

Title 9. Family Law

Chapter I. Office of Child Support Enforcement, Department of Finance and Administration

Subchapter A. Generally

Part 1. Office of Child Support Enforcement Policy Manual — Introduction

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Effective June 8, 2020"

"1.1 BACKGROUND INFORMATION

The Office of Child Support Enforcement is a division of the Department of Finance and Administration and is charged with administering the child support enforcement program within the state.

On January 4, 1975, Congress enacted Public Law 93-647. The law amended Title IV of the Social Security Act (referred to as the Act) by creating a new Part D, "Child Support and Establishment of Paternity." Child support programs are also referred to as IV-D programs because the authority for the program is located within the Social Security Act, Title IV, Part D.

The child support program is a state and federal partnership with the purpose of promoting parental responsibility, securing financial support for children from their noncustodial parent, enhancing family self-sufficiency, and preventing or reducing reliance on public assistance. Each state, several U.S. territories, and many Native American tribes administer a child support enforcement program.

In the State of Arkansas, the child support program becomes involved in the establishment and enforcement of child support and medical support based on an

application for services by the physical custodian of a child; by referral when the custodial party and/or children are recipients of TEA (which includes Arkansas Work Pays), Medicaid (which includes Arkansas Works and ARKids 1st A and B), or Supplemental Nutritional Assistance Program (SNAP); by referral when the noncustodial party is a recipient of SNAP; or based on a request for assistance from a child support program in another state, tribe, or country."

"1.2 AUDIENCE

The Office of Child Support Enforcement (OCSE) Policy Manual is the official statement of policy used by staff in implementing the child support enforcement program in Arkansas."

Subpart 1. Generally

9 CAR § 1-101. Purpose.

(a) The purpose of the Office of Child Support Enforcement Policy Manual is to set forth agency policy utilized in the implementation of the child support enforcement program.

(b) Unless otherwise stated, the information in this manual pertains to cases in which enforcement services are provided.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-102. Preparation of the Office of Child Support Enforcement Policy Manual.

(a)(1) Policy for the Office of Child Support Enforcement Policy Manual is developed and promulgated pursuant to state law.

(2) **Note.** The codification of general and permanent rules, as published in the Code of Federal Regulations by the executive departments and agencies of the federal

government, as well as federal and state law, supersedes policy set forth in the Office of Child Support Enforcement Policy Manual.

(b)(1) The Office of Child Support Enforcement Policy Manual will be available on the Office of Child Support Enforcement website at www.childsupport.arkansas.gov until it is superseded.

(2) The superseded Office of Child Support Enforcement Policy Manual will be retained in agency files for three (3) years as required by state law.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-103. Common terms used in this manual.

Definitions of common terms and acronyms used in this manual are as follows:

(1) "DHS" means the Department of Human Services;

(2) "Federal OCSE" means the United States Department of Health and Human Services, Administration for Children and Families, United States Office of Child Support Enforcement, which is the federal government agency that oversees the national child support program;

(3)(A) "IV-D" means the Social Security Act, Title IV, Part D, 42 U.S.C. §§ 651 – 669b, that provides the authority for the child support program.

(B) Child support programs are referred to as "IV-D programs" and the cases they enforce are referred to as "IV-D cases";

(4) "Medicaid" means recipients of Medicaid, which may also include:

(A) Recipients of the Arkansas Works Program; or

(B) Children who are receiving ARKids First A or ARKids First B;

(5) "OCSE" means the Office of Child Support Enforcement;

(6) "SNAP" means the Supplemental Nutrition Assistance Program; and

(7)(A) "TEA" means the Transitional Employment Assistance program.

(B) It is Arkansas's program under the federal Temporary Assistance to Needy Families (TANF) block grant.

(C) For use in this manual, recipients of TEA may also include participants of the Arkansas Work Pays Program.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-104. Structure of the program.

(a) The Office of Child Support Enforcement is state-administered and state-operated within the Department of Finance and Administration.

(b) Other sections of the department that provide support services for the Office of Child Support Enforcement include:

- (1) Administrative Services;
- (2) Information Services;
- (3) Personnel Management;
- (4) Driver Services;
- (5) Motor Vehicle;
- (6) Revenue Legal Counsel;
- (7) State Income Tax;
- (8) State Procurement;
- (9) Accounting;
- (10) Budget;
- (11) Intergovernmental Services; and
- (12) Employee Benefits.

(c)(1) The Office of Child Support Enforcement is the single and separate organizational unit responsible for administering the Title IV-D Child Support Program under the state plan.

(2) The unit, supervised by the Administrator of the Office of Child Support Enforcement, consists of:

- (A) The Office of Child Support Enforcement Central Office;
- (B) Field offices; and

(C) The Arkansas Child Support Clearinghouse.

(d) Central Office.

(1) The Central Office for the Office of Child Support Enforcement includes the Administrator and management staff who are charged with responsibility for specified areas.

(2) Operational functions are performed by:

- (A) Finance and Administration;
- (B) Information Systems;
- (C) Policy;
- (D) Program Review;
- (E) Communication and Outreach;
- (F) General Counsel;
- (G) Customer Service;
- (H) Collections; and
- (I) Program Support.

(3) The function of Central Office staff is to provide the necessary support services for field staff and to administer the program at the state level.

(e) Field offices.

(1) Under direction of the Operations Manager, Field Managers are responsible for supervising the Regional and Extension Office Supervisors.

(2)(A) Regional and Extension Office Supervisors are responsible, under the direction of the Field Managers, for supervising the field staff.

(B) The field staff are responsible for:

- (i) Locating noncustodial parents; and
- (ii) Obtaining the information necessary to initiate administrative procedures to enforce orders or support legal action pursuant and limited to the purpose of the IV-D Program.

(C) The field staff work closely with the legal staff to ensure appropriate information is available to support the necessary legal action to collect child and medical support or establish paternity.

(3) Office of Child Support Enforcement attorneys represent neither the custodial party nor noncustodial parent, but rather the state's interest in seeing that children are provided for financially.

(f) Arkansas Child Support Clearinghouse.

(1) As required by federal law, the Office of Child Support Enforcement operates the Arkansas Child Support Clearinghouse, also known as the State Disbursement Unit, for the collection and disbursement of payments under child support orders in:

- (A) IV-D cases (enforcement); and
- (B) Non-IV-D cases (payment processing).

(2) The clearinghouse also provides necessary technical assistance and information to employers to ensure the collection and disbursement of payments.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-105. Funding.

The Child Support Enforcement Program is supported by:

- (1) State general revenue;
- (2) Fees collected from custodial parties and noncustodial parents; and
- (3) Federal funds.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-106. Program goal.

(a) The primary goal of the Office of Child Support Enforcement is to work with parents and guardians to help establish and receive court-ordered child and medical support.

(b)(1) Child and medical support services are available to any individual, without regard to the person's state of residence, who:

- (A) Has physical custody of a child; and

(B) Applies for enforcement services.

(2) Recipients of TEA, certain mandatory Medicaid categories, and SNAP are automatically referred to the office for services from the Department of Human Services.

(c) The office provides the following services in cases that have been referred by the department, referred from the child support program of another state, tribe, or country, or when a parent, guardian, or caretaker of a child has applied for services to:

- (1) Locate the noncustodial parent for the purpose of providing services;
- (2) Establish paternity of a child;
- (3) Establish an order for financial and medical support;
- (4) Enforce orders for financial and medical support;
- (5) Collect, distribute, and disburse child support payments; and
- (6) Modify existing child and medical support orders.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-107. Publicizing support enforcement services.

(a) The availability of child and medical support enforcement services is publicized on a regular basis.

(b) This is accomplished through media announcements, brochures, presentations, and participation by the Office of Child Support Enforcement in various community events, and on the office website.

(c) The information promotes the availability of child support services and provides resources where additional information may be obtained.

Authority. Arkansas Code § 9-14-206.

9 CAR § 1-108. Policy of nondiscrimination.

The Office of Child Support Enforcement complies with applicable federal and state civil rights laws and does not discriminate on the basis of:

- (1) Age;
- (2) Color;
- (3) Disability;
- (4) Race;
- (5) National origin;
- (6) Sex; or
- (7) Religion.

Authority. Arkansas Code § 9-14-206.