

INCARCERATED NCP CHECKLISTS

NCP IN DOC CUSTODY CHECKLIST

___ Verify prison information through DOC website

___ Update the ECE in the file

___ Document log with information including DOC number and release date

DOC Number _____ Release Date (not parole date) _____

___ Update Prison data on DCHG and APPU

___ Update type 01 address (do not update type 10 address with NCP info – only institution info)

___ Child Emancipation Date: _____

- If emancipation is **before** sentence completion date:

- If a **paternity case**, proceed with establishment of paternity, after established then send file to appropriate closure caseworker to proceed with case closure (04/09).
- If an **enforcement case**, send the closure checklist to the appropriate closure caseworker to proceed with case closure (04/09)

- If emancipation is **past** the sentence completion date:

- If a **paternity case**, proceed with establishment of paternity, if filing date is after 9/15/14, then you will calculate the guidelines using \$0.00 as the NCP's income unless the NCP is serving time for a crime against the child (i.e. child endangerment, abuse of a child, etc. – if questions, please see Supervisor or alpha attorney)
- If an **enforcement case or paternity has been established**, if filing date is after 9/15/14 and you are preparing the case for a MM, then you will calculate the guidelines using \$0.00 as the NCP's income unless the NCP is serving time for a crime against the child (i.e. child endangerment, abuse of a child, etc. – if questions, please see Supervisor or alpha attorney). Update case status to 10, reason 19 and review date will be the NCP's release date. Update C/W to the Enforcement III.

___ Register NCP on Vine link (this will provide notification on changes to an inmate's custody status) –

this can be done by clicking on the Vine link on the [Oklahoma Department of Corrections Offender search page](https://okoffender.doc.ok.gov/)

(<https://okoffender.doc.ok.gov/> - Press Accept then follow directions) or by going to the [Vinelink](https://www.vinelink.com/#/home) website

(<https://www.vinelink.com/#/home>):

- Select the State
- Click on Find an Offender
- Click Continue
- Enter the NCP information and press Search
- Click on Notify Me of Status
- Select Law Enforcement as your connection to offender
- Select E-mail for the contact type
- Type in the local office's anonymous email and confirm the email address
- Click on Add
- Click Continue on the bottom of the page
- Click Yes, Register

NCP IN COUNTY JAIL CHECKLIST

____ Verify that NCP is in county jail through the local County Jail website

____ Update the ECE in the file

____ Check status of pending cases

____ If **NCP has been convicted and is awaiting transport to DOC**, register NCP on Vinelink using the [Vinelink](#) website.

- Select the State
- Click on Find an Offender
- Click Continue
- Enter the NCP information and press Search
- Click on Notify Me of Status
- Select Law Enforcement as your connection to offender
- Select E-mail for the contact type
- Type in the local office's anonymous email and confirm the email address
- Click on Add
- Click Continue on the bottom of the page
- Click Yes, Register

____ **Child Emancipation Date:** _____

- If emancipation is **before** sentence completion date:
 - If a **paternity case**, proceed with establishment of paternity, after established then send file to appropriate closure caseworker to proceed with case closure (04/09).
 - If an **enforcement case**, send the closure checklist to the appropriate closure caseworker to proceed with case closure (04/09)
- If emancipation is **past** the sentence completion date:
 - If a **paternity case**, proceed with establishment of paternity, if filing date is after 9/15/14, then you will calculate the guidelines using \$0.00 as the NCP's income unless the NCP is serving time for a crime against the child (i.e. child endangerment, abuse of a child, etc. – if questions, please see Supervisor or alpha attorney)
 - If an **enforcement case or paternity has been established**, if filing date is after 9/15/14 and you are preparing the case for a MTM, then you will calculate the guidelines using \$0.00 as the NCP's income unless the NCP is serving time for a crime against the child (i.e. child endangerment, abuse of a child, etc. – if questions, please see Supervisor or alpha attorney). Update case status to 10, reason 19 and review date will be the NCP's release date. Prep modification pleadings and serve NCP in prison. Contact prison for the name of the person to put "in care of" for service acceptance.

When an NCP is expected to be incarcerated for at least six consecutive months from the date the support amount is reviewed or established, CSS requests the court enter a temporary child support and medical support order amount of \$0. Incarceration means that a person is sentenced to the Oklahoma Department of Corrections, another state's prison system, or the Federal Bureau of Prisons. If the court declines to use actual income and imputes minimum wage or another amount to NCP and orders the child support obligation to begin while the NCP is incarcerated, CSS follow the court's order.

Note: Staff enters an order for support for a prior period using actual income of \$0 for time frames when an NCP was incarcerated. If there are time frames when an NCP was not incarcerated, staff requests the court reserve the amount of child support for those months.

Practice Tip: There may be other situations where the NCP is in a county jail awaiting criminal trial for a lengthy period of time. These types of cases should be dealt with on a case-by-case basis. Staff reviews these cases with the State's Attorney to determine whether to treat as an incarcerated case.

There are two situations when CSS does not request a temporary child support order of \$0:

- If the NCP has income or assets outside the correctional institution, CSS does not ask the court to enter a temporary order of \$0. See section below for examples regarding what income to use.
- If an NCP is incarcerated for crimes against the CP or child, CSS does not establish or modify an order using \$0 for the income. CSS uses income information from the prior order or when there is no prior order, CSS uses either historical income information or imputes minimum wage.

The type of order CSS requests depends upon whether NCP has no income while incarcerated or has income or assets outside the correctional institution. The following gives examples of each situation.

NCP does not have income or assets outside the correctional institution

CSS asks the court to order the following based upon whether there is an existing child support order at the time of incarceration or it is an establishment case.

Pre-incarceration child support order

If there is an existing child support order, CSS requests the child support obligation be temporarily modified to \$0 per month during incarceration. CSS also requests the support revert to the pre-incarceration order amount the first day of the month following a lapse of 90 calendar days from NCP's release.

- **Example :** At the time NCP was incarcerated he had an existing child support obligation of \$295 per month. CSS files a modification action because NCP is incarcerated. CSS asks the court to enter a temporary order for NCP to pay \$0 per month while incarcerated and for the support obligation to revert to \$295 per month upon release. If NCP is released from incarceration on June 20, 2015, the order would revert to \$295 per month beginning October 1, 2015.

No pre-incarceration child support order

If there is no existing child support order, CSS requests the child support obligation temporarily be set at \$0 per month during incarceration. CSS calculates child support based on minimum wage for a 40 hour work week and requests NCP pay that amount beginning the first day of the month following a lapse of 90 calendar days from release.

- **Example:** At the time NCP was incarcerated he had no existing child support order. CSS files an establishment action after NCP is incarcerated. CSS asks the court to enter a temporary order for NCP to

pay \$0 per month while incarcerated and for the support to be set at \$222.50 per month upon release. If NCP is released from incarceration on June 20, 2015, the order would be \$222.50 beginning October 1, 2015.

Request for review within 90 days

When the NCP makes a written request for review of the child support order amount within 90 days of release, the post incarceration child support amount does not begin until the review or modification is complete. CSS staff considers the parent's current income and job search activities, e.g. cooperation with the Court Liaison Program or a seek work order, to decide what income to use for the NCP in the modification action.

When a review is requested and the NCP fails to appear for a hearing, the monthly child support obligation is either the pre-incarceration order amount or an amount based upon minimum wage, whichever applies.

NCP has income or assets outside the correctional institution

Examples of income outside the correctional institution may include a trust fund, rental income, royalties, income from investments, and any other source of outside income.

Pre-incarceration child support order

If there is a pre-incarceration order, CSS determines whether the child support obligation should be modified at the time of incarceration, based on a change in income or other change of circumstances. If the child support is modified, CSS requests the obligation to begin the date of filing of the motion to modify unless the NCP and CP agree to another date, or the court orders another effective date.

- **Example:** NCP is employed in the banking industry and also receives royalty payments of \$900 per month. NCP is ordered to pay child support of \$1900 per month. NCP embezzles from investors and is sentenced to 6 years in prison. NCP is no longer employed, but still receives royalty payments. Staff files a motion to modify because NCP no longer has employment income. When calculating child support, staff requests the court use \$900 per month for NCP's income and for the obligation to begin the date of filing of the motion to modify unless the NCP and CP agree to another date, or the court orders another effective date

No pre-incarceration child support order

If there is no pre-incarceration order, CSS determines the appropriate amount to use in the child support computation based on NCP's income and assets. CSS requests the obligation begin effective the date of filing the establishment action.

- **Example:** NCP is employed as a truck driver and also receives a trust fund payment of \$500 per month. NCP is ordered to pay \$450 per month child support. NCP is convicted of drug trafficking and is sentenced to 10 years in prison. NCP is no longer employed, but still receives the trust fund payment. CP and the children are now on SoonerCare and a child support case is opened. Staff files an establishment action against NCP. Staff request the court use \$500 per month as the NCP's income and for the obligation to begin effective the date of filing of the action.

VINE Link

When a parent is incarcerated, CSS staff registers on VINE Link to be notified of the imminent release or transfer of an incarcerated NCP. When registering, staff provides the anonymous district office email address as a method of contact.

Practice Tip: Staff uses the incarceration reports located in the Super Reports database to determine which cases have incarcerated NCPs that need review and court actions. Reports include:

- NCP incarcerated and current support greater than zero – Do a modification action using \$0 for the NCP's income, if has no income or assets; and
- Establishment status with NCP incarcerated – Do an establishment action using \$0 for the NCP's income if has no income or assets.

Helpful Hint: Vinelink can be used to search parties on a case in any of the states that participate and provide information to them. Vinelink does not have information on people incarcerated in Federal Prisons.