Administrative Directive

Section 1

Transmittal:	13-ADM-01
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Support Enforcement/Center for Child Well-Being
Date:	January 16, 2013
Subject:	Automated Case Closure and Closure of Administrative Cases
Suggested Distribution:	Child Support Enforcement Unit Coordinators Support Collection Unit Supervisors Title IV-D 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 - Summary of Changes and Improvements to the Case Closure Process Attachment 2 - Automated Case Closure Report Attachment 3 - Contact Letter About Case Closure Attachment 4 - Case Closure Notice Attachment 5 - Case Closure Notice-Referring Agency Attachment 6 - Text for Case Closure Notices
Attachment Available On – Line:	☒

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
09-ADM-23	09-ADM-23	18 NYCRR § 347.24	45 CFR § 303.7 45 CFR § 303.11 SSA § 454(15)(A)		Federal OCSE AT-99-04 Federal OCSE PIQ-00-02 Federal OCSE PIQ-03-09 Federal OCSE PIQ-08-02 Federal OCSE AT-10-06

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Section 2

I. Summary

This Administrative Directive (ADM) sets forth the current standards that must be followed by the child support enforcement unit (CSEU) and support collection unit (SCU) within the social services district (SSD) when determining whether a child support case or account is eligible for closure pursuant to Section 303.11 of Title 45 of the Code of Federal Regulations (CFR) and Section 347.24 of Title 18 of the New York Codes Rules and Regulations (NYCRR). With release of this ADM, and upon its respective effective date, 09-ADM-23, dated November 16, 2009 and titled *Automated Case Closure*, is cancelled. Cancellation of 09-ADM-23 includes cancellation of all prior *Dear Colleague* letters on the subject.

This ADM includes procedures for case maintenance to facilitate automated case closure and enhances and refines the required actions that the CSEU or SCU must take in order to comply with federal and State child support case closure criteria. Additionally, this ADM provides revisions to several existing case closure criteria, expands the use of certain criteria, and implements two new case closure criteria based on federal regulatory changes to 45 CFR §§ 303.7 and 303.11 governing intergovernmental cases.

Finally, in addition to the federal criteria for closing cases, this ADM sets forth and clarifies procedures for closing certain administrative cases and accounts. The ADM streamlines the process for closing suspense and refund to respondent accounts. Existing instructions for closing other types of administrative cases and accounts are further clarified. And, new guidance for closing inter-county supplemental accounts built for purposes of distribution is provided.

Related revisions and improvements to the notices and supplemental tools provided as attachments are also identified in this ADM. A summary of the revisions and improvements to the automated case closure process and closure of administrative cases and accounts is included with this ADM in the *Summary of Changes and Improvements to the Case Closure Process* (**Attachment 1**).

II. Purpose

This ADM notifies the CSEU and SCU of the fourteen federally-permissible criteria for closing unworkable child support cases and accounts, including new permissible criteria 13 and 14. Further, this ADM explains the required actions that must be taken before a child support case or account can be closed. Additionally, this ADM provides clarification for closing certain types of cases and accounts established by the CSEU and SCU for administrative actions, including, but not limited to, suspense accounts and refund to respondent accounts, and introduces new procedures for administrative closure of inter-county supplemental accounts as defined in Section V.G.3.

The case closure criteria outlined in this ADM provide a systematic caseload review process and instructions for the CSEU and SCU to follow to close cases and accounts in compliance with federal and State regulations. This systematic approach streamlines the case closure process, enabling the CSEU and SCU to concentrate resources on cases with a greater potential for collection success. Further, it enhances recipient safeguards by ensuring proper notification when required prior to closing a case or account.

The administrative closure procedures outlined in this ADM provide CSEUs and SCUs with guidance on closing cases and accounts built for administrative actions when those cases and accounts no longer require action. Providing such guidance reduces requirements to continually maintain an inventory of these cases.

III. Background

As of August 4, 1989, state child support enforcement agencies are required to have a system in effect for case closure. ***Case closure*** means that services provided under the Title IV-D program will no longer be provided; it does <u>not</u> affect the order of support or the support arrears/past due support that have accrued under the order of support. The order of support remains in effect for the life of the order and any support arrears/past due support which accrue are legally enforceable by the recipient of services or his or her estate.

Effective April 9, 1999, 45 CFR § 303.11 was revised to establish twelve criteria for determining cases eligible for case closure. Effective January 3, 2011, additional amendments were made to 45 CFR § 303.11 to include two new case closure criteria in support of amendments to 45 CFR § 303.7 for establishing and enforcing intergovernmental support obligations in child support program cases receiving services under Title IV-D of the Social Security Act (SSA). Revised 45 CFR § 303.11 provides fourteen federally-permissible criteria to be used in determining cases eligible for case closure. Conforming amendments to 18 NYCRR § 347.24 are forthcoming.

The two new case closure criteria authorize the responding agency to close its child support case when:
- The initiating agency has notified the responding agency that it has closed its case and provides the responding agency with the basis for closing its case pursuant to 45 CFR § 303.7(c)(11); or
- The initiating agency has notified the responding agency that the responding agency's intergovernmental services are no longer required by the initiating agency.

For purposes of intergovernmental Title IV-D cases, ***initiating agency*** refers to an agency in which an individual has applied for or is receiving services, and includes a state or Tribal IV–D agency, or an agency in another country. ***Responding agency*** refers to the agency that is providing services in response to a referral from an initiating agency. For case closure criterion 12 and new criteria 13 and 14, when New York State (NYS) is referenced as the responding agency, it will refer to the CSEU/SCU that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case.

Additionally, instructions for closing certain administrative cases and accounts established under state guidance and where a case closure notice would be inappropriate are clarified, and instructions for closing suspense accounts and refund to respondent accounts are simplified. Also, new guidance is provided for administratively closing inter-county supplemental accounts established for purposes of distribution when an original order of support is issued in a county and a recipient of services applies for Temporary Assistance (TA) and care or Medical Assistance (MA) services in another county. Because the original order of support and retained account remain the primary account for purposes of services, the primary account is the only account that would be eligible for the automated case closure process under federal criteria 1 through 14. When additional inter-county referred and retained supplemental accounts are built to accommodate distribution to the second county, and the second county no longer has an interest in those services, administrative closure of the supplemental accounts is appropriate.

IV. Program Implications

This ADM specifies the federally-permissible criteria for case closure, including two new criteria for intergovernmental cases and accounts, and makes revisions to instructions previously provided under certain criteria. Further, this ADM provides clarification on closing administrative cases and accounts established by CSEU/SCUs.

To ensure that the program meets federal performance standards for child support services pursuant to SSA § 454(15)(A) and 45 CFR § 308.2(a), CSEU/SCUs must follow the procedures contained in this ADM when reviewing unworkable cases and accounts for purposes of case closure.

Case closure applies to cases which are in *case-level only* status, meaning a case which never had an A100 00 (*Obligation court ordered*) status and reason code open, and cases which are in *account* status, meaning a case which has or had an A100 00 status and reason code open. Pursuant to the SSD's protocol established to satisfy the requirements of the CSEU as set forth in 18 NYCRR § 347.1 and the SCU as set forth in 18 NYCRR § 346.1, the instructions provided in this ADM must be followed by the appropriate unit within the SSD accordingly. As such, **CSEU/SCU** is used generally throughout this ADM to represent the child support enforcement unit or support collection unit.

V.   Required Action

A.   General Actions for Case Closure

In order to meet the requirements for automated case closure, the CSEU/SCU must identify the specific criterion for case closure and take the steps necessary to complete the case closure process, including appropriate updates to the case or account. Under certain case conditions, the CSEU/SCU must manually set the appropriate status and reason code to support automated case closure. When the CSEU/SCU determines that a case is eligible for closure, information in support of their determination for the case closure criterion must be entered in ASSETS Case Remarks if in case mode or ASSETS Account Remarks if in account mode.

Before preparing a child support account for case closure, the CSEU/SCU must ensure that certain actions are completed. For child support collected on behalf of the recipient of services, the CSEU/SCU must ensure that all collections received on an account are properly disbursed, or, where collections received remain undisbursed after exhausting diligent efforts for location, the CSEU/SCU follows the process for handling unclaimed funds pursuant to Social Services Law (SSL) § 111-h(5). And, the appropriate account maintenance must be completed before the account is prepared for case closure ((e.g., the ledgers are adjusted by removing the support obligations and support arrears and terminated by changing the Ledger Status fields to "03" [*Terminated ledger*]).

Further, if the recipient of services has a continuing support obligation due and/or support arrears/past due support remaining due and the account meets any of the criteria for case closure (i.e., the obligation for spousal support only remains due on an order of support and the case is prepared for closure under criterion 1, or the recipient of services requests case closure under criterion 8 and there are no assigned support arrears/past due support remaining due), the CSEU/SCU must notify the parties to the order that the continuing support obligation due and/or support arrears/past due support remaining due to the recipient of services are being redirected to the recipient of services <u>before</u> the case is prepared for case closure (instructions for redirection of payments to the recipient of services may be found in the change in payee policy).

B.   Criteria and Specific Case Closure Actions

There are fourteen federally-permissible criteria for case closure and each has specific CSEU/SCU actions associated with them. Below are the fourteen criteria, a description of each criterion, and the specific CSEU/SCU actions to be taken for use of the criterion. If the CSEU/SCU is uncertain whether a case is eligible for case closure or which criterion is

appropriate to close the case or account, they must contact their county representative to discuss the case or account <u>before</u> preparing the case or account for closure.

1. **<u>Criterion 1 – No Longer Current Support Order and Arrears Under $500 or Arrears Unenforceable</u>**

    Criterion 1 may be used for cases or accounts in which there is no longer a current order of support for child support and either the total of all assigned and unassigned support arrears/past due support is under $500 or support arrears/past due support are unenforceable under NYS law. Situations for which criterion 1 may be used include, but are not limited to, the following:

    For cases in <u>case-level only status</u>, where:
    *   No order of support has been established and there has been a family reconciliation (the parent or child has returned to the household);
    *   No order of support has been established and the only child (or children) in the case emancipated;
    *   No order of support has been established and the recipient of services no longer has custody of the child(ren); or
    *   Paternity is established and it is the only child support service needed because both parents in the Title IV-A household or MA household are living together.

    For cases in <u>account status</u>, where:
    *   No current child support obligation remains due and the total of all assigned and unassigned child support arrears/past due support is under $500;
    *   No current child support obligation remains due and all that remains is a current and arrears spousal obligation, or arrears only spousal obligation;
    *   The foster care case closes and the support arrears/past due support is less than $500;
    *   The foster care case closes, the child remains on Transitional Medical Assistance (TMA) for twelve months following foster care closure, and the support arrears/past due support is less than $500;
    *   The MA-only case becomes a child-only case after the order of support is established and the support arrears/past due support is less than $500;
    *   The case is MA-only and the child has reached age 19 and the support arrears/past due support is less than $500;
    *   The case is MA-only, there has been a family reconciliation (the parent or child has returned to the household) and the support arrears/past due support is less than $500; or
    *   The recipient of services, who is a custodial parent (CP), dies.

    There may be other situations not presented that meet the conditions for closure under criterion 1. If no other criterion is appropriate in those instances, CSEU/SCUs must contact their county representative to discuss the case or account to ensure that closing the case or account under criterion 1 is appropriate.

    <u>CSEU/SCU Required Actions</u>: For cases in <u>case-level only</u> status that are eligible for case closure under this criterion, enter status and reason code **S999 04** (*No Basis for Child Support*).

    For cases in <u>account</u> status that are eligible for case closure under this criterion, adjustments and termination to the ledgers will permit case closure to occur. Additionally, if the CSEU/SCU has entered the child's CIN as the CP's CIN (e.g., a child-only MA-only case), the CP's CIN must be changed to NO-AP-PY before the

account will close. And finally, if the account involves the termination of the order of support involving a zero dollar current support obligation before the youngest child reaches the age of twenty-one and the 0-$CUR-SPT field is set to "Y" (*Yes*), update the field to "N" (*No*) so the account will be permitted to close if otherwise eligible.

Example 1 (case-level only status): An intact household where the parents are not married has applied for MA-only benefits. The MA case includes a child under the age of 21 and paternity for that child has not yet been established. The MA Unit refers the case to the CSEU/SCU for paternity establishment only. The CSEU/SCU establishes paternity and notifies the MA Unit accordingly by completing an LDSS-2859, *Child Support Information Transmittal.* The CSEU/SCU may now close the case under criterion 1 by setting status and reason code S999 04.

Example 2 (account status): The order of support for this account includes child and spousal support. The youngest child included in the order of support has reached the age of 21 and the order does not extend beyond the child's 21st birthday. The child support obligation is terminated by State law and there are no child support arrears/past due support remaining due. The spousal support continues. The CSEU/SCU follows the instructions provided in the change in payee policy for redirecting collections to the recipient of services. After account maintenance is completed following the redirection of collections, the account will automatically be selected for automated case closure under criterion 1.

2. **Criterion 2 – Noncustodial Parent or Putative Father Deceased**

Criterion 2 may be used for cases or accounts in which the noncustodial parent (NCP) or putative father is deceased and no further action, including a levy against the NCP's estate, can be taken.

CSEU/SCU Required Actions: For cases in <u>case-level only</u> status that are eligible for case closure under this criterion, the CSEU/SCU must enter "5" (*Death of parent*) in the Wedlock indicator for all associated children.

For cases in <u>account</u> status that are eligible for case closure under this criterion, the CSEU/SCU must enter "D" *(Respondent deceased)* in the Review & Adjustment Indicator.

<u>Note</u>: If the putative father dies before paternity can be established, prior to preparing the case or account for case closure, the CSEU/SCU must ensure that the paternity proceeding is commenced or continued pursuant to Section 519 of the Family Court Act (FCA) in a TA or MA case. The CSEU/SCU should consult with legal counsel as to whether the facts in a particular case support a posthumous paternity establishment. In a child support services (CSS) case, if the conditions of FCA § 519 are met, the CSEU/SCU may continue with the proceeding to establish paternity, which in turn establishes the child's rights to inheritance. The CSEU/SCU may seek a retroactive order of support under FCA § 545(2) for the needs of the child accruing from the date of birth of the child to the date of the application for the order of filiation.

Example: The current spouse of an NCP contacts the CSEU/SCU to state that the NCP is deceased. The current spouse submits a certified copy of the death certificate to the CSEU/SCU. The CSEU/SCU reviews the account history and determines that all orders of support have been recorded on the system and

confirms that there are no assets of the estate for enforcement of the child support arrears/past due support. The CSEU/SCU completes account maintenance and enters "D" in the Review & Adjustment Indicator. The account is eligible for automated case closure under criterion 2.

3. **Criterion 3 – Paternity Cannot Be Established**

Criterion 3 may be used for cases in which paternity cannot be established because:

a. The child is at least 21 years old in this State and an action to establish paternity is barred by an applicable statute of limitations.

CSEU/SCU Required Actions: For cases that are eligible for case closure under a. of this criterion, no specific CSEU/SCU actions are required.

Note: Prior to preparing the case or account for case closure, if the child is at least 21 years old and paternity has not been established, the CSEU/SCU must determine whether the putative father acknowledged paternity in writing or by furnishing support, either of which will allow paternity establishment beyond the age of 21 under FCA § 517.

b. A genetic test or a court or administrative process has excluded the putative father as the father of the child and no other putative father of such child can be identified.

CSEU/SCU Required Actions: For cases that are eligible for case closure under b. of this criterion, the CSEU/SCU must enter status and reason code P801 05 (*Paternity excluded via deoxyribonucleic acid [DNA] testing).*

c. The CSEU/SCU has determined that it would not be in the best interest of the child to establish paternity in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending.

CSEU/SCU Required Actions: For cases that are eligible for case closure under c. of this criterion, the CSEU/SCU must enter status and reason code P801 07 (*No paternity; not in child's best interest*).

d. The identity of the biological father is unknown (the full name or either the first name or the last name of the biological father is unknown), and the biological father cannot be identified after diligent efforts, including at least one interview by the CSEU with the recipient of services. This includes cases where the recipient of services completes an LDSS-4281, *Attestation of Lack of Information.*

CSEU/SCU Required Actions: For cases that are eligible for case closure under d. of this criterion, the CSEU/SCU must enter status and reason codes P100 04 (*Paternity interview; client)* and L801 01 (*John Doe case*).

Example 1: The recipient of services contacts the CSEU/SCU and advises that she now believes she knows the identity of the putative father. The existing case has a Wedlock Indicator of "4" (*Putative parent in state*) for the only child on the case. However, while updating the case record, the CSEU/SCU determines that the child on the case has turned 21. The recipient of services confirms that the putative father has not provided any support for the child, nor has the putative

father acknowledged paternity in writing. The case meets eligibility for automated case closure under criterion 3.a.

Example 2: The recipient of services applied for TA and was referred to the CSEU/SCU. The CSEU/SCU built the case as a *John Doe* case. The recipient of services appears before the CSEU/SCU for an interview. She believes the first name of the biological father is "Bill," but claims she is not certain. The recipient of services completes an LDSS-4281 attesting to a lack of information about the biological father. The CSEU/SCU enters status and reason codes P100 04 <u>and</u> L801 01. The case meets eligibility for automated case closure under criterion 3.d.

4.   **Criterion 4 – Noncustodial Parent Location Unknown**

Criterion 4 may be used for cases or accounts in which the location of the NCP is unknown and the CSEU/SCU has made unsuccessful diligent efforts using multiple sources to locate the NCP (18 NYCRR § 347.7):

a.   over a three year period after the opening of an L100 00 **(***Parent Locator Service [PLS] search pending*) status and reason code when there is <u>sufficient information</u> to initiate an automated locate effort; or

b.   over a one year period after the opening of an L100 01 (*Parent Locator Service [PLS] search pending; custodial parent; Social Security number only*), or L100 02 (*Parent Locator Service [PLS] search pending; SSA only*), or L100 03 (*Parent Locator Service [PLS] search pending; SSA and IRS only*), or L200 00 (*Insufficient information for PLS search*), or L200 01 (*Social Security number unverified; no PLS search*) status and reason code when there is <u>not sufficient information</u> to initiate an automated locate effort.

<u>Note</u>: For purposes of automated location of an NCP through the Federal Parent Locator Service (FPLS) and the State Parent Locator Service (SPLS), ***sufficient information*** includes the NCP's first and last name and a verified Social Security number, with the exception of the match conducted with the Department of Motor Vehicles through SPLS which requires the NCP's first and last name and NCP's date of birth only.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, no specific CSEU/SCU actions are required.

Example: The recipient of services provides personal information including her Social Security number. However, she only provides the full name of the NCP. The system sets a status and reason code of L100 01 for purposes of locating the NCP's Social Security number through the Parent Locator Service. No matches for the NCP's Social Security number have been returned. The CSEU/SCU also performs searches to locate the NCP and determines that the location of the NCP remains unknown. The system set status and reason code of L100 01 has aged for one year. The case meets eligibility for automated case closure under criterion 4.b.

5.   **Criterion 5 – Noncustodial Parent Cannot Pay Support for Duration of the Child's Minority**

Criterion 5 may be used for cases or accounts in which the NCP cannot pay support for the duration of the child's minority <u>and</u> the CSEU/SCU determines that there is no collection potential (no income or assets are available which could be

levied or attached for support) because the NCP meets one of the following criteria:

a. **Is institutionalized in a psychiatric facility.**

   CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under a. of this criterion, the CSEU/SCU must enter status and reason code S802 21 (*Noncustodial parent in psychiatric institution*).

b. **Is incarcerated with no chance of parole.**

   CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under b. of this criterion, the CSEU/SCU must enter status and reason code S802 22 (*Noncustodial parent incarcerated; no parole*).

c. **Has a medically verified total <u>and</u> permanent disability with no evidence of support potential.**

   CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under c. of this criterion, the CSEU/SCU must enter status and reason code S802 23 (*Noncustodial parent disabled; unable to support*).

   <u>Note</u>: Supplemental Security Income (SSI) is deductible from income for child support purposes and is not subject to garnishment. <u>However, the receipt of SSI by the NCP is not sufficient reason to close a child support case or account because an individual need not have a medically verified total and permanent disability in order to be eligible for SSI.</u> (Federal Office of Child Support Enforcement [OCSE] Policy Interpretation Question PIQ-08-02 issued May 23, 2008, Response #1.) In order to close a child support case or account, the NCP must have a medically verified total and permanent disability with no evidence of support potential. To assist in substantiating a determination as to whether the individual has a medically verified total <u>and</u> permanent disability, the CSEU/SCU may request that the NCP obtain his or her medical records pursuant to 45 CFR § 164.524 (regarding access of individuals to protected health information) and provide such documentation to the CSEU/SCU for review. Alternatively, a court order would be acceptable documentation that a NCP is permanently and totally disabled. However, in order for the case to be closed, the CSEU/SCU must also determine that the NCP has no support potential <u>and</u> no income or assets available which could be levied or attached for current support and/or support arrears/past due support.

Example 1: The CSEU/SCU becomes aware that the NCP is incarcerated and has verified that there is no chance of parole due to the nature of the crime. Because there is no chance of parole the NCP cannot pay support for the duration of the child's minority. The CSEU/SCU determines that no income or assets are available which could be levied or attached for current support or support arrears/past due support. The CSEU/SCU enters status and reason code S802 22. The case meets eligibility for automated case closure under criterion 5.b.

Example 2: A member of the NCP's family notifies the CSEU/SCU that the court has issued an order stating that the NCP is mentally incompetent due to a total and permanent disability. The court has appointed the family member as guardian to make medical and housing decisions, and the family member provides the

CSEU/SCU with a copy of the court order stating that the NCP is totally and permanently disabled. A copy of supporting medical documentation that was provided to the court is also included. The NCP has no evidence of support potential for the duration of the child's minority due to the total and permanent disability. The CSEU/SCU determines that no income or assets are available which could be levied or attached for current support or support arrears/past due support. The CSEU/SCU enters status and reason code S802 23. The case meets eligibility for automated case closure under criterion 5.c.

6. **Criterion 6 – Noncustodial Parent Lives in a Foreign Country**

Criterion 6 may be used for cases or accounts in which the NCP lives in a foreign country <u>and</u>:

a. The NCP is a citizen of the foreign country;
b. The NCP does not work for the United States government or a company which has its headquarters or offices in the United States;
c. The NCP has no reachable domestic income or assets; and
d. There is no reciprocity with the foreign country.

A list of foreign countries with which NYS has a reciprocal agreement is available on ERS under *Resources, International Cases*. A link to the list of foreign countries with which the Federal OCSE has reciprocal agreements is also available on ERS under *Resources, International Cases*.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter status and reason code E802 24 (*Noncustodial parent foreign citizen; no reciprocity*); or S802 24 *(Noncustodial parent foreign citizen; no reciprocity).*

Example: The CSEU/SCU determines that the NCP resides in and is a citizen of the Ukraine and does not work for the United States government or any company that has headquarters or offices in the United States. The CSEU/SCU cannot locate domestic income or assets for the NCP which can be levied or attached. The CSEU/SCU enters status and reason code E802 24. The account meets eligibility for automated case closure under criterion 6.

7. **Criterion 7 – CSEU/SCU Providing Non-Title IV-D Location Only Services**

Criterion 7 may be used when the Child Support Processing Center (CSPC), on behalf of the CSEU/SCU, has provided non-Title IV-D location only services as requested by the CP, legal guardian, attorney, or agent of a child who is not receiving TA. The non-Title IV-D services are managed through the centralized "Quick Locate" process performed by the CSPC. Closure of these cases occurs automatically regardless of whether the services were successful.

CSEU/SCU Required Actions: No specific CSEU/SCU actions are required for this criterion.

Example: The attorney representing the mother in a divorce proceeding submits a request to the CSPC for location of the children's father. The attorney attests that the location of the children's father is necessary for purposes of establishing an obligation for support of the children. The CSPC locates the children's father and notifies the attorney accordingly. The case meets eligibility for automated case closure under criterion 7.

8.   **Criterion 8 – Request to Close Case**

Criterion 8 may be used for cases or accounts in which the non-TA recipient of services requests closure of his or her case and there is no assignment to the State of medical support or support arrears/past due support which accrued under an order of support. The non-TA recipient of services may request closure of their case verbally or in writing. When an order of support has been modified by the court to become a *pay-direct order* at the request and consent of the parties and there is no assignment of support, a request to close the case will be deemed to have been made.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter status and reason code D002 18 *(Custodial parent written request to close case)*; or E999 01 (*Client requests case closed*); or P999 01 (*Client requests case be closed*); or S999 01 (*Client requests case be closed);* or T999 01 (*Client requests case be closed).*

Example: A recipient of services contacts the CSEU/SCU to state that she would like all future child support collections to be paid directly to her by the NCP. The CSEU/SCU reviews the account and determines that the account is a former-TA account and there are no support arrears/past due support owed to the SSD. There is a current obligation and support arrears/past due support is owed to the recipient of services. The CSEU/SCU follows the instructions provided in the change in payee policy for redirecting collections to the recipient of services. After account maintenance is completed following the redirection of collections, the CSEU/SCU enters status and reason code S999 01. The account meets eligibility for automated case closure under criterion 8.

9.   **Criterion 9 – Good Cause**

Criterion 9 may be used for cases or accounts in which the responsible unit within the SSD determines that a recipient of services has good cause or is covered by a valid exception preventing them from cooperating with the CSEU/SCU without risk of physical or emotional harm to them or to a child. Case closure for *good cause* includes other exceptions to cooperation including family violence full waiver decisions and orders of protection. Responsible units with the SSD include TA, MA and Foster Care Units, and CSEU/SCUs, as appropriate.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter "6" (*Good cause claim)* in the Wedlock Indicator for all associated children; or manually enter "1" (*Request notification of family violence to the Federal Case Registry; full family violence waiver granted*); or enter status and reason code G801 00 (*Good cause claim upheld*) or M803 03 (*Good cause granted*).

Example: The recipient of services meets with the TA Unit for recertification of her TA benefits. At the meeting, the recipient of services advises the TA Unit that the NCP on the child support account has made threats against her and she is fearful. The TA Unit refers the recipient to the SSD's Domestic Violence Liaison (DVL). After screening the recipient of services, the DVL notifies the CSEU/SCU that a full waiver has been granted. The CSEU/SCU updates the Family Violence Indicator to "1." The case meets eligibility for automated case closure under criterion 9.

10. **Criterion 10 – No Contact with Recipient of Services**

Criterion 10 may be used for a non-TA case or account, or a non-TA MA-only case (in which cooperation with the CSEU/SCU is not required by the recipient of services or custodian) and the CSEU/SCU is unable to contact the recipient of services or custodian within a sixty (60) calendar day period. In addition, there cannot be an assignment to the State of medical support or support arrears/past due support which accrued under an order of support and remains due. Closure of a non-TA case for lack of contact from the recipient of services or custodian requires the issuance of at least two notices sent by mail to the last known address before a case can be closed. Refer to Section V.D.1. for information regarding the two notices required.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter status and reason code L801 02 (*Client cannot be located*).

Note: For active accounts for which child support payments are being received but have not been disbursed, the CSEU/SCU must not close the account before the expiration of two (2) years following diligent effort to locate the recipient of services. SSL § 111-h(4) provides that "*any and all moneys paid into the SCU pursuant to an order of support where the petitioner is not a recipient of public assistance, shall upon payment into such* [SCU] *be deemed for all purposes to be the property of the person for whom such money is to be paid.*" As such, the CSEU/SCU follows the unclaimed funds process outlined in SSL 111-h(5) through (7).

Example: A request was sent to the recipient of services for updated medical support information. The letter is returned and no new address is provided by the United States Postal Service (USPS). The CSEU/SCU performs searches to locate the recipient of services and determines that after diligent effort, the location remains unknown after two years. The CSEU/SCU reviews the account and determines that account is a non-TA account. There are undisbursed collections remaining on the account which are due to the recipient of services. The CSEU/SCU pursues court action for those undisbursed collections pursuant to SSL § 111-h. The court determines that the undisbursed collections may be deposited with the county treasurer. After account maintenance is completed and undisbursed collections are deposited with the county treasurer, the CSEU/SCU enters status and reason code L801 02. The account meets eligibility for automated case closure under criterion 10.

11. **Criterion 11 – Non-Cooperation**

Criterion 11 may be used for a non-TA case or account in receipt of child support services, or in a non-TA MA-only case:
- When cooperation with the CSEU/SCU is not required of the recipient of services (i.e., a child-only MA case); and
- Where the CSEU/SCU documents the circumstances of non-cooperation by the recipient of services and an action by the recipient of services is essential for the next step in providing child support services.

The recipient of services is considered to have cooperated when information which is essential to the next step in establishing the order of support in accordance with 18 NYCRR § 369.2 is provided; or a completed LDSS-4281 attesting under penalty for perjury to the lack of information is provided.

The recipient of services is considered to not have cooperated when an action by the recipient of services is essential for the next step in providing child support services, such as (1) failing to submit to paternity testing or to attend hearings necessary to establish paternity or support; (2) refusing to sign forms (e.g., *Affidavit Alleging Paternity*); (3) continuing to accept direct child support payments; or (4) refusing to report private attorney actions or the actions of private collection agencies upon request.

Should a recipient of services refuse to provide necessary information to move the case processing forward prior to the issuance of an order of support or after an order of support has been issued (which should be rare), actions under criterion 11 may be appropriate.

However, a recipient of services' failure to file or respond to a violation petition is not a valid case closure basis indicating the recipient of services' inaction since the CSEU/SCU has legal standing to originate and prosecute enforcement proceedings (FCA § 453). An exception to this rule could occur where the court determines that testimony of the recipient of services is necessary and summons the individual to appear. If the recipient of services refused to appear in response to the summons, case closure would be appropriate.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter status and reason code E201 05 (*Client did not appear*); or E802 02 (*Dismissal; summons served; neither side appeared*); or P801 01 (*Client failed to cooperate*); or P802 04 (*Dismissed with prejudice; client didn't cooperate*); or P802 05 (*Dismissed without prejudice; client didn't cooperate*); or S201 05 (*Client did not appear*); or S802 04 (*Client failed to cooperate*); or S802 08 (*Dismissal; summons served; client absent*); or S802 10 (*Dismissal; summons served; neither side appeared*).

Example: The recipient of services applies for child support services in accordance with SSL § 111-g. The services include paternity establishment and the CSEU/SCU requires additional information regarding the putative father. After several attempts to obtain the necessary information, the CSEU/SCU determines that the recipient of services is refusing to cooperate. The CSEU/SCU enters status and reason code P801 01. The case meets eligibility for automated case closure under criterion 11.

12.   **Criterion 12 – No Action by Initiating Agency**

Criterion 12 may be used for cases or accounts in which NYS, as the responding agency, documents the failure of the initiating agency to cooperate in a child support case receiving child support services, and action by the initiating agency is required for the next step in providing child support services.

CSEU/SCU Required Actions: For cases or accounts that are eligible for case closure under this criterion, the CSEU/SCU must enter status and reason code **R802 25** *(initiating state/non cooperation)* to close the R status group when the initiating agency fails to cooperate within the timeframe provided in 45 CFR § 303.7.

Example: The State of Florida (the initiating agency) sends an intergovernmental IV-D case to the NYS Interstate Central Registry (ICR) through *Child Support Enforcement Transmittal #1–Initial Request*. Florida requests registration for enforcement of their order. NYS is the responding agency. The ICR receives the

complete intergovernmental package and builds the case. The ICR then forwards the complete intergovernmental package to the Broome County Family Court and sends a cover letter to the Broome County CSEU/SCU. Broome County proceeds with registering the order for enforcement. Upon notification from the court that the order has been registered and is enforceable, the NCP contests the validity of the support arrears/past due support. The court directs the CSEU/SCU to obtain an Affidavit of Arrears and payment history from Florida. Broome County sends Florida a completed *Child Support Enforcement Transmittal #2-Subsequent Actions* requesting an Affidavit of Arrears and payment history in order to proceed with the next action. Florida does not respond and it has been over thirty (30) days. Broome County enters status and reason code R802 25. The case meets eligibility for automated case closure under criterion 12.

13. **Criterion 13 - Initiating Agency Closed Case**

Criterion 13 may be used by a responding agency for cases or accounts in which the initiating agency notifies the responding agency pursuant to 45 CFR § 303.7(c)(11) that the initiating agency has closed its case and provides the responding agency with the basis for closing its case through the normal interstate notification process.

When the underline initiating agency in an intergovernmental IV-D case is NYS, the CSEU/SCU must follow the instructions provided in criteria 1 through 12, as appropriate, to close its case. The CSEU/SCU must then prepare and submit *Child Support Enforcement Transmittal #2–Subsequent Actions* to the responding agency providing notice that NYS has closed its case or account. The CSEU/SCU must include the basis for closing its case or account (criteria 1 through 12, whichever is appropriate) on the transmittal. The responding agency must use criterion 13 to close its case or account.

When the responding agency in an intergovernmental IV-D case is NYS, the initiating agency will send notification to the CSEU/SCU that it has closed its case either (1) through the Child Support Enforcement Network (CSENet) if the initiating agency uses CSENet or (2) by submitting *Child Support Enforcement Transmittal #2–Subsequent Actions*. The initiating agency must include the basis for closing its case or account (criteria 1 through 12, whichever is appropriate). The CSEU/SCU must use criterion 13 to close its case or account.

If the initiating agency sends notification through CSENet message MSC P GSC 02 (*Managing State Cases, Provision/Response, Case Closure Reason 45CFR 303.11[b][1]*) through MSC P GSC 13 (*Managing State Cases, Provision/Response, Case Closure Reason 45CFR 303.11[b][12]*), actions necessary to initiate case closure and to terminate the IWO(s) will occur systematically. If the initiating agency sends notification by submitting *Child Support Enforcement Transmittal #2–Subsequent Actions,* the CSEU/SCU must take the required actions identified in criterion 13 to close the case or account.

CSEU/SCU Required Actions: Where notification that the initiating agency has closed its case is received through receipt of *Child Support Enforcement Transmittal #2–Subsequent Actions*, the CSEU/SCU must take actions necessary to close the account within ten (10) business days of receipt. The CSEU/SCU must enter status/reason code R165 01 (*Initiating state request received-case closed).* If the account has an active *Income Withholding Order/Notice for Support* (IWO), unless the two states reach an alternative agreement on how to proceed, the CSEU/SCU must ensure that the IWO is terminated. Termination of the

IWO(s) will occur systematically when account maintenance is completed, or may be done manually by updating the delinquency switch field to "86" (*Send terminated IEX/user and system generated*).

The CSEU/SCU must notify the initiating agency by completing and submitting *Child Support Enforcement Transmittal #2–Subsequent Actions* that the case is closed, and if appropriate, the IWO(s) have been terminated.

Example 1: The State of Texas (the initiating agency) sends a CSENet message MSC P GSC 02 (*Managing State Cases, Provision/Response, Case Closure Reason 45CFR 303.11[b][1]*) to NYS (the responding agency). The CSENet message notifies NYS that Texas has closed its case under criterion 1. The case belongs to the Albany County CSEU/SCU and there is an active IWO. The case meets eligibility for automated case closure under criterion 13. Because the message was submitted through CSENet, Albany County does not have to take an action to initiate case closure. The IWO will be systematically terminated and the case will be systematically closed under criterion 13. A CSENet response message will be sent to Texas providing notice that NYS has closed its case.

Example 2: The State of North Carolina (the initiating agency) sends *Child Support Enforcement Transmittal #2–Subsequent Actions* to NYS (the responding agency). The transmittal notifies NYS that North Carolina has closed its case under criterion 1. The case belongs to the Rensselaer County CSEU/SCU and there is an active IWO. Because the message from North Carolina was sent through *Child Support Enforcement Transmittal #2–Subsequent Actions* rather than CSENet, Rensselaer County enters status and reason code R165 01 to initiate case closure. The case meets eligibility for automated case closure under criterion 13. Rensselaer County must ensure that account maintenance is completed, which in turn will systematically terminate the IWO. Rensselaer County must also provide notice to North Carolina that it has closed its case by completing and submitting *Child Support Enforcement Transmittal #2–Subsequent Actions.*

Example 3: The Schenectady County CSEU/SCU (the initiating agency) submits *Child Support Enforcement Transmittal #2–Subsequent Actions* providing notice to the State of Georgia (the responding agency) that NYS has closed its case under criterion 8. The Schenectady County CSEU/SCU follows the appropriate instructions provided under criterion 8 to close its case. Georgia will close its case under criterion 13 following that state's internal procedures for case closure.

14. **Criterion 14 - Initiating Agency No Longer Requires Services**

Criterion 14 may be used by a responding agency for cases or accounts in which the initiating agency has notified the responding agency through the normal interstate notification process that the responding agency's services are no longer needed.

When the initiating agency in an intergovernmental IV-D case is NYS, the CSEU/SCU must complete and submit *Child Support Enforcement Transmittal #2–Subsequent Actions* to the responding agency notifying the other state that their services are no longer required. The responding agency must use criterion 14 to close its case or account.

When the responding agency in an intergovernmental IV-D case is NYS, the initiating agency will send notification to the CSEU/SCU that the CSEU/SCU's child support services are no longer required either (1) through CSENet if the initiating

agency uses CSENet or (2) by submitting *Child Support Enforcement Transmittal #2–Subsequent Actions.* The CSEU/SCU must use criterion 14 to close its case or account.

If the initiating agency sends notification through CSENet message MSC P GSC15 (*Managing State Cases, Provision/Response, Case Closure Reason 45CFR 303.11[b][14]*), actions necessary to initiate case closure and to terminate the IWO(s) will occur systematically. If the initiating agency sends notification by submitting *Child Support Enforcement Transmittal #2–Subsequent Actions,* the CSEU/SCU must take the required actions identified in criterion 14 to close the case or account.

<u>**CSEU/SCU Required Actions:**</u> Where notification that the CSEU/SCU's services are no longer required is received through receipt of *Child Support Enforcement Transmittal #2–Subsequent Actions*, the CSEU/SCU must take actions necessary to close the account within ten (10) business days of receipt. The CSEU/SCU must enter status/reason code R165 02 (*Initiating state request received-services not needed*). If the account has an active IWO(s), unless the two states reach an alternative agreement on how to proceed, the CSEU/SCU must ensure that the IWO is terminated. Termination of the IWO(s) will occur systematically when account maintenance is completed, or may be done manually by updating the delinquency switch field to "86" (*Send terminated IEX/user and system generated*).

The CSEU/SCU must notify the initiating agency by completing and submitting *Child Support Enforcement Transmittal #2–Subsequent Actions* that the case is closed, and if appropriate, the IWO(s) has been terminated.

Example 1: The State of Virginia (the initiating agency) sends a CSENet message MSC P GSC15 (*Managing State Cases, Provision/Response, Case Closure Reason 45CFR 303.11[b][14]*) to NYS (the responding agency). The CSENet message notifies NYS that its services are no longer required. Virginia is not closing its case but does not require services from NYS any further. The case belongs to the Ulster County CSEU/SCU and there is no active IWO. The case meets eligibility for automated case closure under criterion 14. Because the message was submitted through CSENet, Ulster County does not have to take an action to initiate case closure. The case will be systematically closed under criterion 14. A CSENet response message will be sent to Virginia providing notice that NYS has closed its case.

Example 2: The State of Delaware (the initiating agency) sends *Child Support Enforcement Transmittal #2–Subsequent Actions* to NYS (the responding agency). The transmittal notifies NYS that its services are no longer required by Delaware. The case belongs to the Saratoga County CSEU/SCU and there is no active IWO. Because the message from Delaware was sent through *Child Support Enforcement Transmittal #2–Subsequent Actions* rather than CSENet, Saratoga County enters status and reason code R165 02 to initiate case closure. The case meets eligibility for automated case closure under criterion 14. Saratoga County must also take actions to provide notice to Delaware that it has closed its case by completing and submitting *Child Support Enforcement Transmittal #2–Subsequent Actions.*

Example 3: The New York City CSEU/SCU (the initiating agency) submits *Child Support Enforcement Transmittal #2–Subsequent Actions* providing notice to the State of Connecticut (the responding agency) that its services are no longer required. The New York City CSEU/SCU is not closing their case but does not

require Connecticut's services any further. Connecticut will close its case under criterion 14 following that state's internal procedures for case closure.

C.   Automated Case Closure Report

CSEU/SCUs are provided with the *Automated Case Closure Report* to manage the automated case closure process. The report consists of Parts A through E and is generated monthly as a result of the automatic updates to the *Case Closure Notice Ind* on the individual case record. Refer to Section VI.B. for further information on codes used in the field and code updates.

The *Automated Case Closure Report* is stored on the Computer Output to Laser Disc (COLD) system under the report name AUTOCASECLOSE and is accessible through a Quick Link in ASSETS. Examples of each part of the *Automated Case Closure Report* are provided as **Attachment 2**.

The parts of the *Automated Case Closure Report* and required CSEU/SCU staff actions are as follows:

1.   Part A-Cases Eligible for Closing

Part A of the report, *Cases Eligible for Closing*, notifies the CSEU/SCU when a case or account is eligible for the automated case closure process and, when appropriate, a *Case Closure Notice* is generated (refer to Section V.D. regarding case closure notices). The report is generated when the *Case Closure Notice Ind* is updated to "N" (*Notice for case closure has been sent to client).* Refer to Section VI.B. for further information regarding codes available for the *Case Closure Notice Ind.*

Part A of the report includes the criterion for which the case will be closed and provides CSEU/SCUs with notification of when a case is eligible for case closure but no notice is generated due to an exception. Exceptions, as identified in Section V.D.2., include situations where the recipient of service's address is blank or cases where review of the "TOTAL AMOUNT OWED" under criteria 1 and 10 are taken from Ledger Type–First Position Code "2" (*Department of Social Services*). Under these situations, cases will appear in Part A of the report with the respective notation as identified in Section V.D.2.a. or b.

Part A of the report is made available by worker code.

CSEU/SCU Required Actions: Part A of the report is developed for CSEU/SCU staff and Supervisory review. Review of Part A of the report is at the discretion of the SSD. The SSD may choose to have CSEU/SCU staff review Part A of the report to determine whether cases and accounts identified on the report should be closed, and confirm that the proper account maintenance has been completed. If the case or account should not be closed it can be removed from the case closure process as explained in Section V.E.

Additionally, the SSD may choose to have Supervisors review Part A of the report to ensure that case closure is the appropriate next action. Additionally, the review should ensure that the correct criterion was used and related actions have been taken on the case or account, including the setting of any status and reason code required, or when appropriate, that a case or account has been removed from the case closure process. Review of Part A of the report by Supervisors may assist with identifying additional training needs.

2. **Part B-Automated Case Closure Cancelled**

Part B of the report, *Automated Case Closure Cancelled*, notifies CSEU/SCUs when a case has been removed from the case closure process. The report is generated when the *Case Closure Notice Ind* is updated:
- Manually by the CSEU/SCU to "D" *(Deleted–District removed case from case closure);*
- Manually by the CSEU/SCU to "U" (*Updated–District removed case from case closure until otherwise eligible;* or
- Systematically to "R" (*Reset–Case no longer qualifies for case closure*).

Refer to Section VI.B. for further information regarding codes available for the *Case Closure Notice Ind.*

Part B of the report is made available by worker code.

CSEU/SCU Required Actions: Part B of the report is developed for CSEU/SCU staff and Supervisory review. Part B of the report <u>must</u> be reviewed to determine what new information has excluded these cases from the case closure process and the case or account must be worked accordingly. The information may have been manually or systematically entered, and should permit the CSEU/SCU to take the next action on the case or account. For example, the recipient of services provides a new mailing address and telephone number to the CSEU/SCU for use in further contact and the CSEU/SCU updates that information. This action systematically removes the case from the process and updates the *Case Closure Notice Ind*. to "R." The CSEU/SCU should determine what the next action on the case or account is and proceed with that action.

Additionally, Supervisors must review Part B of the report to ensure that the cases and accounts removed from the automated case closure process manually or systematically should remain open and that child support services can continue. If the case or account should not remain open because the reason for case closure has not changed and services cannot continue (e.g., a new address is added to the case systematically for the recipient of services; however, the CSEU/SCU has recently verified this address to not be valid for the recipient of services), actions should be taken to remove the address to permit the case to enter the case closure process again.

3. **Part C-Cases Closed**

Part C of the report, *Cases Closed*, notifies CSEU/SCU staff of cases which have been closed as a result of the automated case closure process. The report is generated when the *Case Closure Notice Ind* is updated to "C" (*Closed–Case was systematically terminated*). Refer to Section VI.B. for further information regarding codes available for the *Case Closure Notice Ind.*

Part C of the report is made available by worker code.

CSEU/SCU Required Actions: Part C of the report is developed for Supervisory review. Review of Part C of the report by Supervisors is at the discretion of SSD. Supervisors may choose to review Part C of the report to evaluate cases and accounts that have been closed to determine the correctness of the actions taken resulting in the closing of a case or account and to ensure that correct statuses are

being used and notices have been issued when appropriate. Review of Part C of the report by Supervisors may assist with identifying additional training needs.

4.   **Part D-Cases Requiring Further Review**

Part D of the report, *Cases Requiring Further Review*, notifies CSEU/SCU staff of cases which have met eligibility for case closure but the necessary account maintenance actions have not been completed and are preventing the case from closing (e.g., an open A100 00 status and reason code needs to be closed). The report is generated when the *Case Closure Notice Ind* is updated to "M" (*Manual attention needed to close case*). Refer to Section VI.B. for further information regarding codes available for the *Case Closure Notice Ind.*

Part D of the report is made available by worker code.

CSEU/SCU Required Actions: Part D of the report is developed for CSEU/SCU staff and Supervisory review. Part D of the report must be reviewed and any required account maintenance and adjustments must be completed prior to the automated closure of the case. Otherwise, the cases will not complete closure.

Additionally, Supervisors must review Part D of the report and ensure that CSEU/SCU staff review cases and accounts and perform necessary account maintenance actions in an effort to move cases to automatic closure. These cases or accounts will require that account maintenance and adjustments be completed by CSEU/SCU staff prior to automated closure of the case. Once actions are taken, the cases should close and be reported in Part C, *Cases Closed*. Review of Part D of the report by Supervisors may assist with identifying additional training needs.

5.   **Part E-Summary**

Part E of the report, *Summary*, provides a summary of the activity that is reported in Parts A through D of the *Automated Case Closure Report* for the month, including the volume of cases and accounts that:
- Are eligible for case closure;
- Have had case closure letters sent;
- Are no longer eligible for case closure;
- Have closed; and
- Require account maintenance in order to close.

Part E of the report is sorted by worker code and identifies the number of cases for each of the parts of the report described.

CSEU/SCU Required Actions: Part E of the report is developed for Supervisory review. Supervisors must review Part E of the report to ensure that volumes of cases and accounts being reported monthly as a result of actions performed by CSEU/SCU staff seem reasonable. For example, if the CSEU/SCU staff person associated with a worker code has closed a disproportionately high number of cases during the month, the Supervisor may want to review the cases or accounts reported in Parts A, C, or D of the report to determine whether closure was the appropriate action.

Additionally, supervisors should evaluate the volume of cases and accounts associated with each worker code that are reported as no longer eligible for case

closure or that require account maintenance in order to close to determine whether additionally training is necessary. For example, the CSEU/SCU staff person associated with a worker code shows that the bulk of accounts closed in a month are being reported in Part D and require account maintenance. The staff identified with that worker code may need additional training on necessary actions required to close a case under a certain criterion.

D. Case Closure Notices

1. Notice Generation

Notices designed to meet the federal requirement for providing written notification to the recipient of services in regard to case closure are produced monthly and mailed by first class mail by the CSPC. For purposes of automated case closure, <u>no</u> CSEU/SCU equivalent notices may be used in place of the notices identified in this Section.

a. Contact Letter about Case Closure

Case closure under criterion 10 requires two notices. The first notice required is the *Contact Letter about Case Closure* (**Attachment 3**)*.* The notice has been revised and is generated and used <u>exclusively</u> for criterion 10 where there is an inability to contact the non-TA recipient of services. The notice is designed to meet the federal requirement for providing written notification to the recipient of services at least sixty (60) calendar days prior to the generation of the *Case Closure Notice.*

Sixty (60) days after the *Contact Letter about Case Closure* is sent, the *Case Closure Notice* explained in Section V.D.1.b. is required to be sent. Due to processing timeframes, actions to close a case or account will occur systematically ninety (90) days after the issuance of a *Case Closure Notice.* As such, criterion 10 will result in a processing timeframe of one hundred fifty (150) days for automated case closure to complete.

b. Case Closure Notice

The *Case Closure Notice* (**Attachment 4**) is sent to the recipient of services in order to meet the federal requirement for providing the written notification to the recipient of services at least sixty (60) calendar days <u>prior</u> to closing a child support case. The notice has been revised and informs the recipient of services of the CSEU/SCU's intention to close the case after the expiration of sixty (60) days. The notice contains instructions for the recipient of services in the event he or she disagrees with the decision to close the case.

For the criteria which require the issuance of a *Case Closure Notice*, the notice will be generated when the following occurs:
- Under criterion 1, for cases in account status, when the current support ledger is terminated and support arrears/past due support owed to the non-TA recipient of services is less than $500.00;
- Under criterion 2, for cases in case-only status, when the Wedlock Indicator is set to "5" (*Death of Parent*) for all associated children or**,** for cases in account status, when the Review & Adjustment Indicator is set to "D" (*Respondent deceased [manual]*);

- Under criterion 3(a), when paternity has not been established and the child is age twenty-one or older; and
- Under criterion 1, for cases that are in case-only status, and under criteria 3(b), 3(c), 3(d), 4(a), 4(b), 5(a), 5(b), 5(c), 6, 10 (second notice required), and 11, when the appropriate status is set.

No *Case Closure Notice* is required, or generated, for criteria 7, 8, 9, 13 and 14.

Note: Because criteria 8 and 9 do not require the generation of a notice, and criterion 10 requires the generation of two notices, the automated case closure process will review cases and accounts identified for closure under these criteria first. If the case or account meets eligibility under one of the criterion, it will close under that criterion. Otherwise, the automated case closure process will continue to cycle through the remaining criteria, beginning with criterion 1, to determine the appropriate criterion or criteria for closure of the case or account.

c.   **Case Closure Notice-Referring Agency**

The *Case Closure Notice-Referring Agency* (**Attachment 5**) has been revised and is generated and used to assist with the case closing process in intergovernmental IV-D cases referred to NYS. It is used exclusively for criterion 12. The notice will be generated when the appropriate status is set.

d.   **Text for Case Closure Notice**

As explained in Section V.D.1., the *Case Closure Notice* or the *Case Closure Notice-Referring Agency* is generated when appropriate for the specific criterion. Each notice generated includes specific language associated with the criterion or criteria that apply to the case or account so that the recipient of services understands the reason(s) that his or her case or account is being closed. Refer to *Text for Case Closure Notices* (**Attachment 6**) for the language that is used for each case closure criterion.

e.   **Aging of Case Closure Notices**

The appropriate aging of, and review for, responses to the *Case Closure Notice* and *Case Closure Notice-Referring Agency* must have elapsed <u>before</u> the case or account will be closed. The notices, once issued by the CSPC, require the passage of sixty (60) days before a case or account may be closed. Due to processing timeframes, actions to close a case or account will occur systematically ninety (90) days after the issuance of a *Case Closure Notice* or *Case Closure Notice-Referring Agency.*

Additionally, as noted in Section V.D.1.a., criterion 10 requires two notices, a *Contact Letter about Case Closure* and *Case Closure Notice.* As such, criterion 10 will result in a processing timeframe of one hundred fifty (150) days for automated case closure to complete.

Note: If the case or account meets a criterion that does not require the generation of a case closure notice, the case or account will close immediately.

2. Exceptions to Notice Generation

There are two exceptions to the notice generation that include:

a. Recipient of Service Address Issues

For all criteria, case closure notices will be sent to the recipient of service's current mailing or residential address or, if blank, the last known address. If the address is blank, no notice will be issued and a notation will appear on the *Automated Case Closure Report* in Part A, *Cases Eligible for Closing,* with the notation "*Blank Address*" in the AMOUNT DUE column of the report.

This condition will not remove the case or account from the case closure process, with one exception. If a new address for the recipient of services is located, adding the address will cause the case closure process to reset, and if the case or account is still eligible for case closure, begin the process again. If the criterion requires issuance of a case closure notice, the notice will be generated.

b. SSD Ledgers

For criteria 1 and 10, if all of the amounts making up the "TOTAL AMOUNT OWED" are taken from Ledger Type–First Position Code "2" (*Department of Social Services*) representing support under an assignment, the system will create an exception for the case or account. The record will be removed from the case closure notice production file and no notice will be generated.

This condition will not remove the case from the case closure process. Rather a notation will appear on the *Automated Case Closure Report* in Part A, *Cases Eligible for Closing,* as "*No Notice Sent*" in the AMOUNT DUE column of the report.

Refer to Section V.C. for further information regarding Part A of the *Automated Case Closure Report.*

E. Removal of a Case from the Automated Case Closure Process

1. CSEU/SCU Removal of a Case from the Process

The recipient of services is advised in the *Case Closure Notice* that if he or she does not agree with the decision to close the case for the reason(s) stated, he or she may contact the NYS Child Support Customer Service Helpline (CSH) to receive an explanation of the decision and discuss the reason why the case should remain open. The CSH Customer Service Representative (CSR) will make a referral to the CSEU/SCU upon a request. Refer to Section V.F.1. for further information regarding CSR actions.

a. Case Determined to be Workable

A recipient of services may request that the case remain open in response to the *Case Closure Notice* and provide necessary information which will permit the CSEU/SCU to establish paternity; establish, modify or enforce the order of support; or to locate the recipient of services or noncustodial parent. For example, an automated case closure notice may have been

issued to a recipient of services under criterion 4.b. and the recipient of services contacts the CSEU/SCU to provide NCP locate information for purposes of providing services. Additionally, issues may arise that require time to resolve and the CSEU/SCU may desire to remove a case or account from the automated case closure process while the issue is being reviewed.

When the CSEU/SCU has reason to remove a case or account from the automated case closure process, and it is within sixty (60) days of being reported in Part A of the *Automated Case Closure Report*, the "N" (*Notice for case closure has been sent to client)* in the *Case Closure Notice Ind* must be updated. To update the field, the CSEU/SCU must enter "D" (*Deleted–District removed case from case closure)* in the CSE-CLO-IND field on the IVDJCA record. The manual entry of the "D" will stop a case or account from continuing in the automated case closure process and permit the CSEU/SCU to work the case until it becomes otherwise eligible for automated case closure.

Note**:** If the CSEU/SCU is removing an account from the automated case closure process because the order of support contains a current obligation established by the court for zero dollars, the 0-$CUR-SPT field must be set to "Y" (*Yes*).

b.   Case Eligible for Case Closure But Removed from the Process

Under special circumstances, a recipient of services may request that the case remain open in response to the *Case Closure Notice* which will require special handling.   The special circumstances include 1)   requests to continue collection and enforcement of the support arrears/past due support when the amount is less than $500 (criterion 1) and necessary information to continue enforcement is provided; 2) cases that involve an order of support that continues after the youngest child reaches the age of 21 (any criterion); and 3) cases in account status that involve the granting of good cause or a full family violence waiver (criterion 9), but because the case is linked by the recipient of services, closes when services should continue.

Under these special circumstance, the CSEU/SCU must update the *Case Closure Notice Ind* field to "U" (*Updated–District removed case from case closure until otherwise eligible)* to remove a case or account from the automated case closure process while it is in process. Additionally, a case involving an order of support that continues after the youngest child reaches the age of 21 requires that the CSEU/SCU set a tickler date to identify when the order of support stops and the case may be closed.

The "U" will remain in the *Case Closure Notice Ind* field until it is manually updated by the CSEU/SCU.

Note: When the support arrears/past due support is fully paid or the youngest child reaches the age of 21, the account will be reported on ASSETS under *Worker Alerts, Warnings.* When the tickler date is reached for an account involving an order of support that continues after the youngest child reaches the age of 21, the account will be reported on ASSETS under *Worker Alerts, Ticklers.* When the account appears on the respective *Worker Alerts* report, or the case becomes eligible for closure for

any reason, the CSEU/SCU must update the "U" in the *Case Closure Notice Ind* field to "blank" to permit the case closure process to begin again. Additionally, if the account appears on *Worker Alerts, Ticklers*, the tickler date on the case must be removed.

2. **Systematic Removal of a Case from the Process**

During the automated case closure process the system may remove a case or account when the case or account no longer meets the stated case criteria for closure and it is <u>within</u> sixty (60) days of being reported in Part A of the *Automated Case Closure Report.* For example, a case is eligible for automated case closure under criterion 10. The recipient of services address is unknown and the case reports in Part A with the notation "*Blank Address.*" One month after the case or account reports in Part A, a new mailing address is added for the recipient of services. The system will remove the case from the automated case closure process because the case no longer meets the requirements for automated case closure under criterion 10.

When the system determines the case or account no longer meets the criteria to close because the stated case criteria which brought it into case closure has changed <u>within</u> sixty (60) days of being reported in Part A, the "N" in the *Case Closure Notice Ind* will be systematically updated to "R" (*Reset–Case no longer qualifies for case closure*). Additionally, the "N" in the *Case Closure Notice Ind* will be systematically updated to "R" when no case closure notice is required, the system determines the case or account no longer meets the criteria to close before the monthly case closure processing occurs, and it is before the case or account reports in Part C of the *Automated Case Closure Report.* The systematic entry of the "R" will reset the case or account as it no longer qualifies for the automated case closure process.

Refer to Section VI.B. for further information regarding the *Case Closure Notice Ind* codes "D," "U," and "R." Removal from the automated case closure process will result in the case or account appearing on the *Automated Case Closure Report* in Part B, *Automated Case Closure Cancelled* (Section V.C.2.).

F. **Child Support Processing Center**

1. **Customer Service Helpline**

In the *Case Closure Notice* and *Case Closure Notice-Referring Agency*, the recipient of services is advised that he or she may contact the CSH if he or she disagrees with the decision to close the case and presents a reason(s) to keep the case open. In certain instances, the CSR will make a referral to the CSEU/SCU for further action. The *Customer Service Frequently Asked Questions and Answers*, are available on ERS under *Resources, Customer Service.* Section 3-10, *Case Closure/Case Closure Form*, provides information related to how a CSR will respond to questions.

In any instance where the CSR makes a referral to the CSEU/SCU, the CSEU/SCU <u>must</u> contact the recipient of services by telephone within five (5) business days after the date of the referral by the CSR and advise the recipient of services of their decision to close the case or keep the case open.

2. Undeliverable Mail

Case closure notices identified in Section V.D. which are produced and mailed by the CSPC provide a return address for the CSPC. Undeliverable mail will be processed by the CSPC as follows:

a. Returned Notices With a New Address

When the USPS returns a case closure notice and provides a new forwarding address for the recipient of services, the notice will be placed in a new envelope addressed to the new forwarding address provided by the USPS and mailed. The CSPC will update the mailing address on the Client Information record, and the source "PCF" and the address change date will be recorded on the Client Mailing Address History record. The updated address will be reported on ASSETS under *Worker Alerts, Daily Status Changes.*

b. Returned Notices Without a New Address

When the USPS returns a case closure notice <u>without</u> a new forwarding address for the recipient of services, the CSPC will remove the mailing address on the Client Information record if it is the more recent address change, and the source "PCF" and the address change date will be recorded on the Client Mailing Address History record. Case closure will proceed, if appropriate, for the criterion stated on the case closure notice.

G. Administrative Closure

With few exceptions, the CSEU/SCU must use the appropriate criteria 1 through 14 as defined in Section V.B. when selecting a case or account for automated case closure. Those exceptions apply to cases and accounts which require administrative closure and where generating a case closure notice would <u>not</u> be appropriate.

1. Suspense and Refund to Respondent Accounts

A new administrative closure procedure is provided for suspense accounts and refund to respondent accounts built appropriately with an NCP Social Security number of 999-99-9999 and the only ledger on the account is 13C. CSEU/SCUs must close these accounts by terminating the ledger with a 07 LDST transaction. The 07 LDST transaction will systematically set status and reason codes D001 17 (*Case closure not required*), Z901 00 (*Non-IV-D case closed*) and D901 03 *(Case closure notice not required*).

2. General Administrative Cases and Accounts

General cases and accounts which require administrative closure include:
- Administrative accounts, such as ones used for paternity testing;
- Suspense accounts not closed systematically as explained in Section V.G.1.
- A case or account built in error;
- A duplicate case;
- A case in which the putative father has been excluded as the biological father <u>and</u> a second case is opened naming another individual as the biological father of the child; or

- A case in which a Federal Information Processing Standard (FIPS) code is changed, requiring the opening of a new case with an account.

For these cases and accounts, the CSEU/SCU must enter status and reason codes D001 17 (*Case closure not required*) and D901 03 *(Case closure notice not required)*. The CSEU/SCU must also manually perform the appropriate account maintenance to close out any ledgers, ensuring the open A100 00 status and reason code is closed, and close any open X, Y, C or Z status group on the case or account.

3. Inter-County Supplemental Accounts

A new administrative closure procedure is provided for inter-county supplemental accounts. ***Inter-county supplemental*** accounts are those built when a recipient of services applies for services in another county (County B) but the order of support continues in the originating county (County A). County A, who has a retained account, is instructed to build a second account to refer collections to the other county, County B. County B is instructed to build a retained account to receive and distribute those collections.

When child support services are no longer required in County B, both County A's referred account and County B's retained account may be closed administratively. That is because the original retained account in County A remains the primary account and County A must follow federal case closure requirements under criteria 1 through 14 when case closure is appropriate.

Once County B notifies County A that services are no longer required in County B, both CSEU/SCUs must close their respective cases or accounts. County A will close their referred account by entering status and reason codes D001 17 (*Case closure not required*) and D901 07 *(Case closure notice not required-intercounty case)*. County B will close their retained account by entering status and reason codes D001 17 (*Case closure not required*) and D901 07 *(Case closure notice not required-intercounty case)*.

The CSEU/SCUs in County A and B must also manually perform the appropriate account maintenance to close out any ledgers, ensuring the open A100 00 status and reason code is closed, and close any open X, Y, C or Z status group on the case or account.

Administrative closure under the processes described in Section V.G. will not result in a *Case Closure Notice* being generated for a case or account, nor will closed cases appear on the *Automated Case Closure Report* in Part C, *Cases Closed.* Rather, the administrative closure process will assist CSEU/SCUs with closing cases and accounts built administratively under state guidance. As such, the process must not be used to expedite closure of a case or account which is required to be closed under criteria 1 through 14, or to close a case where the CSEU/SCU is uncertain which criterion to use. If the CSEU/SCU is uncertain which criterion to use, they must contact their county representative to discuss the case or account before preparing the case or account for closure.

H. Resource Guide

The automated case closure process provides for both manual and systematic actions throughout the process. As such, a new *Case Closure Resource Guide* will be made available after the release of this ADM. The resource guide will assist CSEU/SCUs with

identifying actions that must be followed to ensure appropriate case closure and will provide information on how the system selects cases for automated case closure and what occurs after selection, including notice generation, systems updates, and reporting for each criterion defined in Section V.B. Lastly, the resource guide will provide guidance on how cases and accounts close under the administrative closure process defined in Section V.G.

VI. Systems Implications

A. Data File Processing

The automated case closure process occurs on a monthly basis on the third weekend of each month. The codes available for the *Case Closure Notice Ind* explained in Section VI.B. are updated during the monthly automated case closure process. Case closure notices identified in Section V.D. are generated on the Monday that follows the processing that occurs on the third weekend of each month. The *Automated Case Closure Reports* identified in Section V.C. are produced as a result of the monthly automated case closure process.

B. Case Closure Indicator Codes

Fields available on the ASSETS case record to assist in tracking the automated case closure process include the:
- *Case Closure Notice Ind* field; and
- *Case Closure Notice Date* field.

The *Case Closure Notice Ind* field is a single-character code that is populated with the appropriate indicator as follows. The indicator is also utilized to create the *Automated Case Closure Reports* identified in Section V.C.:

- "N" (*Notice for case closure has been sent to client)*: The "N" indicator is systematically set when a case is eligible for automated case closure. A *Case Closure Notice* or *Case Closure Notice-Referring Agency* is generated unless one of the exceptions identified in Section V.D.2. applies. Cases or accounts where the *Case Closure Notice Ind* field is set to "N" are reported on the *Automated Case Closure Report* in Part A, *Cases Eligible for Closing.* The "N" indicator will remain in the field until the next action is taken on the case or account. At that time, the *Case Closure Notice Ind* will be updated to either "C," "M," "R," or "D," depending on the outcome of case closure.

- "D" *(Deleted–District removed case from case closure)*: The "D" indicator requires manual setting when a CSEU/SCU desires to manually remove a case or account from the case closure process. Refer to Section V.E for further information about manually updating the indicator to "D" to remove a case or account from case closure. When a case or account has been removed from the automated closure process, a status code will systematically be set to D901 05 (*Case closure discontinued*). Cases where the *Case Closure Notice Ind* has been updated to "D" are reported on the *Automated Case Closure Report* in Part B, *Automated Case Closure Cancelled.* The "D" indicator will remain in the *Case Closure Notice Ind* field until the youngest child on the case reaches age 21.

- "U" (*Updated–District removed case from case closure until otherwise eligible*): The "U" indicator is to be exclusively used in special circumstances when a recipient of services requests to keep the case or account open and requires manual setting by

the CSEU/SCU. Refer to Section V.E.1.b. for information on the special circumstances when the CSEU/SCU will update the indicator to "U" to remove a case or account from case closure. An "N" or "M" in the *Case Closure Notice Ind* field can be manually updated to a "U." When a case or account with an "N" in the *Case Closure Notice Ind* field has been removed from the automated closure process by the CSEU/SCU by the entry of a "U," a status code will systematically be set to D901 06 (*Client requests case remain open*). Cases where the *Case Closure Notice Ind* has been updated to "U" are reported on the *Automated Case Closure Report* in Part B, *Automated Case Closure Cancelled.* The "U" indicator will remain in the *Closure Notice Ind* field until the CSEU/SCU determines the case or account should be closed and manually updates the field to "blank" to begin the automated case closure process again.

- "R" (*Reset–Case no longer qualifies for case closure*): The "R" indicator is systematically set when the automated closure process is reset because the case no longer qualifies for closure. An "N" in the *Case Closure Notice Ind* field will be systematically changed to an "R" when the stated case criteria which brought a case or account into case closure changes after the notice was generated but before automated case closure is completed, and the system determines the case no longer meets the criteria to close. When automated case closure has been reset and the *Case Closure Notice Ind* updates to "R," a status and reason code will systematically be set to D901 04 (*Closure criteria no longer met*). Cases where the *Case Closure Notice Ind* is updated to "R" are reported on the *Automated Case Closure Report* in Part B, *Automated Case Closure Cancelled.* The "R" indicator will remain in the *Case Closure Notice Ind* field until the next monthly data file process occurs, at which time it will update to "blank" as long as the case or account does not meet other case closure criterion requirements.

- "C" (*Closed–Case was systematically terminated*): The "C" indicator is systematically set when the case was automatically closed. Cases where the *Case Closure Notice Ind* is updated to "C" are reported on the *Automated Case Closure Report* in Part C, *Cases Closed.* The "C" indicator will remain in the *Case Closure Notice Ind* field until the case is purged.

- "M" (*Manual attention needed to close case*): The "M" indicator is systematically set when a case or account needs manual attention to be closed. Manual attention generally relates to cases with an account and an open A100 00 status and reason code. Cases where the *Case Closure Notice Ind* is updated to "M" are reported on the *Automated Case Closure Report* in Part D, *Cases Requiring Further Review.* The "M" indicator will remain in the *Case Closure Notice Ind* field until the open status and reason code A100 00 is closed or other required account maintenance is completed, at which time the *Case Closure Notice Ind* will be updated to "C."

- BLANK: Cases or accounts not selected for the automated case closure process will not have an indicator in the *Case Closure Notice Ind* field and the field will appear blank.

The *Case Closure Notice Date* field provides the date that the *Case Closure Notice* (**Attachment 4**) or *Case Closure Notice-Referring Agency* (**Attachment 5**) was issued. For criterion 10, the field will also show the date that the *Contact Letter about Case Closure* (**Attachment 3**) was issued. Where no notice is required, the date provided is the date that the appropriate "D" status group was opened. If the case or account is not in the automated case closure process, the fields will remain blank.

Note: CSEU/SCUs may view the *Case Closure Notice Ind* field in ASSETS on the case record. CSEU/SCUs will be notified when the field can be updated through ASSETS in a future release.

C. Case Closure Notices

Cases and accounts which are eligible for automated case closure will be reported to the CSPC on the monthly data file when a case closure notice must be generated and mailed. Refer to Section V.D. for further information on case closure notices.

D. Automated Case Closure Report

The *Automated Case Closure Report* is available to CSEU/SCUs on a monthly basis to manage the automated case closure process. Parts A through E of the report are stored on COLD under the report name AUTOCASECLOSE and are accessible through a Quick Link in ASSETS. Refer to Section V.C. for further details regarding each Part of the *Automated Case Closure Report* and **Attachment 2** for examples of each Part within the report.

VII. Additional Information

CSEU/SCUs must retain the official record of the case or account for six (6) years after the case is closed according to the NYS Department of Education Records Retention and Disposition Schedule CO-2 (http://www.archives.nysed.gov/a/records/mr_local.shtml). As such, case closure documentation received by the CSPC must be retained by the CSPC or by the CSEU/SCU for a minimum of six (6) years from the date the case or account is closed.

VIII. Effective Date

The ADM and CSEU/SCU instructions are effective immediately upon release. The systematic enhancements based on new and existing criteria and revisions to notices become effective with the January 18, 2013, automated case closure month end processing.

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