NEW YORK STATE OF OPPORTUNITY | **Office of Temporary and Disability Assistance**

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Administrative Directive Memorandum

Section 1

Transmittal:	19-ADM-08
To:	Social Services District Commissioners
Issuing Division/Office:	Division of Child Support Services
Date:	September 6, 2019
Subject:	Application for Child Support Services (LDSS-5143)
Suggested Distribution:	Child Support Program Coordinators Support Collection Unit Supervisors IV-D Attorneys DSS Attorneys
Contact Person(s):	Child Support Services – County Representative: Albany (518-473-0574) or New York City (212-961-8269) Office of Legal Affairs: 518-474-9502
Attachments:	Attachment 1 - LDSS-5143, *Application for Child Support Services* Attachment 2 - LDSS-5143A, *Important Information about Child Support Services* Attachment 3 - LDSS-5143B, *Additional Child Information (Application)* Attachment 4 - *Cover Letter - No Direct Application to Court for Child Support Services* Attachment 5 - *Cover Letter - Direct Application to Court for Child Support Services*
Attachment Available Online:	☒

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
03 ADM 5 08-ADM-10 10-ADM-02 12-ADM-03 13-ADM-01		18 NYCRR §§ 346.2 347.17	SSL§§ 111-g; DRL §§ 236B(7)(b), 240(1)(a); FCA §§ 423, 523; 45 CFR 302.15, 302.33, 303.2		*Dear Colleague* letters issued: April 12, 2005 March 7, 2016 January 18, 2019 July 24, 2019

Section 2

I.   Summary

This Administrative Directive Memorandum (ADM) introduces a new form, LDSS-5143, *Application for Child Support Services* (**Attachment 1**) for families applying for child support services pursuant to Social Services Law (SSL) § 111-g. The LDSS-5143 **must not** be used to refer Temporary Assistance (TA), Medicaid (MA), or Title IV-E and Non-IV-E Foster Care (FC) applicants/recipients to the Child Support Program. A new form, the LDSS-5145, *Referral for Child Support Services* must be used by social services districts (districts) to refer applicant/recipients of TA and FC programs to the Child Support Program. Until further notice, the MA program will continue to use the LDSS-4882 to refer MA applicants/recipients to the Child Support Program. A separate ADM contains instructions on the use of the LDSS-5145 and the prospective use of the LDSS-4882 for MA program referrals only.

The LDSS-5143 consists of the following components.

- Instructions on starting the application process;
- An *Important Information about Child Support Services* notice that provides information about the Child Support Program, including a new recoupment policy and a forthcoming increase to the federally-mandated annual service fee;
- A detachable four-page *Application* form (Part A) for the individual applying for child support services (i.e., the applicant);
- A detachable two-sided *Child Information (Application)* form (Part B) to obtain information about each child associated with the application (up to two children); and
- A detachable *Supporting Documentation* form (Part C) to guide applicants to provide the Child Support Enforcement Unit/Support Collection Unit (hereafter "CSEU") with relevant documents needed to establish a child support case and provide services.

An "Other Party" section has been developed to replace *Part II – Noncustodial Parent (NCP)/Putative Father (PF) Information* in the LDSS-4882 and expands the definition of the individual from whom child support is sought. The Other Party can be an NCP, an alleged father (AF), a custodial parent (CP), or a guardian.

The gender selections for the applicant, the Other Party, and the child have been expanded to include "Non-Binary/Other" which include transgender, genderfluid, intersex, and gender identities not exclusively masculine or feminine.

Two additional forms are also introduced in this ADM that make up the suite of forms that constitute the *Application for Child Support Services*:
- LDSS-5143A, *Important Information about Child Support Services* (**Attachment 2**).
- LDSS-5143B, *Additional Child Information (Application)* (**Attachment 3**).

II.   Purpose

This ADM informs districts of the new LDSS-5143 and provides information and instructions for its use. The LDSS-5143, LDSS-5143A, and LDSS-5143B **replace** the following documents:

- LDSS-4882, *Information about Child Support Services and Application/Referral for Child Support Services*
- LDSS-4882A, *Information about Child Support Services*
- LDSS-4882C, *Information for an Additional Child*.

LDSS-4882B, *Information for an Additional Noncustodial Parent (NCP) / Putative Father (PF)* is **not replaced**.

Replacing LDSS-4882, LDSS-4882A, and LDSS-4882C with the LDSS-5143 suite of forms also replaces the seven (7) versions of each form that are translated into Arabic, Chinese, Haitian-Creole, Italian, Korean, Russian and Spanish (i.e., LDSS-4882-AR, LDSS-4882-CH, LDSS-4882-HA, LDSS-4882-IT, LDSS-4882-KO, LDSS-4882-RU, and LDSS-4882-SP). Refer to Section IV. for additional information.

Any ADMs and Local Commissioner Memoranda (LCM) referred to herein are available on the Office of Temporary and Disability Assistance (OTDA) Intranet under *Directives, Policy Directives, Administrative Directives (ADM) and Local Commissioner Memoranda (LCM)*. *Dear Colleague* letters (DCL) referenced in this ADM are available on the Electronic Resource System (ERS) under *Policy Directives*.

III. Background

Title 45 of the Code of Federal Regulations (CFR) § 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 to maintain 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.

Currently, districts are required to use the LDSS-4882 to collect pertinent case information from individuals applying for child support services, and for TA, MA, and FC referrals to the CSEU. Although the information required for providing child support services is essentially the same for all types of cases, it was determined that creating a separate, streamlined application for child support services pursuant to SSL § 111-g would be beneficial to both the Child Support Program and its applicants. The LDSS-5143 has been developed to replace the LDSS-4882.

The LDSS-5143 incorporates notice regarding Public Law (P.L.) 115-123 which amended the federal Social Security Act § 454(6)(B)(ii) to increase the federally-mandated annual service fee from $25 to $35. The law also increases from $500 to $550 the amount a state must collect and disburse to a family that has never received Title IV-A assistance before imposing the fee each federal fiscal year. Individuals receiving or who have ever received Temporary Assistance for Needy Families (TANF) benefits in New York State, or in any other state, will not be subject to the annual service fee. Questions to assist with determining if applicants are subject to the annual service fee have been incorporated into the LDSS-5143 (refer to page A-1 of *Part A – Application, Applicant Public Assistance History*).

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 describing available child support services, the applicant's rights and responsibilities, applicable fees, cost recovery, and distribution policies to all applicants requesting child support services. 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 who are assigning their rights to child support, except legal services which are provided only at the request of the applicant (18 NYCRR § 347.17).

Mandated information is conveyed in the *Important Information about Child Support Services* section of the LDSS-5143, and in the stand-alone LDSS-5143A, *Important Information about Child Support Services*, which may be used in place of the LDSS-5143 where the individual has made a request for child support services by application through the Family or Supreme Court

(refer to Section V.B.). Both the LDSS-5143 and the LDSS-5143A satisfy the federal and State notification requirements and eliminate the need to provide any other local notice to applicants regarding available child support services.

IV. Program Implications

CSEUs must have on file an application for child support services. This includes the LDSS-5143 or a petition, written application, or motion to the 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 CSEU will complete the LDSS-5143. Individuals applying for child support services through the Family or Supreme Court, however, will be required to complete the LDSS-5143 only under the limited circumstances described in Section V.B.1. Importantly, a court order directing payment through the CSEU that is not accompanied by a direct application through court signed by the applicant is not sufficient to provide child support services. The only exception is where the individual has already applied for child support services in another district, state, U.S. tribe, Hague Convention country or foreign reciprocating country.

If the applicant has more than one child for whom paternity and/or support is sought involving different Other Parties (e.g., an applicant has two [2] children and each child has a different father), the applicant must complete a separate LDSS-5143 for each Other Party and the associated child.

V. Required Action

With few exceptions, the parents of a child under the age of twenty-one (21) are chargeable with the support of the child (FCA § 413). An individual may apply for child support services only for children who have not attained twenty-one years (21) of age. An applicant may either be the CP; guardian (a nonparent caregiver with physical custody of at least one child under age twenty-one [21]); NCP; AF; a child under age twenty-one (21); or some other individual related to the child (45 CFR § 302.33; FCA §§ 422 and 522). 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]).

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, in such cases, 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 New York State to prolong the duration of the support obligation.

If another state's IV-D agency initiates a request for child support services, the CSEU generally must 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. This also pertains to a IV-D (or equivalent) child support agency representing a U.S. tribe, Hague Convention country or foreign reciprocating country. For more information regarding cooperation with a different state or district, 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 the OTDA-promulgated LDSS-5143.

1. **CSEU Worker Action**

    a. **Distribute the LDSS-5143:** Provide the LDSS-5143 to all individuals requesting child support services. For applicants who are applying for more than two (2) children associated with the Other Party of the application, also provide the LDSS-5143B. (If an LDSS-5143B is not available, Part B may be photocopied for additional children.) The CSEU must ensure that it provides the LDSS-5143 to any individual the same day the request is made in person, and to send the LDSS-5143 to any individual as soon as possible but within five (5) business days of receiving a written or telephone request for child support services. The CSEU must ensure that it has sufficient forms available to provide to applicants within these timeframes.

    Note: The customer service representatives (CSRs) at the New York State Child Support Helpline (CSH) will also provide information about the availability of the LDSS-5143 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-5143 to individuals.

    b. **Review the LDSS-5143 for completeness:** If, upon receipt, the *Important Information about Child Support Services* is still attached to the LDSS-5143, detach and return it to the applicant. Review the LDSS-5143 for completeness and for confirmation that the applicant has signed the LDSS-5143 on page A-4. 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. If sufficient information has **not** been provided, interview the applicant in person or by telephone to obtain the necessary information.

    Also review the applicant's response to the Public Assistance History question on page A-1 of LDSS-5143.

    - If the applicant indicates that he or she **IS** a former assistance recipient of Temporary Assistance for Needy Families (TANF) benefits, the worker must enter a "**1**" in the **Client Fee Ind** on the ASSETS Client Information screen, which removes the case from annual service fee collection once an account is built and collections are received.
    - If the applicant indicates that he or she **IS NOT** a former assistance recipient of TANF benefits, the value of the Client Fee Ind will be = blank. If at a later date and after the ASSETS case is built, the applicant indicates he or she is a former IV-A assistance recipient, the worker must update the Client Fee Ind on the ASSETS Client Information screen to = 1.

    For further information, refer to 08-ADM-10 *Deficit Reduction Act (DRA) Annual Service Fee for Child Support*.

    c. **Examine the supporting documentation:** Examine the submitted documentation as identified in *Part C – Supporting Documentation*.

Compare information listed on the LDSS-5143 to data contained in the supporting documentation. For example, verify that each party's name as listed on the LDSS-5143 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 have evidentiary value for court proceedings. For example, retain documents such as W-2s; 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-5143:** After review of the LDSS-5143 and supporting documentation, enter the date the LDSS-5143 was received in the *Date Application Received* box in the *For Agency Use Only* section on page A-4.

e. **Build the case:** Use the completed LDSS-5143 to enter information into the Automated State Support Enforcement and Tracking System (ASSETS) Intake Module as soon as possible but within twenty (20) calendar days of receiving the application for child support services (18 § NYCRR 347.18[a]). For information on how to access the ASSETS Intake Module, refer to the *ASSETS User Guide* on ERS*, under *Systems*, ASSETS*, *Reference Materials.*

If the applicant provides an ITIN instead of an 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 ASSETS.

If the LDSS-5143B is used for additional children, the child support worker building the case may indicate the child number (beginning with child 03) for each LDSS-5143B form used. When the case has been built, fill in the *NY Case Identifier* and the *Worker Code* in the *For Agency Use Only* section on page A-4 of the LDSS-5143.

f. **Legal services:** If the applicant requests legal services, the CSEU must complete the LDSS-4920, *Right to Recovery Agreement for Legal Services*, and provide it to the applicant. The applicant must review the LDSS-4920 for information about costs, sign the LDSS-4920 in the presence of a Notary Public or Commissioner of Deeds, and then return the LDSS-4920 to the CSEU (refer to 10-ADM-02, issued March 23, 2010, titled *Legal Services and Cost Recovery for Recipients of Child Support Services*).

g. **Change in payee:** The CSEU must obtain a completed and signed LDSS-5143 from the individual requesting child support services to

process a change in payee in a case where the individual already has a pay direct order from the Family or Supreme Court.

2. Applicant Action

a. **Complete the LDSS-5143:** Individuals requesting child support services must complete the LDSS-5143, unless the individual has made application through the court (refer to Section V.B.).

Space is provided on the LDSS-5143 to accommodate information for one Other Party. If support for the child is sought from more than one Other Party (e.g., a child under age twenty-one [21] requests child support services to obtain support from both parents or the applicant provides several possible AFs for the child), the applicant must complete a separate LDSS-5143 for each additional Other Party.

Further, space is provided on *Part B – Child Information* of the LDSS-5143 to accommodate information for up to two children associated with the Other Party (Child 01 and Child 02). For applicants who are applying for more than two associated children, the LDSS-5143B, *Additional Child Information (Application)* should be used for each child as necessary. If an LDSS-5143B is not available, Part B of the LDSS-5143 may be photocopied and used for this purpose.

In addition, the applicant should provide the documentation listed on *Part C – Supporting Documentation* to verify information on the LDSS-5143, as needed, and to support the CSEU's efforts to establish paternity and to establish, modify, or enforce an order of support.

Importantly, the applicant **must** complete the *Application/Affirmation for Child Support Services* on page A-4 of the LDSS-5143, by signing and printing his or her name, and entering the date of application. The applicant **may** also authorize electronic correspondence (if/when available).

The LDSS-5143 and any available supporting documentation must be returned to the CSEU.

b. **Legal services:** The applicant may also indicate the desire to apply for legal services by checking the appropriate box in the *Application / Affirmation for Child Support Services* section on page A-4 of the LDSS-5143. Application for legal services is discussed in more detail in Section V.A.1.f.

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 constitutes an application for child support services **if** a petition, application, or motion submitted to the court includes a statement signed by the individual requesting services that clearly indicates such person is applying for child support services (refer to DRL §§ 236B[7][b] and 240[1][a]; FCA §§ 423 and 523; and SSL § 111-g). An order for child support made payable through the CSEU as a part of related court proceedings, issued by a court on its own motion, does **not** qualify as an application for child support services under federal and State law without such a signed statement.

1. **CSEU Worker Action**

   a. **Determine whether either party has made an application for child support services through the court:** Upon receipt of a court order made payable through the CSEU, the CSEU must review accompanying documentation to ensure a signed statement by the individual requesting services is included. It is important to note that an individual who already filed a petition requesting the establishment of paternity or the establishment, modification, or enforcement of a support order that did not include a request for child support services may amend the petition in the courtroom through use of Family Court Form 4-3b, *Addendum to Support Petition – Request for Child Support (IV-D) Services*. For more information on Form 4-3b, refer to *Dear Colleague* letter dated March 7, 2016.

      i. **A signed statement IS included**: If a signed statement requesting services **is** included with the court order, proceed to V.B.1.b. below.

      ii. **A signed statement IS NOT included**: If a signed statement requesting services by the individual **is not** included with the court order, the CSEU may inquire of the court as to whether it has a signed statement from the individual requesting services. If the court has no direct application to provide to the CSEU, the CSEU must prepare and send the CP an LDSS-5143 with a completed *Cover Letter - No Direct Application to Court for Child Support Services* (**Attachment 4**). The cover letter is available on ERS, under *Forms, Intake, Child Support Application*. For more information, refer to *Dear Colleague* letter dated January 18, 2019.

      The CSEU must also send the NCP a copy of the cover letter. **For safety and confidentiality purposes, the CSEU must ensure that the cover letter sent to the NCP *does not* include the address of the CP**. The CSEU may wish to highlight the cc: line to facilitate the review of the letter by the NCP.

      The CSEU must track the return of the completed and signed LDSS-5143 within fifteen (15) calendar days from the date of the letter.

         1. **LDSS-5143 returned:** If the CP returns the completed and signed LDSS-5143 within fifteen (15) calendar days of the date of the cover letter, the CSEU must perform the required actions as described under Section V.A.1., as appropriate.

         2. **LDSS-5143 not returned:** If the CP fails to return the completed and signed LDSS-5143 within fifteen (15) calendar days of the date of the cover letter, the CSEU must notify the parties that the CSEU cannot build a case and cannot provide services. The CSEU must send a letter to the NCP, with a copy to the CP, to notify the NCP to make child support payments directly to the CP. The CSEU also may wish to notify the court. The CSEU must retain the order of support and any associated documentation (e.g.,

copy of the cover letter) for at least 20 business days after the CSEU provides written notification to the parties that it cannot build a case or provide services without an application for child support services. Should the parties wish to apply for child support services after this period of time, they will need to provide a copy of the order of support along with the completed and signed LDSS-5143. The CSEU must then build the account with the current support obligation and obtain an Affidavit of Arrears if the CP indicates arrearages exist; if the NCP disputes the arrears amount, follow the necessary procedures as contained in 98 ADM-2, *Change of Payee Policy & Procedure for Child Support Enforcement*. The district must not apply to the child support account either a direct payment or credit between the parties unless a credit was ordered by the court. Documentation in the child support case record of any agreement between the NCP, the CP, or the district regarding a direct payment (e.g., a notarized statement from the parties) does **not** satisfy or supersede this requirement.

b. **Where direct application has been made, 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 CSEU 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 services, the CSEU must determine if there is sufficient information to build the case and account and proceed with the next step of providing child support services.

For applications made through 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) should be retrieved or the UCMS inquiry function accessed. The ACS, an ASSETS-generated court document, can provide information regarding the names, addresses, SSNs, and dates of birth for the parties and children. The ACS can also provide information concerning each party's employment status and the name of the NCP's employer, if employed. If the ACS is not available, information about the parties *may* 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 or view roster information on the Court Inquiry page of the UCMS inquiry function on ASSETS, refer to the *ASSETS User Guide* on ERS*, under *Systems*, *ASSETS*, *Reference Materials.*

i. **Sufficient information IS available to provide child support services:** The CSEU must perform the required actions as described under Section V.A.1.e. to build the case and then the account. Further, the CSEU must provide the LDSS-5143A to the applicant as soon as possible but within five (5) business days of receiving the court order. The LDSS-5143A will be made available on ERS under *Forms, Intake, Child Support Application* and on the New York State child support website at childsupport.ny.gov. The

Cover Letter - Direct Application to Court for Child Support Services (**Attachment 5**) must accompany the LDSS-5143A to acknowledge receipt of the order of support. The cover letter is available on ASSETS as a template in the State Folder of the Local Correspondence tab in the Document Generation module. The CSEU must check the first box on the cover letter to indicate that all necessary information has been provided and that the CSEU will proceed to provide child support services. Further, the CSEU must save the cover letter to the ASSETS Document Log and document in the ASSETS Respondent Remarks screen the provision of the LDSS-5143A to the applicant. Thereafter, the CSEU must begin to provide child support services.

ii. **Sufficient information IS NOT available to provide child support services:** If there is not sufficient information available to proceed with the next step of providing child support services, the CSEU must build the case using the limited information available for purposes of setting a tickler date. The CSEU must then send the LDSS-5143 to the applicant along with the *Cover Letter - Direct Application to Court for Child Support Services*. The CSEU must check the second box on the cover letter to advise the applicant of the actions to be taken to obtain child support services.

Further, the CSEU must provide the NCP with a copy of the cover letter. **For safety and confidentiality purposes, the CSEU must ensure that the cover letter sent to the NCP *does not* include the address of the CP**. The CSEU may wish to highlight the cc: line to facilitate the review of the letter by the NCP.

The CSEU must set a tickler date to serve as a reminder that the applicant must return the completed and signed LDSS-5143 within fifteen (15) calendar days from the date of such letter. Finally, the CSEU must save the cover letter to the ASSETS Document Log and document in the ASSETS Respondent Remarks screen the provision of the LDSS-5143 to the applicant.

1. **LDSS-5143 returned:** If the applicant returns the completed and signed LDSS-5143 within fifteen (15) calendar days of the date of the cover letter, the CSEU must perform the required actions as described under Section V.A.1., as appropriate, update the case based on the information provided in the LDSS-5143 and the supporting documentation, and build the account.

2. **LDSS-5143 not returned:** If the applicant fails to return the completed and signed LDSS-5143 within fifteen (15) calendar days of the date of the cover letter, the CSEU must notify the parties that their case is being closed because the CSEU does not have sufficient information to build an account and proceed to provide services. The CSEU must advise the parties in writing that the NCP must make support payments directly to the CP. The CSEU may also wish to notify the court. The CSEU must then prepare to close the case under case closure criterion 11, *Non-Cooperation* (refer to 13-ADM-01, issued January 16, 2013,

titled *Automated Case Closure and Closure of Administrative Cases*).

If the completed and signed LDSS-5143 is received after the case has been prepared for closure but prior to the actual closing of the case, the CSEU must accept the LDSS-5143 and remove the case from the automated case closure process. The CSEU must then perform the required actions as described under Section V.A.1., as appropriate, update the case based on the information provided in the LDSS-5143 and the supporting documentation, and build the account. Further, the CSEU must advise the parties in writing accordingly. Districts 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-5143 is requested (refer to Sections V.B.1.a.ii. and V.B.1.b.ii.) the applicant must provide the CSEU with a completed and signed LDSS-5143, including any available supporting documentation.

C. Safety Concerns

Upon receipt of an LDSS-5143, the CSEU should review the form to determine if there is an indication that a safety concern exists (refer to *Safety Concerns* on page A-1 of *Part A – Application* of the LDSS-5143). If there is **no** indication of the existence of a safety concern, the CSEU should continue to process the LDSS-5143.

If the applicant checked "Yes" to indicate the existence of a safety concern, the CSEU must discuss the safety concern with the applicant. The CSEU must:

- Advise the applicant 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 applicant of his or her right to request address confidentiality from Family Court and the option to request permission from the court to testify by telephone or other electronic means. After having been given the information, the applicant must decide whether the applicant wishes to apply for child support services.

- If the applicant wishes to apply for child support services after discussing the safety concerns, the applicant should complete and sign the LDSS-5143 and 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 03 ADM 5 *Child Support and the Family Violence Option* 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 ASSETS Document Log and document the existence of the Order of Protection on the ASSETS Respondent Remarks.

- 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. Districts should follow their local protocol regarding listing a substitute address for the applicant on ASSETS.

If the applicant chooses to request address confidentiality from the Family Court and the ASSETS case has been built, the CSEU should generate the *Address Confidentiality Affidavit*, which is available on the ASSETS Document Generation module under the NYS Family Court tab. 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 *General Form 21a, 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.

D.   Recoupment of Overpayments

The LDSS-5143 contains language to support a new policy to be issued in the future for the recoupment of overpayments. The policy is explained on page 3 of the *Important Information about Child Support Services*. By signing within the *Application/Affirmation for Child Support Services* section on page A-4, the applicant acknowledges his or her understanding of recoupment of overpayments. Importantly, while language to support this policy and notice to the applicant is provided in the LDSS-5143, procedures for implementation of the policy are not provided at this time. CSEUs **shall not implement** this policy until procedures for handling the necessary system adjustments are released in a future ADM.

E.   No Direct Payments

Payments in all IV-D cases must be paid and disbursed through the State Disbursement Unit (SDU). Once the support obligation is established and the order of support directs that payments are to be made through the CSEU, the district must not apply a direct payment between the parties, or apply a credit between the parties, to a child support account. Documentation in the child support case record of any agreement between the NCP, the CP, or the district regarding a direct payment (e.g., a notarized statement from the parties) does not satisfy or supersede the requirement that payments must be collected and distributed by the SDU. The *Application/Affirmation for Child Support Services* section of the LDSS-5143 requires the applicant to acknowledge and agree not to accept court-ordered child support payments from the Other Party.

F.   Record Retention

The following application documents must be retained as a part of the case record in accordance with record retention rules: Parts A and B of LDSS-5143 or any petition, application, or motion made to the court requesting child support services; LDSS-5143B or a photocopy of Part B for each additional child associated with the Other Party; and Part C with any appropriate supporting documentation. Documents may be retained as paper files or by electronic means according to district protocol. However, regardless of the means used to retain records, the LDSS-5143 or the petition, application, or motion requesting child support services must be readily retrievable if required 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 at www.archives.nysed.gov .

VI. Systems Implications

The LDSS-5143 is the primary information collection tool for all SSL § 111-g cases and serves as the data entry form for the ASSETS Intake Module. The LDSS-5143 therefore supports the use of ASSETS as the primary tool of day-to-day child support functions and particularly, case building. The LDSS-5143 contains several new fields that are not on the ASSETS Intake Module, which will be updated at a later date to mirror the number, order and position of the data fields in the LDSS-5143. Until the ASSETS Intake Module is updated, CSEUs may record information from the additional fields, as appropriate, on the ASSETS *Respondent Remarks* record. Vehicle information should be recorded on the ASSETS *Respondent (Noncustodial Parent) Information* record.

VII. Additional Information

CSEUs are advised of the availability of the LDSS-5143, LDSS-5143A and LDSS-5143B through this ADM. CSEUs must begin to use the LDSS-5143, LDSS-5143A and LDSS-5143B and **must cease** using the LDSS-4882 as of October 1, 2019 **or** when the LDSS-5143 suite of forms is received, whichever is later. CSEUs but must accept and process any LDSS-4882s submitted by applicants after October 1, 2019 and send them the *Notice of Child Support Annual Service Fee Increase* and the LDSS-5143A. CSEUs also must document these actions on the Respondent Remarks screen on the ASSETS case record (refer to *Dear Colleague* letter dated July 24, 2019, *Notice to Recent Applicants and Current Recipients of Child Support Services of Increase in Annual Service Fee*).

An initial supply of the LDSS-5143, LDSS-5143A and LDSS-5143B will be provided to districts for use and will be made available on ERS under *Forms, Intake, Child Support Application*. Individuals may also obtain these documents on the New York State child support website at childsupport.ny.gov or by calling the CSH to request child support services. Translated versions of the LDSS-5143 also will be placed on ERS and on the New York State child support website once they are available. After October 1, 2019, districts can place additional orders for the LDSS-5143, LDSS-5143A and LDSS-5143B, as well as Spanish versions of these documents by submitting a completed OTDA-876 form, available at http://otda.state.nyenet/ldss_eforms/, via e-mail to forms.orders@otda.ny.gov or by using the Electronic Forms and Publications Online System at http://formorders/ to order replacement stock.

DCSS will also send an initial supply of LDSS-5143 to the New York State family and supreme courts. CSEUs may provide copies of LDSS-5143 to Head Start; the Women, Infants, and Children program; fatherhood programs and other community-based organizations providing services to families.

VIII. Effective Date

This ADM is effective October 1, 2019 or upon receipt of the LDSS-5143 suite of forms, whichever is later.

Issued By
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Title: Deputy Commissioner
Division/Office: Child Support Services