

September 9, 2021
Annual Policy Training (taking effect September 15, 2021)

Q & A During Training

Q: *[This question concerns assignment of an office in deprived cases]* Back to the assignment of juvenile cases--does this mean that if there is already an order established, the case will not stay with that office but be transferred to the county with the active juvenile case?

A: Yes. Even if there is already an existing order the child support case will be assigned to the county the deprived action is in.

Q: And to piggy-back on her question, what if not all the kids on the underlying order end up in the deprived case?

A: The case would be assigned to the office the deprived action is in, regardless of whether all the children are on that deprived case.

Q: This a change from the previous guidance, correct?

A: Yes. This change came from the CE group and I believe this is how they are putting out their documents.

[This is a change from what policy previously stated. Previously, the rule was that if there was already an order then the office with the order kept the case even though the deprived case may be in another office] SRC's based the decision on case assignment of guardianship cases. Both juvenile and guardianship case assignment process should be the same.

Q: Which CE Group:

A: The Case Initiation group.

[Stefanie Hanson] we haven't finished this process, but we have started it and I brought some team questions to SRC that were addressed.

Q: *[This question concerns abatement]* To clarify, "automatic" here means "without requiring a court order" not "without requiring manual changes"

A: Correct, in regards to the first part of your question. A court order would be a modification. So, this an operation of law meaning as of November 1, an incarcerated non-custodial parent with a child support order that order is abated and child support is not owed unless there is a presumption that is showing a reason why they are able to earn income while they are incarcerated. So, there will be manual updates.

Q: As in, automatic that means done by computer? Basically, we won't get instant case updates from someone going to jail, we still would need to manually update cases

A: We are going to go into this in more detail. Al and Sonya will be doing some training. The good news is Tony Jackson's Center for Coordinated Programs is going to do the initial updates. In November they will be working NCP incarcerated lists and they will be doing the initial update. There will be some OSIS updates that will be done with Abatement code. This is in process and when it's ready there will be training on this. The training will get you past November when new NCP incarcerated cases will pop up on the list and then CS Specialists will be doing those.

Q: Would the 180 days be calculated as the incarceration occurs or be calculated prospectively?

A: The way it was written it is 180 consecutive days as incarceration occurs. Starting after November 1, let's say, they would be incarcerated and you would be going back to see have they been incarcerated 180. And, then, the child support order is abated back to that first day of the month following their entry into prison or jail. So, in the future, it could be calculated based on looking back from the time they are incarcerated.

Q: Will this be retroactive to people who were incarcerated prior to this going into effect Nov 1?

A: No. You have to be incarcerated as of November 1. So, if the NCP is incarcerated previously and then released, the answer is no. They have to be incarcerated as of November 1.

Q: Will this apply to private orders for which CSS is enforcing?

A: Yes. When you are saying there is a private order you are also saying there is a CSS case. You have to have a CSS case to do any kind of enforcement. Yes, it will apply to those if you have a paternity order or a divorce decree and the NCP is incarcerated then the order would be abated.

Q: So, what do we the caseworkers tell the CP's that have NCPs that have long term/life sentences, the child will age out prior to the release. Do these CPs just depend on social programs to help with cost of raising these children? Is this going to qualify for closure?

A: If an NCP is incarcerated that will qualify for closure. It will qualify for closure of the case if the length of incarceration is past the time when the child reaches majority age. That would be case closure reason 4/09.

Being a Hope Centered agency, if it's not a life sentence but a long sentence, getting them back in society is what will be considered. They are expected to begin paying child support within 90 days. We want people to pay child support and pre-incarceration support. We are trying to build success for the non-custodial parent once they are released from incarceration.

Q: If the NCP has an open case and we are collecting on current and arrears, but then goes to jail and the child ages out before the NCP gets out, would we close the case and not go back and collect the arrears that accrued before they went to jail?

A: This statute does not change the existing closure federal reg. The case could close. And, this statute does state that any pre-incarceration arrears remain in place.

When a case closes for incarceration because the child is going to age out, the case will close and not be kept open to collect the past due.

Q: I understand you can't collect from a prisoner. I'm asking if the child ages out do we go back and collect past arrears prior to incarceration? Because I know a CP will ask that.

A: OSIS will check for an active child and if the date of release is after the child reaches majority age, then the case will automatically close.

Q: Right now when a case is closed in this [incarceration] case, do we keep a case open to collect for arrears?

A: If the incarceration goes beyond the child's emancipation date, we will close it down and not collect past due.

Q: Do we still need to modify it down to 0.00 if the NCP is in prison past the emancipation date of the child.

A: We are modifying to 0.00 for Social Security disability. We modify those cases to 0.0 before closing them. But, not incarceration.

Q. In the scenario where sentence time goes beyond the date the child will age out and the case closes. Something happens and the NCP is released before the child reaches majority age. Would we have to open it back up if they send in an app once they are released? i.e., for the arrears that accrued prior to incarceration

A. Yes, we would open it back up. It would be pre-incarceration arrears that we could collect.

Q. Will there be a new closure code? Or, will there be something in place where if the CP (and CP attorney) want to close a case will there be something that prevents closing the case?

A. There are no plans for new closure code. The other closure codes would still apply. If a CP has the right to request closure to their case at any time they, we do not prevent them from doing that. It would not be because the NCP is incarcerated. – unless the sentence is beyond the date of the child reaching the age of majority.

Q. If child support is abated to \$0.00 but NCP release date is before the child emancipates, we leave it open or close for reason 15?

A: It stays open – abatement is not the same as closure. The case is abated due to incarceration so it would stay open.

We do not now open any cases for arrears only, except incoming interstate cases that were opened in the other state prior to emancipation. There has to be a current support situation

Q. May I clarify that a CP can submit an application to reopen a case if the sentence changes and NCP gets out only if the child is still a minor, not if child is emancipated.

A: Yes, there has to be a minor. We do not open arrears only cases for adults.

Q. Since we are not modifying the order can the CP still go through district court and collect arrears from before incarceration with our administrative order after the NCP is released?

A: The abatement would still occur. So, no, this cannot be done while the NCP is incarcerated.