



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

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### Section 1

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<b>Transmittal:</b>	22-ADM-05
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Support Services
<b>Date:</b>	May 17, 2022
<b>Subject:</b>	Desk Reviews of the Distribution and Disbursement of Support Collections
<b>Suggested Distribution:</b>	Child Support Program Coordinators Support Collection Unit Supervisors Temporary Assistance Directors Staff Development Coordinators Accounting Staff Resource and Recovery Staff
<b>Contact Person(s):</b>	Child Support Services – County Representative: <a href="mailto:otda.sm.dcse.bpo@otda.ny.gov">otda.sm.dcse.bpo@otda.ny.gov</a> Temporary Assistance Bureau: (518) 474-9344; <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 – Summary of Changes and Improvements to the Desk Review Process</a> <a href="#">Attachment 2 – Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment</a> <a href="#">Attachment 3 – Information and Instructions for Completing the Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment</a> <a href="#">Attachment 4 – How Do I Know If I Should Request a Desk Review?</a> <a href="#">Attachment 5 – First-Level Desk Review Determination</a> <a href="#">Attachment 6 – We Have Received Your Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment</a> <a href="#">Attachment 7 – Calculations Worksheet for Desk Review of Pass-through Payments</a> <a href="#">Attachment 8 – Information and Instructions for Completing the Calculations Worksheet for Desk Review of Pass-through Payments and/or Cumulative Excess Support Payments</a> <a href="#">Attachment 9 – Calculations Worksheet for Desk Review of Cumulative Excess Support Payments</a> <a href="#">Attachment 10 – Support Collection Unit Notification to State of Unreimbursed Assistance Adjustment as a Result of a Cumulative Excess Support Payment Desk Review</a>

- [Attachment 11 – Request for a Second-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment](#)  
[Attachment 12 – Information and Instructions for Completing the Request for a Second-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment](#)  
[Attachment 13 – Second-Level Desk Review Determination](#)  
[Attachment 14 – Notification of a Second-Level Desk Review Request](#)  
[Attachment 15 – Request for Additional Information to Support Second-Level Desk Review](#)

## Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-41 97 ADM-7 99 ADM-5 08-ADM-08 09-ADM-04 09-ADM-21 10-ADM-04 11-ADM-04	11-ADM-04 16-LCM-10	18 NYCRR §§ 347.12; 347.13; 347.25; 352.15; and 352.31(d)		Temporary Assistance Source Book (TASB); BICS Manual; Fiscal Reference Manual, Volume 2, 3, and 4	LDSS-4148A; LDSS-4148B; <i>Dear TA Director</i> letter dated November 17, 2005; <i>Dear Colleague</i> letter dated June 1, 2007; ABEL Transmittal 09-5 Information #3

## Section 2

### I. Summary

This Administrative Directive (ADM) introduces revised desk review forms and notices and further refines the procedures for social services district (district) and State staff to conduct desk reviews for current or former recipients (collectively referred to as **recipients**) of Temporary Assistance (TA) who dispute the distribution and disbursement of support collections. TA will be used throughout this ADM and includes Family Assistance and Safety Net Assistance. Implementation of these procedures will ensure that district staff conduct desk reviews in a timely and uniform manner and, when appropriate, expedite payments to recipients. Coordination between the local Support Collection Unit (SCU) and TA Unit is critical to the success of the desk review process.

This ADM  **Cancels** previously released instructions, notices, and forms issued with **11-ADM-04**, dated May 24, 2011, and Local Commissioners Memorandum **16-LCM-10**, dated July 14, 2016.

**Reminder:** Desk review forms and instructions in 08-ADM-08, dated October 29, 2008, are obsolete as rights to a desk review of pass-through payments for the amount identified have expired. All other information provided in 08-ADM-08 remains in effect. The procedures and forms for a desk review request for current excess support payments provided in 09-ADM-21, dated November 13, 2009, are also obsolete. All other information provided in 09-ADM-21 remains in effect.

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

## II.

### **Purpose**

The purpose of this ADM is to provide an updated, streamlined, and complete resource for requesting, conducting, and reporting the results of desk reviews of the distribution and disbursement of support collections as required by Section 347.25 of Title 18 of the New York Codes, Rules and Regulations (NYCRR). The ADM includes revisions to the mandatory desk review forms and notices, which have been reworked to provide clarification and improve readability and ease of use.

## III. **Background**

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

A desk review is conducted jointly by the SCU and TA Unit upon the written request of a recipient who believes that the distribution and disbursement of support collections made for the period(s) during which an assignment of support rights was in effect is incorrect. It involves an examination of information contained in the child support account and TA case records. The desk review must result in a written determination to the recipient that includes an explanation of how the SCU distributed and disbursed support collections received on behalf of the recipient for the period(s) reviewed, and how the TA Unit paid any pass-through and cumulative excess support payments.

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

Experience with the current processes at both the district and State levels has provided an opportunity for further refinements to the first-level and second-level desk review processes which are included in this ADM. The improvements are identified in Attachment 1.

## IV. **Program Implications**

The implementation of the revised procedures contained in this ADM will allow the SCUs and TA Units to satisfy the requirements of the pertinent regulation through an updated process that focuses on essential information and actions. The revised mandatory forms necessary to address the pass-through and excess support payment desk review requests, and expedite payments to recipients where appropriate, are included.

## V. **Required Action**

The SCU and TA Unit are tasked with calculating and responding to first-level pass-through payment and cumulative excess support payment desk review requests. The SCU is tasked with receiving and maintaining records of the first-level desk review requests; performing account maintenance actions that will ensure that support collections are distributed and disbursed appropriately; conducting a conference with the recipient, if requested; and providing collection, distribution and disbursement information from the automated child support system (e.g., Automated State Support Enforcement and Tracking System [ASSETS]) as required on the calculations worksheets.

The TA Unit is tasked with providing Welfare Management System/Benefit Issuance Control System (WMS/BICS) disbursement record information as required on the first-level desk review calculations worksheet; taking actions as a result of the first-level desk review that would allow for the issuance of any payments due to the recipient or recovery of any overpayments due from the recipient by any authorized means; and reporting the results of the first-level desk review to the recipient, the SCU, and the TA Unit tasked with issuing payments due to the recipient or recovering an overpayment.

**As a part of reporting the results of the first-level desk review to the recipient, the TA Unit must provide the telephone number of the local TA office and the name of the TA Unit**

**worker completing the review. If contacted by the recipient, the TA Unit worker must speak with the recipient about the outcome of the first-level desk review.**

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

Word versions of the updated desk review notices and forms used for first-level desk reviews are available on the *Distribution – Desk Review* page of the Electronic Resource System (ERS) under *Forms*, and districts may also view the updated second-level desk review documents on this page.

At a later date, the updated notices and forms to be used by districts for first-level desk reviews will be made available on the automated child support system as templates in the State Folder of the Local Correspondence tab in the Document Generation module. Districts will be notified of the availability of the updated templates via Broadcast Message.

The TA Unit will need to print copies of the notices and forms from the links provided in this ADM.

## **A. Request Form**

The SCU and TA Unit shall be familiar with how a recipient is notified of the rights to a desk review, how a recipient may obtain the desk review request forms, and their role in this portion of the process. **Importantly, both units are reminded that the recipient is advised to take the following actions before submitting a request for a desk review: 1) review the payment examples provided on the New York State child support website at [https://www.childsupport.ny.gov/dcse/desk\\_review.html](https://www.childsupport.ny.gov/dcse/desk_review.html) and 2) discuss their concerns with their district TA worker.** The SCU and TA Unit may find it helpful in assisting the recipient to assess whether the recipient took these preliminary actions intended to provide helpful information on common issues before filing the request for a desk review.

### **1. Notification of Right to a Desk Review**

Recipients are notified of their right to a desk review through the:

- a. OTDA Client Information Booklet 1, LDSS-4148A, *What You Should Know About Your Rights and Responsibilities*;
- b. OTDA Form LDSS-3677 and LDSS-3677 NYC *Monthly Report of Support Collected*;
- c. Child Support Program *Monthly Notice of Support Payments*;
- d. Child Support Program *Annual Notice of Support Payments*;
- e. New York City Continuation of Services “Child Support Notice” insert;
- f. Child Support Program website, **childsupport.ny.gov**, including the *Monthly Notice of Payments and Disbursements*; and
- g. Notices produced by the Client Notice System (CNS) as a result of the monthly automated process, such as *Excess Support (Sys. Gen.) Active Case* and *Excess Support (Worker Authorized) Active Case* letters. (Refer to the November 17, 2005, *Dear Temporary Assistance Director* letter, which discusses the automated excess support process, the countable payments eligible to be offset by child support, and certain excess support notices for details.)

### **2. Availability of Desk Review Request Forms**

Desk review request forms are available through several sources. Recipients who wish to request a desk review may obtain a desk review request form by:

- a. Accessing the *Custodial Parent Services* page within the New York State child support website at **childsupport.ny.gov**;
- b. Calling the New York State Child Support Helpline (CSH) at 888-208-4485 (TTY: 866-875-9975) Monday through Friday from 8:00 a.m. to 7:00 p.m. A listing of recognized Relay Service providers can be found at <https://www.fcc.gov/general/internet-based-trs-providers>; or
- c. Contacting their district Child Support Enforcement Unit (CSEU) or SCU by email or regular mail, or by visiting their units' reception areas. Each CSEU or SCU must have desk review request forms available to respond to an in-person request; as noted above, these documents are available on ERS.

### 3. Provision of Desk Review Request Forms

When a recipient requests a desk review request form by contacting the local CSEU or SCU, the recipient must be provided with the:

- a. *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* form (**Attachment 2**), which is now fillable;
- b. Information and Instructions for Completing the *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* form (**Attachment 3**); and
- c. *How Do I Know If I Should Request a Desk Review?* (**Attachment 4**), a new insert to assist the recipient in understanding the desk review process.

These three (3) documents will be available at **childsupport.ny.gov** and will be provided to recipients who call the CSH seeking a desk review request form.

### 4. Return of Desk Review Request Forms

The recipient must be provided with, or must obtain, a return address to submit the completed desk review request form, as follows:

- a. Where the recipient obtains the request form and instructions from the child support website, information is provided about how to access a link to obtain the appropriate local district address.
- b. Where the CSH is contacted by the recipient for a desk review request form, the CSH will also include a cover letter which provides the SCU address for return of the request form.
- c. Where the recipient receives the request form, insert, and instructions from the CSEU or SCU, the district must ensure that the SCU address is provided for submittal of the completed form.

## B. First-Level Desk Review

After obtaining a first-level desk review request form from one (1) of the methods identified in Section V.A., the recipient must complete and submit the request form to the SCU address provided. The recipient may include documentation to support their request. Upon receipt of a *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment*, the SCU and TA Unit jointly conduct the desk review.

## 1. SCU Procedures

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

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

- i. **Critical information needed:** The SCU must receive the desk review request form and review the form to ensure that the recipient has provided the following critical information:
  - a) Necessary information (e.g., name and Social Security number or Individual Taxpayer Identification Number) to identify the recipient and the related New York Case Identifier(s)/Child Support Account Number(s) and TA Case Number(s);
  - b) The recipient's current mailing address;
  - c) The type of payment for which the review is requested (i.e.; pass-through payment or cumulative excess support payment);
  - d) For a pass-through payment desk review, the time period for which the recipient requests the review;
  - e) The reason(s) or factor(s) which the recipient believes led to non- receipt of the identified type of payment; and
  - f) The signature of the recipient.
- ii. **Critical information omitted:** If critical information is omitted from the desk review request form which prevents the SCU from identifying the correct child support account(s), and the required information cannot be obtained from internal records or from the recipient submitting the request, the SCU must conclude the desk review.

The SCU must:

- a) Complete the *First-Level Desk Review Determination (Attachment 5)* by checking the appropriate boxes and entering information as necessary.
- b) Use first-class mail to send the determination (reproduced on SCU letterhead), a copy of the original desk review request form, and a copy of any documentation provided with the submission to the recipient promptly, but no later than **fifteen (15) business days** from the receipt of the desk review request form by the SCU.
- c) Maintain a copy of the determination along with the original desk review request form and accompanying documentation to assist with review should further information be submitted by the recipient. These papers must be maintained until the end of the calendar year in which the desk review request was made.

**Note:** Because no child support account was located, no status and reason codes can be set. In the event the recipient obtains the missing critical information to identify the child support account(s) or TA case(s), the recipient may resubmit the original first-level desk review request form with the missing

critical information or obtain a new desk review request form for submittal to the SCU. The date of receipt of the new request must be used for purposes of determining the appropriate period of review.

- iii. **Critical information provided:** If critical information is provided on the desk review request form, which permits the SCU to identify the correct child support account(s), the SCU must perform the required desk review procedures as described in Section V.B.1.b. through g.

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

The SCU must acknowledge receipt of the desk review request form immediately through use of the *We Have Received Your Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* form (**Attachment 6**).

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

**c. Confirm the Period that Must Be Included in the First-Level Desk Review**

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

- i. **Desk review of pass-through payment:** For a desk review of a pass-through payment, the desk review is limited to an accounting of the distribution and disbursement of support collections made during the calendar year in which the desk review is requested and the previous calendar year. The SCU must conduct the desk review for the period(s) requested on the desk review request form, plus up to the two (2) consecutive months that follow each period requested if appropriate.

Refer to Information and Instructions for Completing the *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* (Attachment 3) for a definition of this payment type.

- ii. **Desk review of cumulative excess support payment:** For a desk review of a cumulative excess support payment, a support collection must have been received and disbursed during the calendar year in which the desk review is requested or the previous calendar year **in order to be eligible for a cumulative excess support payment desk review.**

However, after a determination is made that the desk review request meets the eligibility requirement, the cumulative excess support desk review must be conducted *for a period which covers the full period(s) of the TA assignment and must consider collections, distributions, and disbursements for all periods through to the last month that a disbursement was made to the TA Unit for such assignments.* Review over the entire duration of the TA case is necessary in order to accurately determine the correct amount of cumulative excess support payments.

If the period of the cumulative excess support desk review requires records not available on the automated child support system (e.g., microfiche or paper records), obtain the automated child support system archived collection, distribution and disbursement information needed. Copies of any archived records used in the cumulative excess support desk review must be maintained to support the desk review and made available to OTDA upon request with

notification that a second-level desk review has been requested (see Section V.C.1.b.). Importantly, payments for which there is no documentation cannot be included in the excess support collection.

Refer to Information and Instructions for Completing the *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* (Attachment 3) for a definition of this payment type.

**Note:** For purposes of determining the date that is to be used to capture the opening balance of unreimbursed assistance, the automated child support system uses the date of TA initial eligibility (i.e., the earliest date that the TA case was determined eligible for TA) or the date of birth of the oldest child, whichever is later. Where medical verification has been provided to the TA Unit and that Unit has made a referral to the CSEU, this period should include the period of time that the recipient was pregnant.

**d. Determine Whether Completion of a Calculations Worksheet Is Required**

The SCU must determine whether completion of a calculations worksheet is required to conclude the desk review.

- i. Circumstances for which completion of a calculations worksheet is not required:** If upon review of the critical information provided on the request form per Section V.B.1.a., and the period determination made for the desk review per Section V.B.1.c., the SCU determines that the desk review can be concluded and that no calculations worksheet will be required, the SCU must conclude the desk review in accordance with Section V.B.1.e. The desk review can be concluded without completing a first-level calculations worksheet where the following circumstances are verified:
- a) The desk review request was completed and submitted by a person who is not the recipient of TA entitled to claim non-receipt of a support pass-through payment, and the person requesting the review is not entitled to such information (see the *Dear Colleague* letter dated June 1, 2007, titled *Release of Information to Requesting Party* for further information);
  - b) The desk review request is for a pass-through payment and the request period is not within the calendar year in which the desk review request was submitted or the prior calendar year;
  - c) The desk review request was received from a custodial parent who was never a recipient of TA or who had no child support account established with the SCU at any time during the period(s) for which the review is requested;
  - d) There were no collections received during the calendar year in which the desk review request was submitted or the prior calendar year;
  - e) The type of collection received was not appropriate for the type of desk review requested (e.g., the desk review is for a pass-through payment of a current support collection and the collection is the result of a federal income tax refund offset);
  - f) The desk review request does not involve a matter that can be addressed within this context by the SCU or the TA Unit (e.g., custody, child protective services, or foster care issues; court matters; concerns about

the underemployment, or off the books income, of the noncustodial parent; or general questions or complaints about TA or child support processes); or

- g) The automated child support record indicates that the current support collected was forwarded to another jurisdiction (i.e., another district SCU or another state's IV-D agency) for distribution.

ii. **Circumstances for which completion of a calculations worksheet is required:** Where one (1) or more of the circumstances in Section V.B.1.d.i. is **not** met, the SCU must complete a calculations worksheet and perform the required desk review procedures as described in Section V.B.1.f through g.

**e. Conclude the Desk Review When a Calculations Worksheet Is Not Required**

Where one (1) or more of the circumstances in Section V.B.1.d.i. is met and the SCU determines it may conclude the desk review without completing a first-level calculations worksheet, the SCU must complete the *First-Level Desk Review Determination* (Attachment 5) by checking the appropriate boxes and entering information as necessary. The SCU must use first-class mail to send the determination and copies of the original desk review request form and any provided documentation to the recipient promptly, but no later than **fifteen (15) business days** from the receipt of the desk review request form by the SCU.

The SCU must enter the status and reason code **H901 12** (*Desk review concluded; no worksheet*) to conclude the desk review and document the actions taken in the remarks of the case records (e.g., *Pass-through desk review requested for a period beyond the allowable period. Desk review concluded. Determination sent to CP on 4/1/XX*). No further action is required.

**f. Conduct the Desk Review When a Calculations Worksheet Is Required**

When the first-level desk review is not concluded per Section V.B.1.e., the desk review will require the completion of a calculations worksheet.

i. **Information needed to complete the calculations worksheet and conduct the desk review:** The SCU must determine the types of information needed to conduct the desk review. If the recipient did not provide the information necessary to complete the calculations worksheet, the SCU must make reasonable efforts to obtain the information, which might include contact with:

- a) The sources of collections, including income withholders, noncustodial parents, another district SCU, or another state's IV-D agency to obtain information or documentation relevant to the support collections under review;
- b) Another district SCU or another state's IV-D agency to obtain information or documentation relevant to the support account; or
- c) The TA Unit to obtain information or documentation regarding the TA case.

All efforts made by the SCU to obtain information must be fully documented in the remarks of the case records.

ii. **Actions to be taken when a conference is requested:** If the recipient requests a conference by checking the appropriate box on the desk review request form, the SCU must conduct a conference by telephone or in person

promptly but no later than within **seven (7) business days** of receipt of the desk review request form. The SCU must allow the recipient to present documentation or information to support their desk review request. That documentation or information becomes part of the desk review record.

- iii. **Review of automated child support records:** The SCU must review the automated child support account records and confirm that the information is accurate. This includes, but is not limited to, the review of the following information:
  - a) **TA Case Numbers (TA CANs) or Client Identification Numbers (CINs):** The SCU must review the automated child support account records to determine the TA CAN or CIN that is being used and validate its accuracy. If the TA CAN or CIN on the automated child support account records is not correct, then the correct TA CAN or CIN must be obtained and corrected on the automated records.
  - b) **TA status:** The SCU must review the automated child support account records to determine if there has been a change in TA status. If a change in TA status has occurred, the appropriate account adjustments, such as building a TA ledger or terminating a TA ledger (converting the account to, or de-converting the account from, TA) must be completed. Additionally, other account adjustments such as a change in a distribution switch from a “3” (*No monies are disbursed*) to a “1” (*Monies paid are systematically disbursed when due*) may be necessary so that any collections which have not been disbursed will be disbursed.
  - c) **Collections:** The SCU must review any proof of collections submitted to locate funds alleged to have not been applied to an automated child support account and apply the funds appropriately. The SCU must also review suspense accounts to identify collections not yet applied to the intended automated child support account.
- iv. **Adjustment of automated child support records:** If account maintenance is required, the SCU must complete the account maintenance prior to completing the calculations worksheet required for the desk review. Any adjustments to the automated child support account or disbursements of collections received that were not distributed appropriately and which will change or impact the period of the desk review must be completed and incorporated into the desk review (e.g., after account maintenance is performed, collections previously disbursed to DSS are adjusted and are now to be distributed to the family, the reporting of the disbursement of those collections for that month must accurately reflect the adjustment).
- v. **Completion of the calculations worksheet:** Based on the type of payment/review identified by the recipient on the desk review request form, the SCU must complete the required steps, recording the collection and disbursement information identified on one (1) or more of the following:
  - a) *Calculations Worksheet for Desk Review of Pass-through Payments (Attachment 7)*. Complete Step 1 and 2 following the instructions provided in Information and Instructions for Completing the *Calculations Worksheet for Desk Review of Pass-through Payments and/or Cumulative Excess Support Payments (Attachment 8)*; or

b) *Calculations Worksheet for Desk Review of Cumulative Excess Support Payments (Attachment 9)*. Complete Step 1 and Step 3 – Line A, following the instructions provided in Attachment 8.

vi. **Forwarding of the calculations worksheet:** The SCU must forward the following documents to the TA Unit: 1) the calculations worksheet, 2) original desk review request form, and 3) any documentation provided by the recipient. The SCU must forward these documents within **fifteen (15) business days** of receipt of the desk review request form. The SCU must retain a copy of the desk review documents until the desk review is completed by the TA Unit and the desk review determination package (including the noted documents forwarded by the SCU to the TA Unit) is received.

**g. Conclude the Desk Review When a Calculations Worksheet Is Required**

When the TA Unit completes actions required for a first-level desk review as identified under Section V.B.2., the SCU will receive a copy of the first-level determination package (see further details in Section V.B.2.c.). Upon receipt of a copy of the first-level determination package from the TA Unit, the SCU must take the following actions.

i. **General actions:** The SCU must review the results of the first-level desk review, enter the status and reason code **H901 04** (*Desk review with worksheet completed*) and document the remarks of the case records (e.g., *Pass-through desk review completed. CP entitled to additional payment of \$100.00 on 12/1/XX*).

ii. **Actions related to a cumulative excess support desk review:** The SCU must determine whether there are reported assistance payments to TA that impact the unreimbursed assistance balance on the automated child support account record.

a) Where the cumulative excess support calculations worksheet included with the first-level determination package reports assistance repayments to TA not previously known to the SCU and that impact the unreimbursed assistance balance on the automated child support account record, the SCU must complete a *Support Collection Unit Notification to State of Unreimbursed Assistance Adjustment as a Result of a Cumulative Excess Support Payment Desk Review* form (**Attachment 10**) and provide the completed form to the Division of Child Support Services (DCSS) as instructed on the form.

b) Where the SCU determines that the reported assistance payments to TA do not impact the unreimbursed assistance balance on the automated child support account record, no further action is required.

**2. TA Unit Procedures**

The TA Unit will receive from the SCU (see Section V.B.1.F.vi) the calculations worksheet, the original desk review request form, and any documentation provided with the first-level desk review request. Utilizing these documents, the TA Unit must complete the desk review procedures outlined in Section V.B.2.a. through c. **no later than forty-five (45) business days** from the date that the SCU received the first-level desk review request.

**a. Prepare for Completion of the First-Level Desk Review**

To prepare for the completion of the first-level desk review, the TA Unit must perform the following actions.

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

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

- iii. Review payment information:** The TA Unit must perform the following actions to review the payment information:
  - a)** Review the case payment history to determine if any benefits have been expunged and should be reissued. This can be done by reviewing BICS or by reviewing the Electronic Benefit Transfer (EBT) report *EBT – Workers Action Lists*.
  - b)** Examine the child support pass-through mass rebudgeting/authorization “exceptions” (IV-D MRB/A Exception Reports [WIV5CX]) for the period being reviewed to ensure all pass-through payments have been made. If there are outstanding pass-through payments that have not been issued, issue the outstanding pass-through payments prior to completing the desk review worksheet. See ABEL Transmittal 09-5, Information #3.
- iv. Review monthly report to identify cases where current support collected exceeds the TA deficit:** The TA Unit must review Section B of the CSMS-8649 Report, *Obligation and Collection Greater than Assistance Granted*, to ensure that the case being reviewed does not appear on this report. If the case does appear on the CSMS-8649 Report, refer to 09- ADM-21, Section V.A., titled *Required Action* and take the necessary steps **before** beginning the TA Unit portion of the desk review.

**b. Complete the Desk Review Calculations Worksheet**

Based on the type of desk review, the TA Unit must complete the appropriate desk review calculations worksheet, performing the following actions:

- i. **Calculate the amount of payments:** Based on the information gathered in the steps listed in Section V.B.2.a., the TA Unit must calculate the amount of the pass-through or cumulative excess support payments by completing and finalizing the required steps in the appropriate desk review calculations worksheet as follows:
  - a) *Calculations Worksheet for Desk Review of Pass-through Payments* (Attachment 7). Complete Steps 3 and 4 following the instructions provided in Attachment 8; or
  - b) *Calculations Worksheet for Desk Review of Cumulative Excess Support Payments* (Attachment 9). Complete Steps 2, 3 – Lines B through G, and 4 as appropriate, following the instructions provided in Attachment 8.
- ii. **Record the completion information on the worksheet:** Under Step 1 of the worksheet, the TA Unit must enter the name, title, and telephone number of the worker who completed the worksheet and the date the TA Unit worker completed their portion of the worksheet.

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

To complete the *First-Level Desk Review Determination* (Attachment 5) package, including the required attachments, the TA Unit must perform the following actions:

- i. **Review comments provided by the SCU:** The TA Unit must review any comments provided by the SCU on the calculations worksheet as they may prove helpful in the completion of the *First-Level Desk Review Determination*. These comments may include, but are not limited to, one (1) or more of the following:
  - a) a change in the type of desk review that was conducted;
  - b) a portion of the months included in the desk review request are outside of the allowable time period;
  - c) collections have not been received for the periods identified;
  - d) the collection received is not appropriate for the type of desk review requested;
  - e) the total support collections available for future months; or
  - f) an adjustment was done to the child support account.
- ii. **Prepare the determination:** The TA Unit must prepare the *First-Level Desk Review Determination* on TA Unit letterhead. The TA Unit must enter information and check boxes, as appropriate, to indicate the results of the first-level desk review. **The determination must include the telephone number of the local TA office and the name and signature of the TA Unit worker completing the determination.**
- iii. **Gather the documents to be included with the determination:** The TA Unit must include copies of the following documents with the determination identified in Section V.B.2.c.ii.
  - a) Completed calculations worksheet(s) used as a part of the review process;

- b) Original *Request for a First-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* form and any documentation provided by the recipient for the desk review;
- c) *Request for a Second-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment (Attachment 11)*; and
- d) Information and Instructions for Completing the *Request for a Second-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment (Attachment 12)*.

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

- iv. **Mail the first-level determination package:** The TA Unit must send the first-level determination package to the recipient by first-class mail. The package must be sent within **forty-five (45) business days** of the receipt of the desk review request form by the SCU.
- v. **Share and retain the first-level determination package:** The TA Unit must send a copy of the determination package to the SCU so that the automated child support account records can be updated with the correct status and reason code.

The TA Unit must retain a copy of the entire first-level determination package (excluding Attachments 11 and 12) in the TA case file.

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

**d. Perform Actions Required as a Result of the Desk Review**

The results of the first-level desk review may indicate that an additional payment is due to the recipient or the recipient has been paid too much money.

The TA Unit must disburse additional pass-through or cumulative excess support payments identified as a result of the desk review no later than **thirty (30) calendar days** from the date of the determination letter. Where a payment is determined to be due to the recipient, the TA Unit must first review the record to ensure that the appropriate payment due to the recipient has not been previously issued by another worker or, in the case of a cumulative excess support payment, by the automated cumulative excess support process **before** processing the payment due.

If the payment has **not** been issued, the TA Unit must issue the appropriate payment. If the payment due to the recipient has been previously issued, no further action is required.

If the recipient has received pass-through or cumulative excess support payments **in error**, a recovery of the overpayment may be pursued by any authorized means.

**C. Second-Level Desk Review**

Recipients may request a second-level desk review if they do not agree with the first-level determination of the SCU/TA Unit. A request for a second-level desk review must be submitted

to OTDA by completing and mailing a *Request for a Second-Level Desk Review of Pass-through Payment or Cumulative Excess Support Payment* (Attachment 11) within **twenty (20) business days** of the date of the first-level desk review determination.

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

## 1. Prepare for Completion of the Second-Level Desk Review Request

The district will be notified of a request for a second-level desk review through receipt of the *Notification of a Second-Level Desk Review Request* (**Attachment 14**). To prepare for the completion of the second-level desk review, **the following actions must be performed by the SCU and the TA Unit as appropriate.**

### a. Provide OTDA with Copies of Non-electronic Records

Pursuant to the *Notification of a Second-Level Desk Review Request*, both the TA Unit and the SCU must promptly provide OTDA with copies of all records used in the first-level desk review that are **not** available electronically (i.e., via BICS or the automated child support system).

The return date(s) for the TA Unit and SCU to provide the required copies of records will be indicated on the notice. The TA Unit and SCU may provide the required copies of records by e-mail, fax, or mail to the address(es) identified on the notice with a copy of the *Notification of a Second-Level Desk Review Request*. The district must follow the proper protocols to ensure confidential transmission of information by fax or e-mail.

**Note:** Because the notification of the request for a second-level desk review is sent to the IV-D Coordinator, the **SCU must provide the TA Unit with a copy of the notification.**

### b. Review and React to a Request for Additional Information from OTDA

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

- i. **SCU required actions:** The SCU must promptly review the *Request for Additional Information to Support Second-Level Desk Review*.
  - a) If the reason for the request for additional information **does not** impact or change the results of collections, distributions, and disbursements as reported in the first-level desk review, the SCU must promptly forward the *Request for Additional Information to Support Second-Level Desk Review* to the TA Unit.
  - b) If the reason for the request for additional information **does** impact or change the results of collections, distributions, and disbursements as reported in the first-level desk review, the SCU must promptly complete all required actions involving the Child Support Program and/or the automated child support system. If the required actions are due to account

maintenance adjustments that impact the collection, distribution and disbursement information for the month(s) or period of review, it will be necessary to complete a new calculations worksheet and the appropriate box identifying the worksheet as “revised” must be checked.

Upon the completion of all these required SCU actions, the SCU must forward the *Request for Additional Information to Support Second-Level Desk Review* and any revised calculations worksheet to the TA Unit for completion.

- ii. **TA Unit required actions:** The TA Unit must promptly review the *Request for Additional Information to Support Second-Level Desk Review* from the SCU.
  - a) If the reason for the request for additional information **does not** impact or change the results of the calculations of the amount of the pass-through or cumulative excess support payments the recipient was entitled to as reported in the first-level desk review, the TA Unit must promptly, but no later than the date specified on the *Request for Additional Information to Support Second-Level Desk Review*, return the *Request for Additional Information to Support Second-Level Desk Review* to OTDA.
  - b) If the reason for the request for additional information **does** impact or change the results of the calculations of the amount of the pass-through or cumulative excess support payments the recipient was entitled to, the TA Unit must promptly complete all required actions involving the TA Program and/or WMS, including any revisions required to the TA Unit’s section of the first-level desk review worksheet. If a revised worksheet has been included by the SCU, the TA Unit must complete the revised worksheet accordingly.

Upon the completion of all these required actions, the TA Unit must complete the *Request for Additional Information to Support Second-Level Desk Review* form and any revised calculations worksheet and forward the documents to OTDA on or before the date specified so that the second-level desk review may be completed.

## 2. Perform Actions Required by the Second-Level Desk Review Determination

OTDA will issue a second-level desk review determination in writing by first class mail to the recipient using the now fillable *Second-Level Desk Review Determination* (**Attachment 13**) in accordance with the timeframes established in 18 NYCRR 347.25. Included with the determination will be copies of the revised or confirmed calculations worksheet(s) and any new documentation considered in the second-level desk review. Collectively, these documents shall be referred to as the **second-level determination package**. OTDA will provide a copy of the determination package to both the SCU and the TA Unit with instructions to process a payment to the recipient or arrange for an overpayment, if appropriate, and update the automated child support account records with the correct status and reason code(s). Upon receipt of the copy of the determination package, the following actions must be performed as appropriate.

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

corporation. The telephone number of a local not-for-profit legal services corporation will be provided.

#### a. SCU Required Actions

The SCU must review any **cumulative excess support** calculations worksheet included with the second-level determination package to determine whether there are assistance repayments included, on Lines B through G of Step 3, that were not previously known to the SCU and that impact the unreimbursed assistance balance on the automated child support account record.

- i. **Reported assistance payments to TA impact the unreimbursed assistance balance:** Where SCU determines that the reported assistance payments to TA impact the unreimbursed assistance balance on the automated child support account record, the SCU must complete a *Support Collection Unit Notification to State of Unreimbursed Assistance Adjustment as a Result of a Cumulative Excess Support Payment Desk Review* form (Attachment 10) and provide the completed form to DCSS as instructed on the form.
- ii. **Reported assistance payments to TA do not impact the unreimbursed assistance balance:** Where the SCU determines that the reported assistance payments to TA do not impact the unreimbursed assistance balance on the automated child support account record, no further action is required.

#### b. TA Unit Required Actions

The TA Unit must review the second-level determination package for instructions to process a payment to the recipient or to arrange for the recovery of an overpayment, if appropriate.

- i. **Payment to be made to the recipient:** Where a payment is determined to be due to the recipient, the TA Unit must first review the record to ensure that the appropriate payment due to the recipient has not been previously issued by another worker or by the automated cumulative excess support process before processing the payment due.
  - a) If the payment has not been issued, the TA Unit must issue the appropriate payment.
  - b) If the payment has been previously issued, no further action is required.
- ii. **Overpayment to be recovered from the recipient:** A recovery of the overpayment may be pursued by any authorized means if the recipient has received pass-through or cumulative excess support payments in error.

#### D. SCU Guidance Documents

The following SCU guidance documents will be made available on the *Distribution – Desk Review* page of ERS under *Reference Materials*:

##### 1. Desk Aid: First-Level Desk Review

The guidance document titled *Desk Aid: First-Level Desk Review* will assist SCUs in their preparation for, and completion of, the desk review.

## 2. Desk Aid: Second-Level Desk Review

The guidance document titled *Desk Aid: Second-Level Desk Review* will assist SCUs in their response(s) to requests from OTDA and facilitate the identification of any follow-up actions prompted by the receipt of the second-level determination package.

### VI. Systems Implications

There are no systems implications.

### VII. Additional Information (Optional)

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

### VIII. Effective Date

This ADM is effective immediately.

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## Issued By:

**Name:** Eileen Stack

**Title:** Deputy Commissioner

**Division/Office:** Division of Child Support Services

**Name:** Valerie Figueroa

**Title:** Deputy Commissioner

**Division/Office:** Employment and Income Support Programs