



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

BARBARA C. GUINN
Acting Commissioner

Administrative Directive Memorandum

Section 1

Transmittal:	23-ADM-11
To:	Social Services District Commissioners
Issuing Division/Office:	Division of Child Support Services
Date:	December 29, 2023
Subject:	Child Support Enrollment Form (LDSS-5258)
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: otda.sm.dcse.bpo@otda.ny.gov Office of Legal Affairs: 518-474-9502
Attachments:	Attachment 1 – LDSS-5258, Child Support Enrollment Form Attachment 2 – LDSS-5258A, Important Information about Child Support Services Attachment 3 – Cover Letter - No Direct Application to Court for Child Support Services Attachment 4 – Cover Letter - Direct Application to Court for Child Support Services

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 10-ADM-01 10-ADM-02 10-ADM-04 12-ADM-03 13-ADM-01 19-ADM-08 19-ADM-10	12-ADM-03 19-ADM-08	18 NYCRR §§ 346.2; 347.3(a)(14); 347.5; 347.17 369.2; 369.7; 370.2(c)(9); 370.9	SSL§§ 111-b(2-a), 111-g, 348(4); DRL §§ 236B(7)(b), 240(1)(a); FCA §§ 423, 523; 45 CFR 302.15, 302.33, 303.2		<i>Dear Colleague</i> letters issued: April 12, 2005 August 10, 2007 March 7, 2016 January 18, 2019 December 16, 2019

Section 2

I. Summary

This Administrative Directive Memorandum (ADM) introduces a new form, LDSS-5258, *Child Support Enrollment Form* (**Attachment 1**), for use by families to obtain child support services and by local Temporary Assistance (TA) programs to refer individuals to the Child Support Program. In addition, Medicaid applicant/recipients (MA A/Rs) may complete the LDSS-5258 to enroll for child support services. Until further notice, the Foster Care (FC) program will continue to use the LDSS-5145B, *Foster Care Referral and Information*, for Title IV-E and Non-IV-E FC referrals to the Child Support Program.

Information and instructions are provided regarding the use of the LDSS-5258. This ADM **cancel**s previously released instructions, notices, and forms issued with 19-ADM-08, *Application for Child Support Services*, and Local Commissioners Memorandum 21-LCM-01-T, *Revisions to the Child Support Application and Referral Forms*. As it relates to TA (Family Assistance [FA] and Safety Net Assistance [SNA]) referrals), 19-ADM-10, *Referral for Child Support Services*, is **replaced** by this ADM and is limited prospectively to policy guidance only for FC referrals to the Child Support Program. For additional information, refer to [99 ADM-5](#), *Cooperation with Child Support Enforcement for Temporary Assistance, Medicaid, Foster Care and Child Care Services Applicants and Recipients*, and [19-ADM-10](#).

The LDSS-5258 consists of the following components:

- A detachable *Enrolling for Child Support Services - What You Need to Know* section that provides required information about the Child Support Program, including measures that can be taken to address the safety concerns of an A/R, the individual's rights and responsibilities, available child support services, fees, payments, disbursements, when and how to contact the program, legal services, and privacy policies. The *Enrolling for Child Support Services - What You Need to Know* section includes links to the New York State child support website, childsupport.ny.gov, and the LDSS-5258A, *Important Information about Child Support Services* (described below), which provides more detailed information about the Child Support Program.
- A detachable *Enrollment Form* to be completed, signed, and dated by the individual enrolling in child support services. The gender selections for the A/R, the Other Party, and the child on the *Child Support Enrollment Form* include separate "X" and "Other" options. In addition, a gender selection of "Unborn" has been added for the **child**.
- A *Supporting Documentation* section to guide enrollees in providing the social services district (district) Child Support Enforcement Unit/Support Collection Unit (hereafter "CSEU") with relevant documents needed to establish a child support case and provide services.

One additional form is also introduced in this ADM to make up the suite of forms that constitute the Enrollment for Child Support Services:

- LDSS-5258A, *Important Information about Child Support Services* (**Attachment 2**) replaces the LDSS-5143 of the same name. The LDSS-5258A is a streamlined version of the LDSS-5143A that expands upon the information provided in the *Enrolling for Child Support Services - What You Need to Know* section and includes additional topics (e.g., definition of terms, assignment and cooperation with child support, child support obligations). The LDSS-5258A, will be made available on the homepage of the New York State child support website, childsupport.ny.gov. In addition, the LDSS-5258A will be posted on the *Forms* page of the Electronic Resource System (ERS). A paper copy of the LDSS-5258A must be provided to the applicant under certain circumstances (refer to Section V.).

II. Purpose

This ADM informs districts of the new LDSS-5258 and provides information and instructions for its use. The LDSS-5258 and LDSS-5258A replace the following documents:

- LDSS-5143, *Application for Child Support Services*.
- LDSS-5143A, *Important Information about Child Support Services*.
- LDSS-5143B, *Additional Child Information (Application)*.
- LDSS-5145, *Referral for Child Support Services*.
- LDSS-5145A, *Additional Child Information (Referral)*.

In addition, the LDSS-5258 replaces the following documents that were used previously for MA referrals to the Child Support Program:

- LDSS-4882, *Information about child Support Services and Application/Referral for Child Support Services*.
- LDSS-4882B, *Information for an Additional Noncustodial Parent (NCP) / Putative Father (PF)*.
- LDSS-4882C, *Information for an Additional Child*.

Replacing the LDSS-5143 suite of forms and the LDSS-5145 and LDSS-5145A with the LDSS-5258 suite of forms also replaces the 12 versions of each form that are translated into Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian and Spanish, Urdu and Yiddish.

Any ADMs and Local Commissioner Memoranda (LCMs) 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 (DCLs) referenced in this ADM are available on the *Policy Directives* page of the Electronic Resource System (ERS).

III. Background

States are required to provide child support services to individuals not receiving assistance under Title IV-A of the federal Social Security Act (Temporary Assistance for Needy Families [TANF]) provided such individuals file an application for child support services (Title 45 Code of Federal Regulations [CFR] § 302.33). Further, the CSEU must maintain records regarding the application for child support services (45 CFR § 302.15[a][1]). This requirement is met through the State-mandated enrollment form or by application made through the court. In addition, records must be maintained regarding other information and documents pertaining to a case, such as enrollment forms for applicants/recipients (A/Rs) of TA and MA (45 CFR § 302.15).

Currently, districts are required to use the LDSS-5143 and LDSS-5145 to collect pertinent case information from individuals applying for child support services and for TA and FC referrals to the CSEU. Recently CSEUs have indicated that it would be beneficial to both the Child Support Program and A/Rs to have a single, brief form for use in applying, or being referred, for child support services. The LDSS-5258 has been developed to replace the LDSS-5143 and LDSS-5145.

Social Security Act, Title XIX – Grants to States for Medical Assistance Programs, and its implementing regulations or guidance do not require state MA agencies to refer MA A/Rs to state IV-D agencies. Therefore, a state MA agency may determine which cases are appropriate to refer to state IV-D agencies (refer to federal Information Memorandum [IM-14-01, Medicaid Referrals to the IV-D Agency](#)). In New York State, the Department of Health (DOH) does **not** currently refer MA A/Rs applying through the State Health Exchange, known as NY State of Health (NYSOH), who indicate there is an NCP or alleged parent. However, DOH does provide these MA A/Rs with information about cooperation and good cause and will make the LDSS-5258 available on the NYSOH website, nystateofhealth.ny.gov.

Federal and State law require the imposition of an annual service fee of \$35 for each child support case where the CSEU has collected at least \$550 of support during the federal fiscal year and the recipient has never received TANF benefits (42 United States Code § 654[6][B][ii]) and Social Services Law [SSL] § 111-g[3]). CSEUs are required to provide this information, and to describe available child support services, the rights and responsibilities of the A/R, applicable fees, cost recovery, and distribution policies to all individuals requesting child support services, TA A/Rs who are referred to the CSEU, and MA A/Rs who enroll for child support services (45 CFR § 303.2, 18 New York Codes, Rules and Regulations [NYCRR] §§ 346.2[d] and 347.3[a][14]). When an individual requests child support services, the CSEU must make available all necessary child support services just as it would on behalf of A/Rs who are assigning their rights to child support, except legal services which are provided only upon request (18 NYCRR § 347.17).

Further, 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 parentage 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 *Enrolling for Child Support Services - What You Need to Know* section of the LDSS-5258, and in the stand-alone LDSS-5258A, *Important Information about Child Support Services*, which may be used in place of the LDSS-5258 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-5258 and the LDSS-5258A satisfy the federal and State notification requirements and eliminate the need to provide any other local notice to A/Rs regarding available child support services.

IV. Program Implications

With few exceptions, the parents of a child under the age of 21 years are chargeable with the support of the child (Family Court Act [FCA] § 413). CSEUs must have on file an application for child support services. This includes the LDSS-5258 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]; 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-5258. Individuals applying for child support services through the Family or Supreme Court, however, will be required to complete the LDSS-5258 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 individual requesting services is not sufficient to provide child support services. The only exception is where the individual has already requested child support services in another district, state, U.S. tribe, Hague Convention country or foreign reciprocating country.

The LDSS-5258 will also function as a referral for child support services for TA where the application for, or receipt of, benefits constitutes an assignment of support rights. In addition, MA A/Rs may complete the LDSS-5258 to enroll for child support services.

If the A/R has more than one child for whom parentage and/or support is sought involving different Other Parties (e.g., an A/R has two children and each child has a different father), a separate LDSS-5258 must be completed for each Other Party and the associated child.

V. Required Action

1. An individual may apply for child support services only for children who have not attained 21 years of age.
2. A referral for child support services must be completed for appropriate A/Rs of TA (18 NYCRR §§ 369.2[b] and 370.2[c]).
3. A/Rs may either be the custodial parent (CP); guardian (a nonparent caregiver with physical custody of at least one child under the age of 21), NCP, alleged parent; intended parent, child under the age of 21, or some other individual related to the child (45 CFR 302.33; FCA §§ 422 and 522).
4. For SNA referrals, the 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]).

Note: Parties seeking support or who are subject to an order of child support (or child and spousal support) issued in another state may directly request child support services from a CSEU located in New York State. However, child support services cannot be provided for persons who are emancipated or who have reached the age of majority pursuant to another state's order of support. As such, a party cannot request, or be referred 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 should honor it. States must make child support services available to residents of other states on the same terms as these services are provided to residents of New York State. For more information regarding cooperation with a different state or 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-5258.

1. CSEU Worker Action

a. Distribute the LDSS-5258

Provide the LDSS-5258 to all individuals requesting child support services. For those with more than four children associated with the Other Party of the application, also provide sufficient copies of the page with the chart titled "Tell Us About the Children Who Need Support from this Other Party" (photocopy or page printed from the electronic version) and advise the applicant to only enter the information about the additional children. The "Extra Children" page(s) must be appended to the LDSS-5258.

The CSEU must ensure that it provides the LDSS-5258 to any individual the same day the request is made in person, and to send the LDSS-5258 to any individual as soon as possible but within five business days of receiving a written or telephone request for child support services. The CSEU must also ensure that it has sufficient forms available to provide to applicants within these time frames.

b. Review the LDSS-5258 for completeness

If upon receipt, the *Enrolling for Child Support Services - What You Need to Know* section is still attached to the LDSS-5258, detach and return it to the individual. Review the LDSS-5258 for completeness and for confirmation that the applicant has signed the LDSS-5258. 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.

c. Examine the supporting documentation

Examine the submitted documentation as identified in the *Supporting Documentation* section. Compare information listed on the LDSS-5258 to data contained in the supporting documentation. For example, verify that each party's name as listed on the LDSS-5258 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 and apartment or suite numbers. 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-5258

After review of the LDSS-5258 and supporting documentation, enter the date the LDSS-5258 was received in the *Date Received* field in the *For Agency Use Only* section. In addition, record how the applicant responded to the *Safety Concerns* question using the "Yes" or "No" Family Violence check box in this section and enter the Family Violence Indicator as appropriate.

e. Build the case

Use the completed LDSS-5258 to enter information into the Automated State Support Enforcement and Tracking System (ASSETS) Intake Module as soon as possible but within 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 the *Systems* page of ERS.

i. Review the applicant's response to the Public Assistance History question on the LDSS-5258:

If the applicant indicates that they **are** a former recipient of TA benefits, enter a "1" (*Ineligible*) in the *Client Fee Ind* field on the ASSETS *Client Information* record to remove the case from annual service fee collection once an account is built and collections are received.

If the applicant indicates that they **are not** a former recipient of TA benefits, no action is required. The value of the *Client Fee Ind* field will remain blank. If at a later date and after the ASSETS case is built the applicant indicates they are a former IV-A assistance recipient, then the *Client Fee Ind* on the ASSETS *Client Information* record must be set to "1."

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

ii. Review the SSN/ITIN information: 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 DCL dated April 12, 2005 regarding the entering of ITINs on ASSETS.

- iii. **Complete *For Agency Use Only* section:** When the case has been built, fill in the *NY Case Identifier* and the *Child Support Worker Code* fields in the *For Agency Use Only* section of the LDSS-5258.

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](#), *Legal Services and Cost Recovery for Recipients of Child Support Services*).

g. Change in payee

The CSEU must obtain a completed and signed LDSS-5258 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-5258

Individuals requesting child support services must complete the LDSS-5258 unless the individual has made application through the court (refer to Section V.B.).

Space is **not** provided on the LDSS-5258 to accommodate information for more than one Other Party. Therefore, if support for the child is sought from more than one Other Party (e.g., a child under age 21 requests child support services to obtain support from both parents or the applicant provides several possible alleged parents for the child), the applicant must complete a separate LDSS-5258 for each additional Other Party.

Further, space is provided on the LDSS-5258 to accommodate information for up to four children associated with the Other Party (Child 01 – Child 04). Applicants who are applying for more than four associated children may enter information about the additional children on an “Extra Children” page (see Section V.A.1.a.). The “Extra Children” page(s) must be appended to the LDSS-5258.

In addition, the applicant must provide any necessary documentation (refer to the list at the end of the form) to verify information on the LDSS-5258 and to support the CSEU’s efforts to establish parentage and to establish, modify, or enforce an order of support.

Importantly, the applicant must complete the *Child Support Enrollment Form/Affirmation* section of the LDSS-5258, by signing and printing their name and entering the date of application. The applicant may also authorize electronic correspondence (if/when available). The LDSS-5258 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 *Child Support Enrollment Form/Affirmation* section of the LDSS-5258. 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/parentage 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 the DCL dated March 7, 2016.

Individuals who wish to apply for child support services during the pendency of a divorce action may complete, sign, and date the *Short Form Application for Child Support Services in Connection with an Application for a Divorce*. The form instructs the applicant for services to provide a signed copy of the form to the local Child Support Program, together with a copy of their Judgment of Divorce and the completed Form UD-8a, *Support Collection Unit Information Sheet*, within twenty days of the entry of the judgment of divorce in order to begin receiving child support services. For more information about the short form application, refer to the DCL dated December 16, 2019.

- i. **A signed statement is included:** If a signed statement requesting services is included with the court order, proceed to Section 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-5258 with a completed *Cover Letter - No Direct Application to Court for Child Support Services (Attachment 3)*. The cover letter will be made available on the *Forms* page of ERS. For more information about how to complete the cover letter, refer to page 2 of the DCL 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-5258 within 15 calendar days from the date of the letter.

- a) **LDSS-5258 returned:** If the CP returns the completed and signed LDSS-5258 within 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.

- b) LDSS-5258 not returned:** If the CP fails to return the completed and signed LDSS-5258 within 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-5258. 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*.

- 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 the *Systems* page of ERS.

- 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-5258A to the applicant as soon as possible but within five business days of receiving the court order. The LDSS-5258A will be made available on the *Forms* page of ERS 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 4**) must accompany the LDSS-5258A to acknowledge receipt of the order of support. The cover letter will be made available on ASSETS as a template in the State Folder of the Local Correspondence tab in the Document Generation module. The 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* record the provision of the LDSS-5258A 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-5258 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-5258 within 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* record the provision of the LDSS-5258 to the applicant.

- a) **LDSS-5258 returned:** If the applicant returns the completed and signed LDSS-5258 within 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-5258 and the supporting documentation, and build the account.
- b) **LDSS-5258 not returned:** If the applicant fails to return the completed and signed LDSS-5258 within 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](#), *Automated Case Closure and Closure of Administrative Cases*).

If the completed and signed LDSS-5258 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- 5258 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- 5258 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-5258 is requested (refer to Section V.B.1.a.ii. and Section V.B.1.b.ii.) the applicant must provide the CSEU with a completed and signed LDSS-5258, including any available supporting documentation.

C. TA Referrals for Child Support Services

For additional information and instruction regarding TA Worker and TA A/R responsibilities, refer to 99 ADM-5.

1. TA Worker Action

a. Determine appropriate cases for referral

- i. **Basic procedure:** TA workers must provide the LDSS-5258 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.

The TA worker must advise the A/R to provide as much information as possible on the LDSS-5258 and return the completed and signed LDSS-5258 and any supporting documentation to the CSEU. In addition, the TA worker must advise the A/R that the A/R must participate in an interview with the CSEU if deemed necessary by the CSEU. Refer to 99 ADM-5 for additional information regarding supporting documentation.

- ii. **Good cause claims and referrals to the Domestic Violence Liaison:** The LDSS-5258 **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 (DVL). Rather, the determination of the good cause claim, or the domestic violence waiver decision, must be made prior to providing the LDSS-5258 to the A/R for completion.

The TA worker must use the LDSS-2859, *Information Transmittal*, to notify the CSEU of the good cause claim (18 NYCRR § 369.2[b][6]) or the referral to the DVL. Correspondingly, when the final determination of good cause is made, the TA worker must notify the CSEU using the LDSS-2859.

Additionally, the DVL 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, *Child Support and the Family Violence Option*](#)).

- a) **Good cause does not exist or full child support waiver not granted:** If it has been determined that there **is not** good cause for refusal to cooperate, or the DVL **does not** grant a full child support waiver, the TA worker must provide the LDSS-5258 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.
- b) **Good cause exists or full child support waiver granted:** 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 DVL, the LDSS-5258 **must not** be provided to the A/R (refer to 03 ADM 5).

In summary, referral actions are therefore necessary in the following situations:

- Good cause exists but the CSEU's efforts to establish parentage 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 DVL's assessment has resulted in a partial or no waiver.

b. Prepare referral

After determining that the LDSS-5258 must be provided to the A/R, the TA worker must perform the following actions:

- i. In the *For Agency Use Only* section of the LDSS-5258, enter the *District Referral Case Number* in the designated field if the case number exists at the time the referral is distributed to the A/R. Then add the worker code in the *Assistance Program Worker Code* field.
- 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 21 requests child support services) or the A/R provides several possible alleged parents for the child, provide the A/R with an LDSS-5258 to complete for each additional Other Party.
- iii. Space is provided to accommodate a referral for four children. For A/Rs with more than four children associated with the Other Party of the referral, the TA worker must also provide sufficient copies of the "Extra Children" page (see Section V.A.1.a.) and advise the applicant to only enter the information about the additional children. The "Extra Children" page(s) must be appended to the LDSS-5258.
- 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 their name in the *Child Support Enrollment Form/Affirmation* section of the LDSS-5258.
- v. Notify the CSEU that the A/R has been provided with the LDSS-5258 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 Non-Services 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 parentage, and establish, modify, and enforce orders of support. To satisfy this requirement, all TA A/Rs must complete the LDSS-5258 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 noncooperation 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-5258

When completing the LDSS-5258, all TA A/Rs must read the *Child Support Enrollment Form/Affirmation*, sign and print their name, and enter the date. By doing so, the A/R affirms that the information provided in the LDSS-5258, as well as any supporting documentation provided to the CSEU, is true and correct. The TA A/R may also authorize electronic correspondence (if/when available).

3. CSEU Worker Action

a. Review the LDSS-5258 for completeness

If upon receipt, the *Enrolling for Child Support Services - What You Need to Know* section is still attached to the LDSS-5258, detach and return it to the TA A/R. Review the LDSS-5258 for completeness and confirm that the A/R signed the LDSS-5258. 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-5258 to help the CSEU identify and locate the Other Party:

- i. The full name and SSN of the Other Party; **or**
- ii. The full name of the Other Party and at least two 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-5258 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.C.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. Further actions

Perform the required actions as described under Section V.A.1.c. through Section V.A.1.e.

D. MA Enrollments for Child Support Services

1. District MA Workers and NYSOH Assistors Action

a. Provide information about the Child Support Program as appropriate

District MA workers and NYSOH assistors are encouraged to provide information about accessing child support services to families that are interested in, or might benefit from, enrolling in the Child Support Program.

For district MA workers, this means assessing MA A/R eligibility and interest in, and willingness to cooperate in order to obtain, child support services and then providing the LDSS-5258 to MA A/Rs, as appropriate, to complete, sign, and return to the CSEU. Due to the majority of MA applications being received by mail, the district MA worker will mail the LDSS-5258 to appropriate A/Rs. Districts may wish to include contact information for the local CSEU office and instructions for the completion and submission of the LDSS-5258 along with the LDSS-5258.

NYSOH assistors may direct MA A/Rs, as appropriate, to the LDSS-5258, which will be posted on [New York State of Health | Forms \(ny.gov\)](https://www.ny.gov), and advise them to return to completed form to their local child support office to enroll for services.

b. Initial required actions

Prior to providing the LDSS-5258 to the A/R, the district MA worker must perform the following actions:

- i. In the *For Agency Use Only* section, enter the *District Referral Case Number* in the designated field if one exists at the time the referral is distributed to the A/R. Then add the worker code in the *Assistance Program Worker Code* field if worker codes are used by the district.
- ii. If the referral is for a MA case involving more than four children, perform the required actions as described under Section V.C.1.b.iii.

There are no initial required actions for NYSOH assistors.

c. Follow up actions with the CSEU

Concurrent with the mailing of the LDSS-5258, district MA workers must complete the OHIP-0030, *Medicaid Medical Support Transmittal*, as appropriate, to provide Medicaid information for the Child Support Program. **Note:** The CSEU will not receive an OHIP-0030 unless the CP applied through the district and a referral was made.

There are no follow-up actions for NYSOH assistors.

d. Response to notification of non-cooperation

When notified by the CSEU through use of the LDSS-2859 that an A/R who was referred by MA has failed to cooperate, the district MA worker must take the next action pursuant to their local protocol, using appropriate notices and procedures.

2. MA A/R Action

To enroll for child support services, MA A/Rs must complete the LDSS-5258, provide any needed supporting documentation to the CSEU, and participate in an interview with the CSEU if deemed necessary by the CSEU. Failure to do so may result in a CSEU referral to MA for non-cooperation or for a claim of good cause.

Upon request, the MA A/Rs may also be provided services to establish, modify, and enforce orders of support. MA A/Rs who have completed the LDSS-5258 do not have to apply for child support services; completing the LDSS-5258 and printing/signing their name and dating the form in the *Child Support Enrollment Form/Affirmation* section of the LDSS-5258 is sufficient.

3. Necessary final actions for completion of the LDSS-5258

All MA A/Rs completing the LDSS-5258 must sign and print their name and enter the date in the *Child Support Enrollment Form/Affirmation* section of the LDSS-5258. The A/R may also authorize electronic correspondence (if/when available). The LDSS-5258 and any available supporting documentation must be returned to the CSEU.

4. CSEU Worker Action

Perform the required actions as described under Section V.C.3. The MA A/R must provide the information identified in Section V.C.3.a. on the LDSS-5258 to help the CSEU identify and locate the Other Parent.

E. 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 TA or MA assistance case. Pursuant to 45 CFR § 302.33(a)(4), state child support enforcement agencies (i.e., IV-D agencies) have discretion to establish criteria for determining when continued services and notice are **not** appropriate for former FC cases (for more information, refer to [17-ADM-09](#), *Continuation of Child Support Services to Former Foster Care Cases*).

An LDSS-5258 cannot be required from individuals who receive a *Continuation of Child Support Services* notice. 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-5258 to enroll for child support services.

F. Changes that Occur after Referral to the CSEU

If, after completing the LDSS-5258 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 *Child Support Enrollment Form/Affirmation* section of the LDSS-5258, indicating that they would still like to receive child support services.

The TA program provides that when an individual is denied benefits and reapplies for TA within 30 days, a new LDSS-5258 is not required. If an individual reapplies for TA more than 30 days after the TA case that was originally referred to the CSEU has been closed, a new LDSS-5258 form must be submitted to the CSEU.

G. Safety Concerns

Upon receipt of an LDSS-5258, the CSEU should review the form to determine if there is an indication that a safety concern exists (refer to *Safety Concerns* section of LDSS-5258). If there is no indication of the existence of a safety concern, the CSEU should continue to process the LDSS-5258.

If the A/R checked “Yes” to indicate the existence of a safety concern, the CSEU must discuss the safety concern with the A/R and determine whether the individual is applying for child support services pursuant to SSL § 111-g. If the individual is not applying for child support services pursuant to SSL § 111- g, the next actions of the CSEU will depend on what services need to be provided and whether the A/R is being referred from TA or is an MA A/R enrolling for child support services. The underlying presumption is that the safety concern has developed since the initiation of contact with the CSEU.

1. SSL 111-g Applicants

a. Decision to apply for services

Advise the individual of the CSEU’s ability to suppress personal identifying information (e.g., residential address) on documents to be filed with the court and other documents that pertain to the child support case. Further, inform the individual of their 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 individual must decide whether the individual wishes to apply for child support services.

If the individual wishes to apply for child support services after the discussion of the safety concerns, the individual should complete and sign the LDSS-5258.

b. Family violence indicator and case building

If safety concerns have been indicated but the applicant wishes to apply for services, the CSEU must take additional actions when building the case. **The CSEU must set the family violence indicator code to “Y”** to request notification of family violence to the Federal Case Registry (FCR). For more information, refer to 03 ADM 5 and the DCL dated August 10, 2007.

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 in the remarks on the ASSETS *Respondent Remarks* record.

c. Suppression of address and employment information

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 with regard to 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 an *Address Confidentiality Order* if the request for address confidentiality is accepted, and the order will contain information regarding the person designated as the agent for service of process and all papers in the case.

2. TA A/Rs

a. Referral to DVL

After a referral is made, the CSEU must refer the TA A/R to a DVL 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 DVL.

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.

In the *For Agency Use Only* section of the LDSS-5258, the CSEU must check the “Yes” Family Violence check box and enter the appropriate Family Violence Indicator code.

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 their 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.C.

3. MA A/Rs

a. Referral to MA

After a MA A/R has returned a completed and signed LDSS-5258 to the CSEU, the CSEU must review *For Agency Use Only* section of the LDSS-5258 (i.e., *District Referral Case Number and Assistance Program Worker Code*) as a part of determining whether the A/R applied for MA through the district MA Unit or through NYSOH.

If the A/R applied through the district MA Unit, the CSEU must refer the A/R back to the MA Unit through use of the LDSS-2859. Domestic violence waiver procedures do not apply to MA cases, but domestic violence itself constitutes good cause for not cooperating with the CSEU. The determination of whether good cause is granted by MA must take into consideration the recommendations of the CSEU. The CSEU should take no further action to establish parentage or establish, modify or enforce medical support until notified by MA that child support activities may continue.

NYSOH assistors have no required actions related to determination of good cause. When DOH implements referrals for MA A/Rs who apply through NYSOH and indicate there is an NCP or alleged parent, DOH will issue guidance regarding good cause claims for this population.

b. Notification of good cause

The district MA Unit must notify the CSEU that an A/R has claimed good cause at the same time that the case is referred to the CSEU. Information on good cause may be transmitted from the district MA Unit to the CSEU via the OHIP-0030 or the LDSS-

2859. For more information on good cause for refusing to cooperate, refer to 99 ADM-5.

NYSOH assistors have no required actions related to notification of good cause.

H. Recoupment of Overpayments

The LDSS-5258 contains language to support a new policy to be issued in the future for the recoupment of overpayments. The policy is explained in the *Enrolling for Child Support Services – What You Need to Know* section and the *Important Information about Child Support Services*. By signing within the *Child Support Enrollment Form/Affirmation* section, the A/R acknowledges their understanding that overpayments are to be returned or repaid. Importantly, while language to support this policy and notice to the applicant is provided in the LDSS-5258, 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.

I. No Direct Payments

Payments in all IV-D cases must be paid and disbursed through the State Disbursement Unit (SDU). The *Enrolling for Child Support Services – What You Need to Know* section of the LDSS-5258 indicates that court-ordered support payments may not be received directly from the NCP. If any such payments are received, they must be immediately forwarded to the New York State Processing Center (SDU), P.O. Box 15363, Albany, NY 12212-5363.

J. Record Retention

The following enrollment documents must be retained as a part of the case record in accordance with record retention rules: LDSS-5258 or any petition, application, or motion made to the court requesting child support services; a copy of any “Extra Children” page(s) of the LDSS-5258 that contain information about additional children associated with the Other Party; LDSS-5145B; and 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-5258 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 for New York Local Government Records LGS-1* ([Social Services \(County\) | New York State Archives \(nysed.gov\)](#)) is used to determine the appropriate retention periods for support collection records.

VI. Systems Implications

The LDSS-5258 is the primary information collection tool for all Child Support Program enrollments (i.e., applications and referrals) and serves as the data entry form for the ASSETS Intake Module. The LDSS-5258 therefore supports the use of ASSETS as the primary tool of day-to-day child support functions and particularly, case building. The LDSS-5258 includes several fields that are not on the ASSETS Intake Module and this module contains several optional fields that are not on the LDSS-5258. The ASSETS Intake Module will be updated at a later date to mirror the number, order, and position of the data fields in the LDSS-5258. Until the ASSETS Intake Module is updated, CSEUs may record information from the additional fields, as appropriate, on the ASSETS *Respondent Remarks* record.

VII. Additional Information (Optional)

The printed stock of the LDSS-5258 and LDSS-5258A will not be available immediately, and districts will be advised when they can order initial supplies via a DCL. Districts will need to place orders for the English and Spanish versions of the LDSS-5258 and LDSS-5258A as they will **not** receive shipments of these documents automatically.

In the interim, the LDSS-5258 and LDSS-5258A will be made available on the [Forms](#) page of ERS. Individuals may also obtain these documents on the OTDA or New York State child support websites (otda.ny.gov and childsupport.ny.gov, respectively). Districts wishing to use this form before receipt of the paper supply may print the forms as needed. Alternatively, districts may continue to use the LDSS-5143 and LDSS-5145 forms with the *Gender Selections Addendum* (as communicated in the DCL issued December 27, 2023) until such time as the paper supply is received.

Translated versions of the documents in Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish will be made available for download from the OTDA intranet site at http://otda.state.nyenet/ldss_eforms/ and from the OTDA public-facing website at <http://otda.ny.gov/programs/applications/>. In addition, translated versions will be accessible on the New York State child support website and linked to on ERS once they are available.

VIII. Effective Date

This ADM is effective January 1, 2024.

Issued By:

Name: Eileen Stack

Title: Deputy Commissioner

Division/Office: Division of Child Support Services