is in FC, the applicant is the Commissioner or Designee of the SSD or the Commissioner or Designee of the Office of Children and Family Services (OCFS).

Parties seeking support or who are subject to an order of child support or child and spousal support issued in another state may apply for child support services directly with a CSEU located in New York State. However, child support services cannot be provided for persons who are emancipated or who have reached the age of majority pursuant to another state's order of support. That is because according to FCA § 580-604, the laws of the issuing state govern the nature, extent, amount and duration of current payments and other obligations of support. As such, a party cannot apply for child support services in another state simply to prolong the duration of the support obligation.

If another state's IV-D agency initiates a request for child support services, the CSEU should honor the request. States must make child support services available to residents of other states on the same terms as these services are provided to residents of New York State. For more information regarding cooperation with a different state or SSD, refer to 18 NYCRR § 347.11.

A.   **Child Support Services through Application to CSEU under SSL § 111-g**

An individual may apply for child support services by completing and signing a form as prescribed by OTDA, namely the LDSS-4882.

1.   **CSEU Worker Action**

a.   Distribute the LDSS-4882: Provide the LDSS-4882 to all individuals requesting child support services. The CSEU must ensure it has sufficient forms available to provide the LDSS-4882 to any individual the same day the request is made in person, and to send the LDSS-4882 to any individual within five (5) business days of receiving a written or telephone request for child support services.

Note: The customer service representatives (CSRs) at the New York State Child Support Customer Service Helpline (CSH) will also provide information about the availability of the LDSS-4882 on the New York State child support website at childsupport.ny.gov to individuals who call the CSH to request child support services. Upon request, the CSR will send the LDSS-4882 to individuals.

b.   Review the LDSS-4882 for completeness: If still attached upon receipt, detach the *Application/Referral for Child Support Services* and return the *Information about Child Support Services* section of the LDSS-4882 to the applicant. Review the LDSS-4882 for completeness and for confirmation that the applicant has signed the LDSS-4882 in the appropriate area. Establish if the applicant has provided the CSEU with sufficient information to build the case and to determine the next step in proceeding with the provision of child support services. Ensure that the applicant has provided the data elements required to identify and locate the NCP/PF as described in Section V.C.3.a. If sufficient information has <u>not</u> been provided, interview the applicant to obtain the necessary information.

c.   Examine the supporting documentation: Examine the submitted documentation as identified in *Section B – Supporting Documentation*. Compare information listed on the LDSS-4882 to data contained in the

supporting documentation. For example, verify that each party's name as listed on the LDSS-4882 reflects the exact first name, middle name or initial, last name, and any applicable suffix as recorded on the provided supporting documentation. Similarly, verify the listed information regarding each party's Social Security number (SSN) or Individual Taxpayer Identification Number (ITIN); date of birth; mailing and residential addresses, including floor, apartment or suite numbers; and employer information. Reconcile any discrepancies by contacting the applicant to determine the correct information.

Further, determine which documents support the provision of child support services through automated processes; identify information to be referenced when building the case. Finally, determine which documents have evidentiary value for court proceedings. For example, in cases where the SSD is a party to the action in court and there has been an assignment of support rights, retain documents such as W-2's; pay stubs; the most recently filed federal tax returns and all schedules; benefit notices or letters; award letters; and proof of child care, educational, and unreimbursed health care expenses. These documents may then be made available to the court to aid the court in establishing, modifying, or enforcing support obligations.

d. Record receipt of the LDSS-4882: After review of the LDSS-4882 and supporting documentation, complete the *Child Support Enforcement Unit/Support Collection Unit Representative* and *Date* areas on page A-8 of the LDSS-4882 under *Agency Use Only* to indicate receipt of the LDSS-4882.

e. Build the case: Use the completed LDSS-4882 to enter information into the ASSETS case building module within twenty (20) calendar days of receiving an application/referral for child support services (18 § NYCRR 347.18[a]). For information on how to access the ASSETS case building module, refer to the *ASSETS User Guide* on ERS, under *Systems*, *ASSETS*, *User Documentation*.

If the applicant provides an ITIN instead of a SSN, enter the nine-digit number in the designated field. The ITIN is a tax processing number issued by the Internal Revenue Service (IRS) that must begin with the number 9. For more information on the ITIN, refer to the *Dear Colleague* letter dated April 12, 2005 regarding the entering of ITINs on CSMS.

When the case has been built, fill in the *New York Case Identifier* and *Worker Code* on page A-8 of the LDSS-4882 under *Agency Use Only*. Check the *Child Support Services Application (Non-TA)* box.

f. Change in payee: The CSEU must obtain a completed and signed LDSS-4882 from the individual requesting child support services in order to process a change in payee in those cases where the individual already has a pay direct order from the Family or Supreme Court.

g.   Legal services: If the applicant requests legal services, the CSEU must complete the LDSS-4920, *Right to Recovery Agreement for Legal Services*, for the applicant's notarized signature. The applicant must review the LDSS-4920 for information about costs and then sign and return the LDSS-4920 to the CSEU if legal services are requested (refer to 10-ADM-02, issued March 23, 2010, titled *Legal Services and Cost Recovery for Recipients of Child Support Services*).

2.   **Applicant Action**

a.   Complete the LDSS-4882: Individuals requesting child support services must complete the LDSS-4882 in order to receive such services, unless the individual has made application through the court (refer to Section V.B.1.b.).

Space is provided on the LDSS-4882 to accommodate information for one NCP/PF. If support for the child is sought from more than one NCP at this time (e.g., a child under the age of twenty one [21] requests child support services) or the applicant provides several possible PFs for the child, the applicant must also provide information about each additional NCP/PF. A copy of a blank *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* (page A-3 and page A-4 of the LDSS-4882) may be made and completed. Alternatively, the applicant may complete an LDSS-4882B, *Information for an Additional Noncustodial Parent (NCP) / Putative Father (PF)* form (**Attachment 3**), for each additional NCP/PF. The LDSS-4882B will be made available on the OTDA Intranet under *Resources, LDSS E*-Forms and on the New York State child support website at childsupport.ny.gov. If an LDSS-4882B or a completed copy of *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* is attached to the LDSS-4882, the applicant must check the box under *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* at the top of page A-3 of the LDSS-4882 to indicate that information about additional NCP(s)/PF(s) is being provided. If the LDSS-4882B is used, the applicant must indicate the number of LDSS-4882B forms attached to the LDSS-4882 by entering the page information at the top of page 1 of each LDSS-4882B.

Further, space is provided on the LDSS-4882 to accommodate information for one child. If the application for child support services is for a case involving more than one child, the applicant must also provide information about each additional child. A copy of a blank *Part III - Child Information* (page A-5 of the LDSS-4882) may be made and completed for each child as necessary. Alternatively, the applicant may complete an LDSS-4882C, *Information for an Additional Child* form (**Attachment 4**), for each child as necessary. The LDSS-4882C will be made available on the OTDA Intranet under *Resources, LDSS E*-Forms and on the New York State child support website at childsupport.ny.gov. If an LDSS-4882C or a completed copy of *Part III – Child Information* is attached to the LDSS-4882, the applicant must check the box under *Part III – Child Information* at the top of page A-5 of the LDSS-4882 to

indicate that information for additional children is being provided. If the LDSS-4882C is used, the applicant must indicate the number of LDSS-4882C forms attached to the LDSS-4882 by entering the page information at the top of page 1 of each LDSS-4882C.

In addition, documentation must be provided to verify information on the LDSS-4882 and to support the CSEU's efforts to establish paternity and to establish, modify or enforce an order of support.

When completing the LDSS-4882, the applicant must check *Box 1* in *Section C – Application/Affirmation for Child Support Services*, sign and print his or her name, and enter the date on page A-8 of the LDSS-4882.

The LDSS-4882 and any available supporting documentation must be returned to the CSEU.

b. Legal services: If the applicant wishes to apply for legal services, the applicant must notify the CSEU accordingly by checking the box associated with *Box 1* in *Section C – Application/Affirmation for Child Support Services*. Upon receipt of the CSEU's completed LDSS-4920, the applicant must then sign the LDSS-4920 in front of a Notary Public or Commissioner of Deeds and return it to the CSEU in order to request legal services.

B. Child Support Services through Direct Application to the Court

An individual may request child support services by application made through the Family or Supreme Court. Such request also constitutes an application for child support services if the petition, application, or motion includes a statement signed by the individual requesting services that clearly indicates such person is applying for child support enforcement services (refer to DRL §§ 236B(7)(b) and 240(1)(a); FCA §§ 423 and 523; and SSL § 111-g). From time to time, a court may, on its own motion, issue an order for child support payable to the SCU as a part of related court proceedings. However, such orders do not qualify as an application for child support enforcement services under the federal and state requirements.

1. SCU Worker Action

a. Determine if sufficient information is provided to build the case and account and provide child support services: Upon receipt of a court order made payable through the SCU and a petition, application or motion which includes a statement signed by the individual requesting services that clearly indicates such person is applying for child support enforcement services, the SCU must determine if there is sufficient information to build the case and account and **proceed with the next step of providing child support services**.

Note: When reported by the Family Court, information about the parties to the order can be accessed through the Family Court Interface, an ASSETS module that displays information from the Office of Court

Administration's Universal Case Management System (UCMS). Specifically, the Account Creation Summary (ACS) Report should be retrieved or the UCMS inquiry function accessed. The ACS, an ASSETS-generated court report, can provide information regarding the parties' and children's names, addresses, SSNs, and dates of birth. The ACS can also provide information concerning each party's employment status and name of the NCP's employer, if employed. If the ACS is not available, information about the parties <u>may</u> be found by viewing the roster information on the Court Inquiry page of the UCMS inquiry function. For instructions on how to retrieve the ACS Family Court report or view roster information on the Court Inquiry page of the UCMS inquiry function on ASSETS, refer to the *ASSETS User Guide*.

b.   <u>Sufficient information **is** available to provide child support services</u>: The SCU must perform the required actions as described under Section V.A.1.e. to build the case and then the account. Further, the SCU must provide the LDSS-4882A to the individual who will receive the support (recipient of support) within five (5) business days of receiving the court order. The LDSS-4882A will be made available on the OTDA Intranet under *Resources, LDSS E- Forms* and on the New York State child support website at childsupport.ny.gov. The *Application Cover Letter* (**Attachment 5**) must accompany the LDSS-4882A to acknowledge receipt of the order of support. The *Application Cover Letter* will be made available on ASSETS as a template in the State Folder of the Local Correspondence tab in the Document Generation module. The SCU must check the first box on the *Application Cover Letter* to indicate that all necessary information has been provided and that the SCU will proceed to provide child support services. Further, the SCU must document in the remarks of the case records the provision of the LDSS-4882A to the recipient of support. Thereafter, the SCU must begin to provide child support services.

c.   <u>Sufficient information **is not** available to provide child support services</u>: If there is not sufficient information available to proceed with the next step of providing child support services, the SCU must build the case using the limited information available for purposes of setting a tickler date.

The SCU must then send the LDSS-4882 to the recipient of support along with the *Application Cover Letter*. The SCU must check the second box on the *Application Cover Letter* to advise the recipient of support of the actions to be taken in order to obtain child support enforcement services. Further, the SCU must provide the payor of support with a copy of the *Application Cover Letter*. Finally, the SCU must set a tickler date to serve as a reminder that the recipient of support must return the completed and signed LDSS-4882 within fifteen (15) calendar days from the date of such letter.

d.   <u>LDSS-4882 returned</u>: If the recipient of support returns the completed and signed LDSS-4882 within fifteen (15) calendar days of the date of the *Application Cover Letter*, the SCU must perform the required actions as

described under SectionV.A.1.b. through Section V.A.1.d., update the case as necessary based on the information provided in the LDSS-4882 and the supporting documentation, and build the account.

e. LDSS-4882 not returned: If the recipient of support fails to return the completed and signed LDSS-4882 within fifteen (15) calendar days of the date of the *Application Cover Letter*, the SCU must notify the parties that their case is being closed because the SCU cannot build an account and proceed to provide services without an application for child support enforcement services. The SCU must send a letter to the payor of support, with a copy to the recipient of support, to notify the payor to make support payments directly to the recipient of support. The SCU must then prepare to close the case under case closure criterion 11, *Non-Cooperation* (refer to 09-ADM-23, issued November 16, 2009, titled *Automated Case Closure*).

Note: If the completed and signed LDSS-4882 is received after the case has been prepared for closure but prior to the actual closing of the case, the SCU must accept the LDSS-4882 and remove the case from the automated case closure process. The SCU must then perform the required actions as described under Section V.A.1.b. through Section V.A.1.d., update the case as necessary based on the information provided in the LDSS-4882 and the supporting documentation, and build the account. Further, the SCU must advise the parties in writing accordingly. SSDs may develop a local protocol regarding the means used to update the parties in writing.

2. Applicant Action

In situations where completion of the LDSS-4882 is requested (refer to Section V.B.1.c.), the applicant must provide to the SCU a completed and signed LDSS-4882, including any available supporting documentation.

C. TA Referrals for Child Support Services

1. TA Worker Action

a. Responsibility to refer and distribute the LDSS-4882: TA workers must continue to refer TA applicant/recipients to the CSEU prior to determining TA eligibility. Previous instruction in 99 ADM-5 directed the TA worker to complete the DSS-2860 referral form. With implementation of the LDSS-4882, however, the TA worker must provide the LDSS-4882 to the applicant/recipient for completion. The TA worker must advise the applicant/recipient to provide as much information as possible and to return the completed and signed LDSS-4882 and any supporting documentation to the CSEU. In addition, the TA worker must advise the applicant/recipient that the applicant/recipient must appear at the CSEU for an interview if deemed necessary by the CSEU. Refer to 99 ADM-5 for additional information regarding supporting documentation.

However, the LDSS-4882 must not be provided to the applicant/recipient if the applicant/recipient claims good cause for refusing to cooperate or the existence of a situation requiring referral to the Domestic Violence Liaison. Rather, the determination of the good cause claim, or the domestic violence waiver decision, must be made prior to providing the LDSS-4882 to the applicant/recipient for completion.

The TA worker must notify the CSEU of the good cause claim (18 NYCRR 369.2[b][6]) or the referral to the Domestic Violence Liaison through the use of the LDSS-2859, *Child Support Information Transmittal*. Correspondingly, when the final determination of good cause is made, the TA worker must notify the CSEU through use of the LDSS-2859. The Domestic Violence Liaison, however, must notify the CSEU of the waiver decision. Domestic violence notifications to the CSEU may be made based on local procedures developed to ensure confidentiality (refer to 03 ADM 5, issued June 19, 2003, titled *Child Support and the Family Violence Option*).

If it has been determined that there is not good cause for refusal to cooperate or the Domestic Violence Liaison does not grant a full child support waiver, the TA worker must provide the LDSS-4882 to the applicant/recipient for completion and advise the applicant/recipient to appear at the CSEU for an interview if deemed necessary by the CSEU. The LDSS-4882 must not be provided to the applicant/recipient, however, if has been determined that there is good cause for a refusal to cooperate based on potential physical harm (refer to 99 ADM-5) or a full child support waiver has been granted by the Domestic Violence Liaison. As such, referral actions are necessary only when good cause exists but the CSEU's efforts to establish paternity and secure support without the TA applicant/recipient's participation will not pose risk to the child or caretaker, good cause does not exist, or the Domestic Violence Liaison's assessment has resulted in a partial waiver or no waiver.

b.   Initial required actions: Prior to providing the LDSS-4882 to the applicant/recipient, the TA worker must perform the following actions:

i.   On page A-8 of the LDSS-4882 under *Agency Use Only*, check the *SSD Referral* box and enter the TA case number. Enter the worker name, location, and phone number. Check the appropriate box to identify the TA case type and to indicate whether the case is opening or reopening, or whether changes or updates are being provided. Provide the date of the application/referral.

ii.   If the referral is for a TA case where support for the child is sought from more than one NCP at this time (e.g., a child under the age of twenty one [21] requests child support services) or the applicant/recipient provides several possible PFs for the child, provide the applicant/recipient with an LDSS-4882B to complete for each additional NCP/PF. Alternatively, a copy of a blank *Part II – Noncustodial Parent (NCP) / Putative Father (PF)*

Information (page A-3 and page A-4 of the LDSS-4882) may be made and provided to the applicant/recipient to complete for each additional NCP/PF. If an LDSS-4882B or a completed copy of *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* is attached to the LDSS-4882, check the box under Part *II – Noncustodial Parent (NCP) / Putative Father (PF) Information* at the top of page A-3 of the LDSS-4882 to indicate that information about additional NCP(s)/PF(s) is being provided. If the LDSS-4882B is used, indicate the number of LDSS-4882B forms attached to the LDSS-4882 by entering the page information at the top of page 1 of each LDSS-4882B.

    iii.   On page A-5 of the LDSS-4882 under *Part III – Child Information*, enter the *CIN and WMS Line Number* of the child named in the referral.

            Space is provided to accommodate a referral for one child. If the referral is for a TA case involving more than one child, provide the applicant/recipient with an LDSS-4882C to complete for each additional child. Alternatively, a copy of a blank *Part III – Child Information* (page A-5 of the LDSS-4882) may be made and provided to the applicant/recipient to complete. <u>Note</u>: Enter the required information (i.e., the *CIN and WMS Line Number*) for each additional child on the LDSS-4882C or the blank copy of *Part III – Child Information* prior to providing it to the applicant/recipient to complete. If an LDSS-4882C or a completed copy of *Part III – Child Information* is to be attached to the LDSS-4882, check the box under *Part III – Child Information* at the top of page A-5 of the LDSS-4882 to indicate that information for additional children is being provided. If the LDSS-4882C is used, indicate the number of LDSS-4882C forms attached to the LDSS-4882 by entering the page information at the top of page 1 of each LDSS-4882C.

    iv.   For SNA referrals, the Commissioner or Designee of the SSD as the applicant for child support services must also sign and print his or her name and enter the date under *Box 1* in *Section C - Application/Affirmation for Child Support Services* on page A-8 of the LDSS-4882.

  c. <u>Response to notification of non-cooperation</u>: When notified by the CSEU through use of the LDSS-2859 that an applicant/recipient has failed to cooperate, impose appropriate sanctions. For more information on consequences of refusal or failure to cooperate, refer to 99 ADM-5. Notify the CSEU of any case updates through use of the LDSS-2859.

2.   TA Applicant/Recipient Action

  a. <u>Cooperation requirement</u>: TA applicants/recipients must cooperate with the CSEU to establish paternity, and establish, modify, and enforce orders

of support. To satisfy this requirement, all TA applicants/recipients must complete the LDSS-4882 and provide any needed supporting documentation to the CSEU. If deemed necessary by the CSEU, the applicant/recipient must appear at the CSEU for an interview. Failure to do so will result in a CSEU referral to TA for non-cooperation unless there is a claim of good cause or domestic violence or a completed and signed LDSS-4281, *Attestation to Lack of Information*. For additional information on the cooperation standard, refer to 99 ADM-5.

b. Necessary final actions for completion of the LDSS-4882: When completing the LDSS-4882, all TA applicants/recipients, including SNA applicants/recipients, must check *Box 2* in *Section C – Application/Affirmation for Child Support Services*, sign and print his or her name, and enter the date on page A-8 of the LDSS-4882. By doing so, the applicant/recipient affirms that the information provided in the LDSS-4882, as well as any supporting documentation provided to the CSEU, is true and correct.

3. CSEU Worker Action

a. Review the LDSS-4882 for completeness: If still attached upon receipt, detach the *Application/Referral for Child Support Services* and return the *Information about Child Support Services* section of the LDSS-4882 to the applicant/recipient. Review the LDSS-4882 for completeness and confirm that the applicant/recipient signed the LDSS-4882 in the appropriate area. Determine if the information provided is sufficient to identify and locate the NCP/PF. For TA referrals, the applicant/recipient must provide the following information on the LDSS-4882 to help the CSEU identify and locate the NCP/PF:

i.   The full name and SSN of the NCP/PF; **or**

ii. The full name of the NCP/PF and at least two (2) of the following concerning such parent or father:

(a) Date of birth;
(b) Residential and, if different, mailing address;
(c) Telephone number; and
(d) Name and address of employer; **or**

iii. The full name of the NCP/PF and any additional information equivalent to above that leads to the establishment of the NCP/PF's identity and location.

If the applicant/recipient is unable to provide the required information, the applicant/recipient must attest, under penalty of perjury, to the lack of information by completing and signing the LDSS-4281.

b. Incomplete or insufficient information provided: If the information provided in the LDSS-4882 and supporting documentation is incomplete

or insufficient to identify and locate the NCP/PF, contact the applicant/recipient to determine if such information may be provided.

c. <u>Provide notice of cooperation or non-cooperation</u>: To meet the cooperation standard for TA and MA cases, the applicant/recipient must provide the information noted in Section V.C.3.a. or complete and sign the LDSS-4281. The CSEU must provide notice of cooperation or non-cooperation through use of the LDSS-2859. For additional information on notification of the determination of cooperation, refer to 99 ADM-5.

d. <u>Further actions</u>: Perform the required actions as described under Section V.A.1.c. through Section V.A.1.e.

D. MA Referrals for Child Support Services

1. MA Worker Action

a. <u>Responsibility to refer and distribute the LDSS-4882</u>: MA workers must provide the LDSS-4882 to all appropriate MA applicants/recipients who are being referred to the CSEU. Previously, instructions in 99 ADM-5 directed the MA worker to complete the DSS-2860 for appropriate MA referrals. With the implementation of the LDSS-4882, the MA worker must now provide the LDSS-4882 to MA applicants/recipients to complete, sign, and return to the CSEU.

Due to the majority of MA applications being received by mail, the MA worker will mail the LDSS-4882 to applicants/recipients who meet the MA referral criteria. SSDs may wish to include contact information for the local CSEU office and instructions for the completion and submission of the LDSS-4882 along with the LDSS-4882. Upon receipt of the completed and signed LDSS-4882 and any supporting documentation, the CSEU will review the LDSS-4882 for completeness to establish paternity, if necessary, and to establish medical support.

<u>Note</u>: The responsibility of the facilitated enroller is to screen the applicant for eligibility for the Medicaid, Child Health Plus, and the Women, Infants, and Children program, help the client to complete the associated application, and gather documentation. The facilitated enroller then forwards the MA application and documentation to the local MA worker for eligibility determinations.

b. <u>Initial required actions</u>: Prior to providing the LDSS-4882 to the applicant/recipient, the MA worker must perform the following actions:

i. On page A-8 of the LDSS-4882 under *Agency Use Only*, check the *SSD Referral* box and enter the MA case number. Enter the worker name, location, and phone number. Check the appropriate box to identify the MA case type and to indicate whether the case is opening or reopening, or whether changes or updates are being provided. Provide the date of the application/referral.

ii. On page A-5 of the LDSS-4882 under *Part III – Child Information*, enter the *CIN and WMS Line Number* of the child named in the referral, if available.

If the referral is for a MA case involving more than one child, perform the required actions as described under Section V.C.1.b.iii.

c. Follow up actions with the CSEU: SSDs should follow their local protocol for ensuring that an interview is scheduled with the CSEU for applicants/recipients who meet the MA referral criteria. Concurrent with the mailing of the LDSS-4882, complete the OHIP-0030, *Medicaid Medical Support Transmittal*, to provide Medicaid information for the child support program.

d. Response to notification of non-cooperation: When notified by the CSEU through use of the LDSS-2859 that an applicant/recipient who was referred by MA has failed to cooperate, deny the applicant or discontinue the recipient's MA coverage, until compliance, using appropriate notices and procedures.

2. **MA Applicant/Recipient Action**

   a. Cooperation requirement:

      i. Orders of medical support: Certain MA applicants/recipients must cooperate with the CSEU to establish paternity, and establish, modify, and enforce medical support orders. To satisfy this requirement, referred MA applicants/recipients must complete the LDSS-4882 and provide any needed supporting documentation to the CSEU. Failure to do so will result in a CSEU referral to MA for non-cooperation or for a claim of good cause.

      ii. Orders of support: Upon request, the MA applicants/recipients may also be provided services to establish, modify, and enforce orders of support. MA applicants/recipients who have completed the LDSS-4882 do not have to apply for child support services; completing the LDSS-4882 and signing and dating the form under *Box 2* in *Section C- Application/Affirmation for Child Support Services* is sufficient.

   b. Necessary final actions for completion of the LDSS-4882: All MA applicants/recipients who are referred to the CSEU must, when completing the LDSS-4882 form, check *Box 2* in *Section C – Application/Affirmation for Child Support Services*, sign and print his or her name, and enter the date on page A-8 of the LDSS-4882.

3. **CSEU Worker Action**

Perform the required actions as described under Section V.C.3. For MA referrals, the applicant/recipient must provide the information identified in Section V.C.3.a. on the LDSS-4882 to help the CSEU identify and locate the NCP/PF.

E. **FC Referrals for Child Support Services**

1. **FC Worker Action**

The FC worker must determine the appropriateness of referring each NCP of a child in FC to the CSEU at the time of the application for FC in accordance with the criteria set forth in 18 NYCRR §§ 422.2 and 422.4(a). The FC worker must obtain and provide necessary documentation as described in 18 NYCRR § 422.5(d). This necessary documentation is transmitted to the CSEU through completion of Section A, Parts II through Part IV, and Section B of the LDSS-4882. Specifically, the FC worker must perform the following actions:

a. Page A-1: On page A-1 of the LDSS-4882, *Section A - Applicant/Recipient Information*, complete the *Relationship of the Applicant/Recipient to the Child* area by checking the final box to indicate that the application/referral for child support services is a FC referral.

b. Page A-3: On page A-3 of the LDSS-4882, complete *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information*, providing as much information as possible for the NCP from whom support is sought. If support for the child is sought from more than one NCP at this time, then complete an LDSS-4882B for the other NCP. Alternatively, a copy of a blank *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* (page A-3 and page A-4 of the LDSS-4882) may be made and completed for the other NCP. If an LDSS-4882B or a completed copy of page A-3 and page A-4 of the LDSS-4882 is attached to the LDSS-4882, check the box under *Part II – Noncustodial Parent (NCP) / Putative Father (PF) Information* at the top of page A-3 to indicate that information about an additional NCP is being provided. If the LDSS-4882B is used, enter the page information at the top of page 1 of the LDSS-4882B.

c. Page A-5: On page A-5 of the LDSS-4882, complete *Part III – Child Information*, providing as much information as possible for the child placed in FC and for whom support is sought from the identified NCP(s).

Space is provided to accommodate a referral for one child. If the referral is for a FC case involving more than one child of the identified NCP(s), provide the required information for those children by completing an LDSS-4882C form for each additional child. Alternatively, a copy of a blank *Part III – Child Information* (page A-5 of the LDSS-4882) and blank *Part IV – Foster Care Information (Agency Use Only)* (page A-6 of the LDSS-4882) may be made and completed for each additional child. If

an LDSS-4882C or a completed copy of page A-5 and page A-6 of the LDSS-4882 is attached to the LDSS-4882, check the box under *Part III – Child Information* at the top of page A-5 of the LDSS-4882 to indicate that information for additional children is being provided. If the LDSS-4882C is used, indicate the number of LDSS-4882C forms attached to the LDSS-4882 by entering the page information at the top of page 1 of each LDSS-4882C.

Note: A separate LDSS-4882 referral must be made if the children placed in FC do not have both parents in common.

d.   Page A-6: On page A-6, complete *Part IV –Foster Care Information (Agency Use Only)* for the child placed in FC and for whom support is sought.

e.   Page A-7: On page A-7, complete *Section B – Supporting Documentation* to identify the supporting documentation being provided to the CSEU.

f.   Final actions: Detach the *Application/Referral for Child Support Services* section of the LDSS-4882. Forward the *Application/Referral for Child Support Services* to the CSEU. Provide the *Information about Child Support Services* section of the LDSS-4882 to each referred NCP of the child in FC. In addition, the FC worker may wish to review the *Information about Child Support Services* section of the LDSS-4882 to be familiar with the material covered therein.

Note: If additional copies of the *Information about Child Support Services* section of the LDSS-4882 are needed, the FC worker may print out copies of the LDSS-4882A, which is equivalent to the *Information about Child Support Services* section of the LDSS-4882. The LDSS-4882A will be made available on the OTDA Intranet under *Resources, LDSS E- Forms* and on the New York State child support website at childsupport.ny.gov.

2.   **FC Applicant/Recipient Action**

In FC cases, the applicant/recipient is the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS.

a.   Title IV-E FC applicant/recipient action: With implementation of the LDSS-4882, the FC worker must complete designated sections of the LDSS-4882 for all eligible Title-IV-E FC referrals to the CSEU. This includes the *Application for Child Support Services* area in *Part IV – Foster Care Information (Agency Use Only)* on page A-6 of the LDSS-4882, where the signature of the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS is required.

b.   Non-IV-E FC applicant/recipient action: According to 99 ADM-5, the DSS-2521 application form, rather than the DSS-2860 referral form, was completed in Non-IV-E FC cases. These cases included both situations

where the child was involuntarily placed in FC (court-ordered) and situations where the parent(s) voluntarily placed a child in FC. In involuntary Non-IV-E FC placements, the FC worker completed and signed the DSS-2521 on behalf of the applicant/recipient. In voluntary Non-IV-E placements, the applicant/recipient (i.e., the parent[s]) completed and signed the DSS-2521.

With implementation of the LDSS-4882, the FC worker must complete designated sections of the LDSS-4882 for all Non-IV-E FC cases that are subject to referral to the CSEU. This includes the *Application for Child Support Services* area in *Part IV – Foster Care Information (Agency Use Only)* on page A-6 of the LDSS-4882, where the signature of the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS is required.

The effect of these policy revisions is that the same process will be used for the referral of Title IV-E FC cases and Non-IV-E FC cases.

3. CSEU Worker Action

Perform the required CSEU worker actions as described under Section V.C.3.a. and Section V.C.3.b. Then perform the required actions as described under Section V.A.1.c. through Section V.A.1.e.

F. Intake Guidance Document

A guidance document titled *Intake Guidance Document* (**Attachment 6**) is included with this ADM. The *Intake Guidance Document* will assist SSDs in identifying which components of the LDSS-4882 must be completed for each intake process, who must receive the LDSS-4882A, and when to use the LDSS-4882B, LDSS-4882C, and *Application Cover Letter* associated with a direct application for child support services through the Family or Supreme Court.

G. Continuation of Services

The CSEU must continue to provide federal Title IV-D services to any individual who has been systematically sent a *Continuation of Child Support Services* notice. An application for child support services is not required from these individuals. However, if the individual subsequently notifies the CSEU to stop providing child support services and the child support case is closed thereafter, the individual must then complete and sign a new LDSS-4882 as directed to apply for child support services.

H. Changes that Occur after Referral to the CSEU

If after completing the LDSS-4882 as part of the referral process an individual is determined to be ineligible for TA or MA and child support services are still sought, an application for such services must be made pursuant to SSL § 111-g. An application is required from these individuals as they are not otherwise exempt from its completion. Rather than filling out a new LDSS-4882, however, the applicant may revise the previously submitted LDSS-4882, which must be retained as a part of the case records in

accordance with record retention rules (refer to Section V.J.). The applicant must check *Box 1* in *Section C – Application/Affirmation for Child Support Services*, complete the associated signature area, and initial the changes to mark the LDSS-4882 as having been amended.

If an individual reapplies for TA or MA more than thirty (30) days after the TA or MA case that was originally referred to the CSEU has been closed, a new LDSS-4882 form must be submitted to the CSEU.

Note: The TA and MA programs both provide that when an applicant is denied benefits and reapplies within thirty (30) days, a new written application on the state-prescribed form is not required. Therefore, a new LDSS-4882 is not required.

I.   **Safety Concerns**

Upon receipt of an LDSS-4882, the CSEU should review the form to determine if the there is an indication that a safety concern exists (refer to *Section A – Applicant/Recipient Information, Safety Concerns*). If there is no indication of the existence of a safety concern, the CSEU should continue to process the LDSS-4882.

If the applicant/recipient checked "Yes" to indicate the existence of a safety concern, the CSEU must discuss the safety concern with the applicant/recipient and determine whether the individual is applying for child support services pursuant to SSL § 111-g (refer to *Section C – Application/Affirmation for Child Support Services* of the LDSS-4882). If the individual is not applying for child support services pursuant to SSL § 111-g, the next actions of the CSEU will depend on what services need to be provided and whether the applicant/recipient is being referred from TA, MA, or FC. The underlying presumption is that the safety concern has developed since the initiation of the referral to the CSEU.

1.   **SSL § 111-g Applicants**

        a.   Decision to apply for services: Advise the individual of the CSEU's ability to suppress personal identifying information (e.g., residential address) on documents to be filed with the court and other documents that pertain to the child support case. Further, inform the individual of his or her right to request address confidentiality from Family Court. After having been given the information, the individual must decide whether the individual wishes to apply for child support services. If the individual wishes to apply for child support services after the discussion of the safety concerns, the individual should complete and sign the LDSS-4882.

        b.   Family violence indicator and case building: If safety concerns have been indicated but the applicant wishes to apply for services, the CSEU must take additional actions when building the case. The CSEU must set the family violence indicator code to "Y" to request notification of family violence to the Federal Case Registry (FCR). For more information, refer to the *Dear Colleague* letter dated August 10, 2007 regarding family violence waiver indicator values.

In reviewing the supporting documentation provided, the CSEU should also determine if the applicant has provided a copy of an Order of Protection. If so, the CSEU should retain the copy in the case records and document the existence of the Order of Protection in the remarks of the case records.

    c.   <u>Suppression of address and employment information</u>: The CSEU must ensure that the applicant's address and employment information does not appear on any documents, notices, summons, etc. that are created by the CSEU as part of providing a CSEU service. SSDs should follow their local protocol with regard to listing a substitute address for the applicant on ASSETS.

If the applicant chooses to request address confidentiality from the Family Court, the CSEU should generate the *Address Confidentiality Affidavit*, which is available on ASSETS as a template in the State Folder of the Local Correspondence tab in the Document Generation module. Alternatively, the applicant may complete Family Court *General Form 21*, *Address Confidentiality Affidavit*, which is available at www.nycourts.gov. The *Address Confidentiality Affidavit* must be filed with the Family Court. The Family Court will issue an *Address Confidentiality Order* if the request for address confidentiality is accepted, and the order will contain information regarding the person designated as the agent for service of process and all papers in the case.

2.   TA Applicants/Recipients

    a.   <u>Referral to Domestic Violence Liaison</u>: After a referral is made, the CSEU must refer the TA applicant/recipient to a Domestic Violence Liaison for screening and assessment using locally developed procedures. The CSEU must notify TA accordingly through the use of the LDSS-2859.

All CSEU activities must be suspended during the domestic violence screening and assessment process and until a waiver decision is made by the Domestic Violence Liaison.

    b.   <u>Family violence indicator and actions to be taken after the granting of a waiver</u>: Upon receiving notice of the granting of a waiver, the CSEU must set the appropriate family violence indicator code which is an alert to the possible safety implications and to proceed with caution (refer to 03 ADM 5). If a full family violence waiver is granted, the family violence indicator code must be manually set to "1." If a partial family violence waiver is granted, the family violence indicator code must be manually set to "2." Setting these family violence indicator codes also serves to provide notification of family violence on the case to the FCR.

The CSEU, to the extent required by such waiver, must forego any activities with respect to the children of the NCP/PF while the waiver is in effect.

c.   Perform the required actions as described under Section V.I.1.c.

3.   **MA Applicants/Recipients**

a.   Referral to MA: After a referral is made, the CSEU must refer the MA applicant/recipient back to MA through use of the LDSS-2859. Domestic violence waiver procedures do not apply to MA cases, but domestic violence itself constitutes good cause for not cooperating with the CSEU. The determination of whether good cause is granted by MA must take into consideration the recommendations of the CSEU.

The CSEU should take no further action to establish paternity or establish, modify or enforce medical support until notified by MA that child support activities may continue.

b.   Notification of good cause: MA must notify the CSEU that an applicant/recipient has claimed good cause at the same time that the case is referred to the CSEU. Information on good cause may be transmitted from MA to the CSEU via the OHIP-0030 or the LDSS-2859. For more information on good cause for refusing to cooperate, refer to 99 ADM-5.

4.   **FC Cases**

FC workers must determine the appropriateness of referring each NCP of a child in FC to the CSEU at the time of the application for FC. The assessment of appropriateness for each such referral must be made in accordance with the criteria set forth in 18 NYCRR §§ 422.2 and 422.4(a). If the referral would adversely affect the health, safety or welfare of the child in FC or other persons in the child's household, the referral to the CSEU is prohibited. For more information on FC cases which are not to be referred to the CSEU, refer to 99 ADM-5.

J.   **Record Retention**

The following application documents must be retained as a part of the case records in accordance with record retention rules: LDSS-4882 or any petition, application or motion made to the court requesting child support services; LDSS-4882B or equivalent; LDSS-4882C or equivalent; and any appropriate supporting documentation. Documents may be retained as paper files or by electronic means according to SSD protocol. However, regardless of the means used to retain records, the LDSS-4882 or the petition, application, or motion requesting child support services, which was received from the court, must be readily available to be retrieved if needed by OTDA for audit purposes.

Note: The New York State Department of Education *Records Retention and Disposition Schedule CO-2*, page 217, is used by counties to determine the appropriate retention periods for support collection records. The *Records Retention and Disposition Schedule CO-2* may be accessed from the *Managing Records* tab on the New York State Archives Homepage (www.archives.nysed.gov).

VI.   Systems Implications

The LDSS-4882 and the ASSETS case building module have been developed in conjunction to improve the CSEU data entry of critical information pertaining to a child support case and to streamline the case building process for all IV-D cases. The LDSS-4882 therefore supports the development of ASSETS as the primary tool of day-to-day child support functions and in particular, case building. To simplify the child support intake and case building process, the data fields on the ASSETS case building module were positioned to mirror those in the LDSS-4882, aligning the form with data entry.

VII.   Additional Information

SSDs will be advised of the availability of the LDSS-4882 and the elimination of the LDSS-2521, LDSS-2860, LDSS-3908, and *Notice of Child Support Annual Service Fee* through the release of an Information Letter (INF). At that time, an initial supply of the LDSS-4882 will be provided to SSDs for use by the respective CSEU, TA, MA, and FC programs. The LDSS-4882A, LDSS-4882B, and LDSS-4882C will be made available on the OTDA Intranet, under *Resources, LDSS E- Forms*. SSDs must begin using the LDSS-4882 upon receipt of the initial supply.

Further, individuals may also obtain the LDSS-4882, LDSS-4882B, or LDSS-4882C on the New York State child support website at childsupport.ny.gov or by calling the CSH to request child support services.

Finally, the LDSS-4882 may be provided to individuals attending court proceedings concerning the establishment of paternity and the establishment, modification, and/or enforcement of an order of support. Copies of the LDSS-4882 may also be made available to *Head Start*; *Women, Infants, and Children*; fatherhood programs and community-based organizations providing services to families.

VIII.   Effective Date

This ADM is effective immediately. The LDSS-4882 is effective upon SSD receipt of the initial supply. Subsequently, translated versions of the LDSS-4882 will be made available on ERS under *Resources, Application/Referral* and on the New York State child support website at childsupport.ny.gov. The LDSS-2521, LDSS-2860, LDSS-3908, and *Notice of Child Support Annual Service Fee* become obsolete upon SSD receipt of the initial supply of the LDSS-4882.

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