



Office of Temporary and Disability Assistance

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Administrative Directive Memorandum

Section 1

Transmittal:	19-ADM-10
To:	Social Services District Commissioners
Issuing Division/Office:	Division of Child Support Services
Date:	September 27, 2019
Subject:	Referral for Child Support Services (LDSS-5145)
Suggested Distribution:	Child Support Program Coordinators Support Collection Unit Supervisors Temporary Assistance Directors Foster Care 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-5145, Referral for Child Support Services Attachment 2 - LDSS-5145A, Additional Child Information (Referral) Attachment 3 - LDSS-5145B, Foster Care Referral and Information Attachment 4 - Cover Letter for Child Support Services (TA Ineligible)
Attachment Available Online:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-5 03 ADM 5 08-ADM-10 09-ADM-23 10-ADM-01 10-ADM-02 10-ADM-04 12-ADM-03		18 NYCRR 346.2; 347.3(a)(14); 347.5; 347.17; 369.2; 369.7; 370.2(c);370.9; 422.2;422.3; 422.4; 422.5; and 426.8	SSL§§ 111-b (2-a), 348(4); DRL §§ 236B(7)(b), 240(1)(a); FCA §§ 423, 523; 45 CFR 302.15, 302.33, 303.2		<i>Dear Colleague</i> letters issued: April 12, 2005 August 10, 2007 March 7, 2016

Section 2

I. Summary

This Administrative Directive Memorandum (ADM) introduces a new form, LDSS-5145, *Referral for Child Support Services* (**Attachment 1**) for use by local Temporary Assistance (TA) and Foster Care (FC) programs to refer individuals to the Child Support Program. Until further notice, the MA program will continue to use the LDSS-4882, *Information about Child Support Services and Application/Referral for Child Support Services* to refer MA A/Rs to the Child Support Program. 12-ADM-03, as it relates to TA and FC referrals, is **replaced** by this ADM and is limited prospectively to policy guidance only for MA referrals to the Child Support Program. For additional information, refer to 99 ADM-5 and 12-ADM-03.

A separate ADM covers the use of an additional new form, the LDSS-5143, *Application for Child Support Services*, which must be used by families applying for child support services pursuant to SSL § 111-g. The LDSS-5145 may be used in place of the LDSS-5143 in the limited situation when A/Rs are referred to the Child Support Program but are determined to be ineligible for assistance. In these instances, the LDSS-5145 will constitute an application for child support services if the A/R requests that the LDSS-5145 serve as an application for child support services. Refer to Section VII. for further guidance.

The LDSS-5145 consists of the following components:

- Instructions on starting the referral process;
- An *Important Information about Child Support Services* notice providing information to A/Rs about the Child Support Program, assignment of rights and cooperation with the Child Support Program, distribution of payments, and a new recoupment policy;
- A detachable four-page Referral form (Part A) to be completed, signed, and dated by the A/R;
- A detachable two-sided Child Information form (Part B) to obtain information about each child associated with the referral (up to two children); and
- A detachable Supporting Documentation form (Part C) to guide A/Rs in providing 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 A/R, 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 *Referral for Child Support Services*:

- LDSS-5145A, Additional Child Information (Referral) (**Attachment 2**).
- LDSS-5145B, Foster Care Referral and Information (**Attachment 3**).

II. Purpose

This ADM informs districts of the new LDSS-5145 and provides information and instructions for its use. The LDSS-5145, LDSS-5145A and LDSS-5145B **replace** the following documents when used for TA and FC referrals to the Child Support Program:

- 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**. Refer to Section IV. for additional information.

Replacing LDSS-4882, LDSS-4882A, and LDSS-4882C with the LDSS-5145 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) when used for TA and FC referrals to the Child Support Program.

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

Currently, districts are required to use the LDSS-4882 to collect pertinent case information 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 referral for child support services would be beneficial to both the Child Support Program and its A/Rs. The LDSS-5145 has been developed to replace the referral for child support services function of the LDSS-4882.

Federal and State regulations at 45 CFR § 303.2 and Title 18 of the New York Codes, Rules and Regulations (NYCRR) § 347.3(a) (14), respectively, require CSEUs to provide information describing available child support services, the A/R's rights and responsibilities, the state's fees, cost recovery, and distribution policies to TA and FC A/Rs who are referred to the CSEU.

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

Mandated information is conveyed in the *Important Information about Child Support Services* section of the LDSS-5145. The LDSS-5145 satisfies the federal and State notification requirements and eliminates the need to provide any other local notice to A/Rs of TA and FC.

IV. Program Implications

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). The LDSS-5145 will function as a referral for child support services for TA or Title IV-E FC A/Rs, where the application for, or receipt of, benefits constitutes

an assignment of support rights. LDSS-5145 will also function as a referral for Non-IV-E FC cases (refer to SSL § 348 [4] and 18 NYCRR §§ 369.2 [b][1][iii][a], 369.7, 370.9, 422.2, 422.3, 422.4, and 426.8). When a child is placed in FC and a referral should be sent to the CSEU, the FC worker will complete designated sections of the LDSS-5145 on behalf of a child placed in FC (refer to Section V.C.). If the A/R has more than one child for whom paternity and/or support is sought involving different Other Parties (e.g., an A/R has two [2] children and each child has a different father), a separate LDSS-5145 must be completed for each Other Party and the associated child.

V. Required Action

1. A referral for child support services must be completed for A/Rs of TA or FC (18 NYCRR §§ 369.2[b], 370.2[c], 422.5, and 426.8).
2. An A/R may either be the custodial parent (CP); a guardian (a nonparent caregiver with physical custody of at least one child under age twenty-one [21]); a child under age twenty-one (21); or some other individual related to the child (45 CFR § 302.33; FCA §§ 422 and 522).
3. For Safety Net Assistance (SNA) referrals, the social services district (district) Commissioner or Commissioner's Designee applies for child support services pursuant to SSL § 111-g. Relatives or other suitable persons with whom the child is directly placed under child welfare supervision are also eligible for child support services (e.g., cases involving abuse and neglect, juvenile delinquents, or persons in need of supervision [PINS]). If the child is in FC, the district Commissioner/Commissioner's Designee or the Commissioner/Commissioner's Designee of the Office of Children and Family Services completes the referral seeking services on behalf of the child.

Note: Child support services cannot be provided for persons who are emancipated or who have reached the age of majority pursuant to another state's order of support. As such, a party cannot be referred for child support services in New York State to prolong the duration of the support obligation.

A. TA Referrals for Child Support Services

Refer to 99 ADM-5 for additional information and instruction regarding TA Worker and TA A/R responsibilities.

1. TA Worker Action

- a. **Determine appropriate cases for referral:** TA workers must provide the LDSS-5145 to the A/R for completion and refer them to the CSEU before completing the TA eligibility interview and eligibility determination to afford A/Rs the opportunity to comply with CSEU requirements. For A/Rs who are applying for more than two (2) children associated with the Other Party of the referral, also provide the LDSS-5145A. (If an LDSS-5145A is not available, Part B may be photocopied for additional children.) The TA worker must advise the A/R to provide as much information as possible on the LDSS-5145, and return the completed and signed LDSS-5145 and any supporting documentation to the CSEU. In addition, the TA worker must advise the A/R that the A/R must appear at the CSEU for an interview if deemed necessary by the CSEU. Refer to 99 ADM-5 for additional information regarding supporting documentation.

The LDSS-5145 **must not** be provided to the A/R if the A/R claims good cause for refusing to cooperate or the existence of a situation requiring referral to the Domestic Violence Liaison. Rather, the determination of the good cause claim, or the domestic violence waiver decision, must be made prior to providing the LDSS-5145 to the A/R for completion.

The TA worker must notify the CSEU of the good cause claim (18 NYCRR § 369.2[b][6]) or the referral to the Domestic Violence Liaison using the LDSS-2859, *Information Transmittal*. Correspondingly, when the final determination of good cause is made, the TA worker must notify the CSEU using the LDSS-2859. To the extent that information provided in 14-INF-06 or other guidance is inconsistent with the direction herein requiring use of the LDSS-2859 for communication between child support workers and other local district workers, including TA workers, such information or direction is replaced. Districts are reminded that 16-ADM-03 provides the procedure for requesting approval from OTDA for local equivalent forms.

Additionally, the Domestic Violence Liaison must notify the CSEU of the waiver decision. Domestic violence notifications to the CSEU may be made based on local procedures developed to ensure confidentiality (refer to 03 ADM 5, issued June 19, 2003, titled *Child Support and the Family Violence Option*).

If it has been determined that there is **not** good cause for refusal to cooperate, or the Domestic Violence Liaison does **not** grant a full child support waiver, the TA worker must provide the LDSS-5145 to the A/R for completion and advise the A/R to appear at the CSEU for an interview if deemed necessary by the CSEU. If it has been determined that there **is** good cause for a refusal to cooperate based on potential physical harm, or a full child support waiver has been granted by the Domestic Violence Liaison, the LDSS-5145 **must not** be provided to the A/R (refer to 03 ADM 5).

Referral actions are necessary in the following situations:

- good cause exists but the CSEU's efforts to establish paternity and secure support without the TA A/R's participation will not pose a risk to the child or the caretaker; or
- good cause does not exist; or
- the Domestic Violence Liaison's assessment has resulted in a partial or no waiver.

- b. **Prepare referral:** After determining that the LDSS-5145 must be provided to the A/R, the TA worker must perform the following actions:
- i. On page A-4 of the LDSS-5145 under *Agency Use Only*, check the *SSD Referral* box and enter the TA case number, if one exists at the time the referral is distributed to the A/R. Enter the worker name, location, and phone number. Check the appropriate box to identify the public assistance case type and to indicate whether the case is opening or reopening, or whether changes or updates are being provided. Provide the date of the referral.
 - ii. If the referral is for a TA case where support for the child is sought from more than one Other Party (e.g., a child under the age of twenty-one [21] requests child support services) or the A/R

provides several possible AFs for the child, provide the A/R with an LDSS-5145 to complete for each additional Other Party.

- iii. Space is provided to accommodate a referral for two children. If the referral is for a TA case involving more than two children, provide the A/R with an LDSS-5145A, *Additional Child (Referral)* form to complete for each additional child as necessary. Alternatively, a photo copy of a blank page B-1 of Part B of the LDSS-5145 may be made and provided to the A/R to complete.
 - iv. For SNA referrals, the district Commissioner or Commissioner's Designee as the applicant for child support services must:
 - read and check the box *For Safety Net Assistance referrals only*, and
 - sign, date, and print his or her name in the *Referral/Affirmation for Child Support Services* on page A-4 of the LDSS-5145.
 - v. Notify the CSEU that the A/R has been provided with the LDSS-5145 by checking the first box in Section 1 of the LDSS-2859.
 - vi. Manually enter the appropriate *IV-D indicator* code in the Welfare Management System (WMS) case record to enable proper referrals to the Child Support Program. Refer to LDSS-4398, *WMS Code Card Index* for *IV-D indicator* code values.
- c. **Respond to notification of non-cooperation:** When notified by the CSEU using the LDSS-2859 that an A/R has failed to cooperate, impose appropriate sanctions (i.e., a 25% reduction in the household's TA standard of need for each non-cooperating individual). For more information on consequences of refusal or failure to cooperate, refer to 99 ADM-5. Notify the CSEU of the action taken through the LDSS-2859.
- d. **Provide CSEU with case updates:** Upon any changes or updates to the case, use the LDSS-2859 to provide the CSEU with timely notice of relevant information.

2. TA A/R Action

- a. **Cooperation requirement:** TA A/Rs must cooperate with the CSEU to establish paternity, and establish, modify, and enforce orders of support. To satisfy this requirement, all TA A/Rs must complete the LDSS-5145 and provide any needed supporting documentation to the CSEU. If deemed necessary by the CSEU, the A/R must appear at the CSEU for an interview. Failure to do so will result in CSEU notice to TA of non-cooperation unless there is a claim of good cause or domestic violence or a completed and signed LDSS-4281, *Attestation to Lack of Information*. For additional information on the cooperation standard, refer to 99 ADM-5.
- b. **Complete and sign the LDSS-5145:** When completing the LDSS-5145, all TA A/Rs must read the *Referral/Affirmation for Child Support Services*, sign and print his or her name, and enter the date on page A-4 of the LDSS-5145. By doing so, the A/R affirms that the information provided in the LDSS-5145, as well as any supporting documentation provided to the CSEU, is true and correct.

3. CSEU Worker Action

- a. **Review the LDSS-5145 for completeness:** If still attached upon receipt, detach the *Important Information about Child Support Services* section of the LDSS-5145 and return it to the A/R. Review the LDSS-5145 for completeness and confirm that the A/R signed the LDSS-5145 in the appropriate section on page A-4. Determine if the information provided is sufficient to identify and locate the Other Party. The A/R **must** provide the following information on the LDSS-5145 to help the CSEU identify and locate the Other Party:
- i. The full name and Social Security number (SSN) of the Other Party; **or**
 - ii. The full name of the Other Party and at least two (2) of the following for the Other Party:
 - (a) Date of birth;
 - (b) Residential and, if different, mailing address;
 - (c) Telephone number; or
 - (d) Name and address of employer; **or**
 - iii. The full name of the Other Party and any additional information equivalent to the above that leads to the establishment of the Other Party's identity and location.

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

- b. **Incomplete or insufficient information provided:** If the information provided in the LDSS-5145 and supporting documentation is incomplete or insufficient to identify and locate the Other Party, contact the A/R to determine if such information may be provided.
- c. **Provide notice of cooperation or non-cooperation:** To meet the cooperation standard, the A/R must provide the information noted in Section V.A.2.a. or complete and sign the LDSS-4281. The CSEU **must** provide notice of cooperation or non-cooperation to the TA worker using the LDSS-2859. For additional information on this requirement, refer to 99 ADM-5.
- d. **Examine the supporting documentation:** Examine the submitted documentation as identified in *Part C – Supporting Documentation*. Compare information listed on the LDSS-5145 to data contained in the supporting documentation. For example, verify that each party's name as listed on the LDSS-5145 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 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 A/R 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.

- e. **Record receipt of the LDSS-5145:** Enter the date the LDSS-5145 was received in the *Date* field in the *For Agency Use Only* section on page A-4.
- f. **Build the case:** Use the completed LDSS-5145 to enter information into the Automated State Support Enforcement and Tracking System (ASSETS) Intake Module within twenty (20) calendar days of receiving the LDSS-5145 (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 *Dear Colleague* letter dated April 12, 2005 regarding the entering of ITINs on ASSETS.

When the case has been built, fill in the *Child Support Program Representative name, NY Case Identifier and Worker Code* on page A-4 of the LDSS-5145 in the *For Agency Use Only* section.

B. FC Referrals for Child Support Services

1. FC Worker Action

The FC worker must determine the appropriateness of referring each Other Party of a child in FC to the CSEU at the time of the application for FC in accordance with the criteria set forth in 18 NYCRR §§ 422.2 and 422.4(a). The FC worker must obtain and provide necessary documentation as described in 18 NYCRR § 422.5(d). This necessary documentation is transmitted to the CSEU through completion of Part A, pages A-3 and A-4, Part B and Part C of the LDSS-5145. The FC worker must also complete LDSS-5145B, *Foster Care Referral and Information (Attachment 3)*. Specifically, the FC worker must perform the following actions:

- a. **LDSS-5145, Part A, page A-1:** Review the foster care instructions at the top of page A-1 and check the box.
- b. **LDSS-5145, Part A, pages A-3 and A-4:** Complete the *Other Party Information*, providing as much information as possible for the Other Party from whom support is sought. If support for the child is sought from more than one Other Party, complete a separate LDSS-5145.
- c. **LDSS-5145, Part B:** Complete pages B-1 and B-2 for each child in FC placement, for up to two children. If there are more than two children being placed in FC, complete **LDSS-5145A** for each additional child being placed. Provide as much information as possible for each child placed in FC and for whom support is sought from each identified Other Party.

- d. **LDSS-5145, Part C:** Complete Part C – *Supporting Documentation* to identify the supporting documentation being provided to the CSEU.
- e. **LDSS-5145B, Foster Care Referral and Information:** Space is provided to accommodate one (1) referral per child placed in FC and for whom support is sought. If the referral is for a FC case involving more than one child of the Other Party, provide the required information for those children by completing an LDSS-5145B for each additional child.

A separate LDSS-5145 referral must be made if the children placed in FC do not have **both** parents in common.

- f. **Final action:** Detach the *Referral for Child Support Services* section of the LDSS-5145 and forward it to the CSEU with the LDSS-2859. Provide the *Important Information about Child Support Services* section of the LDSS-5145 to each referred Other Party of the child in FC. In addition, the FC worker may wish to review the *Important Information about Child Support Services* section of the LDSS-5145 to be familiar with the material covered therein.

2. FC A/R Action

In FC cases, the A/R is the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS.

- a. **Title IV-E FC A/R action:** With implementation of the LDSS-5145, the FC worker must complete designated sections of the LDSS-5145 for all eligible Title-IV-E FC referrals to the CSEU, as described above in V.C.1., including the LDSS-5145B, *Foster Care Referral and Information*, where the signature of the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS is required.
- b. **Non-IV-E FC A/R action:** In 99 ADM-5, the obsolete DSS-2521 child support services application, rather than the obsolete DSS-2860 child support referral, was completed in Non-IV-E FC cases. 12-ADM-03 revised this policy to be the same process for the referral of Title IV-E FC cases, described in V.C.2.a, and Non-IV-E FC cases. With the implementation of the LDSS-5145, the policy introduced in 12-ADM-03 will be continued. The FC worker must complete designated sections of the LDSS-5145 for **all** Non-IV-E FC cases that are subject to referral to the CSEU, including LDSS-5145B, *Foster Care Referral and Information*, where the signature of the Commissioner or Designee of the SSD or the Commissioner or Designee of OCFS is required. Refer to 99 ADM 5 for additional information.

3. CSEU Worker Action

Perform the required CSEU worker actions as described under Section V.A.3.

C. Continuation of Services

The CSEU must continue to provide federal Title IV-D services to any individual who has been systematically sent a *Continuation of Child Support Services* notice upon closure of their assistance case. An LDSS-5143, *Application for Child Support Services*, **cannot** be required from these individuals. However, if the individual subsequently notifies the CSEU to stop providing child support services and the child support case is closed, the individual will need to complete and sign an LDSS-5143 to apply for child support services.

D. Changes that Occur after Referral to the CSEU

If, after completing the LDSS-5145 as part of the referral process, an A/R is determined to be ineligible for TA, child support services may still be provided if the A/R checked the appropriate box in the *Referral/Affirmation for Child Support Services* section on page A-4 of the LDSS-5145, requesting that the LDSS-5145 constitute an application for child support services. The CSEU must perform the required actions as described in Section V.A.3. and provide the applicant with a copy of the LDSS-5143A, *Important Information about Child Support Services*, which provides mandatory information for applicants of child support services, such as the annual service fee, legal services and cost recovery for legal services; information not provided on the LDSS-5145. The LDSS-5143A must be provided to the applicant with the *Cover Letter for Child Support Services (TA Ineligible)* (**Attachment 4**), which is available on ASSETS as a template in the State Folder of the Local Correspondence tab in the Document Generation module.

The TA program provides that when an individual is denied benefits and reapplies for TA **within** thirty (30) days, a new LDSS-5145 is not required. If an individual reapplies for TA **more than** thirty (30) days after the TA case that was originally referred to the CSEU has been closed, a new LDSS-5145 form must be submitted to the CSEU.

E. Safety Concerns

Upon receipt of an LDSS-5145, the CSEU should review the “Safety Concerns” section on page A-1 to determine if a safety concern exists. If there is **no** existence of a safety concern, the CSEU should continue to process the LDSS-5145.

If the A/R checked “**Yes**” to indicate the **existence of a safety concern**, the actions of the CSEU will depend on what services need to be provided and whether the A/R is being referred from TA or FC. The underlying presumption is that the safety concern has developed since the initiation of the referral to the CSEU.

1. TA A/Rs

- a. **Referral to Domestic Violence Liaison:** After a referral is made, the CSEU must refer the TA A/R to a Domestic Violence Liaison for screening and assessment using locally developed procedures. The CSEU must notify TA accordingly using the LDSS-2859.

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

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

The CSEU, to the extent required by such waiver, must forego any activities with respect to the children of the Other Party while the waiver is in effect. If the CSEU determines that pursuing an order of support is appropriate, inform the A/R 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.

- c. Perform the required actions as described in Section V.A.

2. FC Cases

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

F. Recoupment of Overpayments

The LDSS-5145 contains language to support a new policy to be issued in the future for the recoupment of overpayments. The policy is explained on page 4 of the *Important Information about Child Support Services*. By signing within the *Referral/Affirmation for Child Support Services* section on page A-4, the A/R acknowledges his or her understanding of recoupment of overpayments. Importantly, while language to support this policy and notice to the A/R are provided in the LDSS-5145, 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.

G. 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.

H. Record Retention

The following referral documents must be retained as a part of the case record in accordance with record retention rules: Parts A and B of LDSS-5145; LDSS-5145A or a photocopy of Part B for each additional child associated with the Other Party; and Part C with any appropriate supporting documentation. Districts must also retain the LDSS-5145B. 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-5145 must be readily retrievable if needed 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-5145 is the primary information collection tool for all referrals to the Child Support Program and serves as the data entry form for the ASSETS Intake Module. The LDSS-5145 therefore supports the use of ASSETS as the primary tool of day-to-day child support functions and particularly, case building. The LDSS-5145 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-5145. 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

Districts are advised of the availability of the LDSS-5145, LDSS-5145A and LDSS-5145B when used for TA and FC referrals to the Child Support Program through this ADM. Districts must begin to use the LDSS-5145, LDSS-5145A and LDSS-5145B and **must cease** using the LDSS-4882 as of October 1, 2019 **or** when the LDSS-5145 suite of forms are received, whichever is later. CSEUs must distribute the LDSS-5145 to TA and FC units when the LDSS-5145 forms are received. CSEUs must accept and process any LDSS-4882s referred by TA, MA, and FC during this transition period.

CSEUs may still receive the LDSS-4882 and its companion documents for MA referrals. If future changes are made to the MA referral process and documents, additional policy guidance will be issued.

An initial supply of the LDSS-5145, LDSS-5145A and LDSS-5145B will be provided to districts for use and will be made available on ERS under *Forms, Intake, Child Support Referral*. Translated versions of the LDSS-5145 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-5145, LDSS-5145A and LDSS-5145B, as well as Spanish versions of these documents by submitting a completed OTDA-876 form, available at http://otda.state.ny.net/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.

VIII. Effective Date

This ADM is effective October 1, 2019 or upon receipt of the LDSS-5145 suite of forms, whichever is later.

Issued By

Name: Eileen Stack

Title: Deputy Commissioner

Division/Office: Child Support Services