

Title 9. Family Law

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

Subchapter A. Generally

Part 2. Office of Child Support Enforcement Policy Manual — Administration

Subpart 1. Case Categories

9 CAR § 2-101. Overview.

The Office of Child Support Enforcement has established the following as child support case categories.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-102. Enforcement case.

(a)(1) An open enforcement case is a case open with the Office of Child Support Enforcement for full child support services or a case for medical support services only.

(2) These cases are open either by:

- (A) Application;
- (B) Referral from the Department of Human Services; or
- (C) Referral for full child support services by child support agencies in other states, tribes, or countries.

(3) These cases may also be referred to as IV-D cases.

(b) IV-D recovery case.

(1) A IV-D recovery case is an open enforcement case in which no current child or medical support is owed, but there are arrears owed to:

- (A) The State of Arkansas;
- (B) The custodial party; or
- (C) Both.

(2) In these cases, the custodial party has requested services to collect the arrears.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-103. Split-debt case.

(a) A split-debt case is a former enforcement case in which current support and possibly arrears are owed to the custodial party and arrears are also owed to the state, but child support enforcement services are no longer being provided.

(b)(1) Any child support payments received are paid to the family, with one (1) exception.

(2) Any collection received as an Internal Revenue Service tax offset will be used to collect what is owed to the State of Arkansas.

(3) The office will:

(A) Certify those debts owed to the State of Arkansas to the Federal Tax Offset Program for Internal Revenue Service tax intercept only; and

(B) Retain any collection to offset the amount owed to the state.

(c) The amount owed to the family is not eligible for certification under current federal regulations.

(d) No other enforcement remedies will be utilized to collect state debt while the case remains in this category.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-104. Payment processing case.

(a)(1) A payment processing case is a case in which payments are received and disbursed through the Arkansas Child Support Clearinghouse and no other services are provided.

(2) These may also be referred to as non-IV-D cases because, even though payment processing is a function of the IV-D program, enforcement efforts as allowed by the IV-D program are not authorized.

(b) The responsibility of the Office of Child Support Enforcement in these cases is limited to receipt, recording, prompt disbursement, and responding to requests for information on the current status of support payments made through the clearinghouse.

(c) Services provided in payment processing cases are governed by federal regulation and are limited to the following services:

(1) Update the custodial party's address upon written request;

(2) Respond to inquiries regarding lost, stolen, or destroyed checks issued by the clearinghouse;

(3) Provide payment histories upon the request of either party;

(4) Respond to calls regarding payments received and disbursed;

(5) Pursuant to federal rules, the office will provide a new income withholding notice redirecting payments to the clearinghouse based upon a request from an employer and after notice to the noncustodial parent and the custodial party; and

(6) Perform routine locate activities of a custodial parent for the purpose of disbursement of a collection.

(d) The following are services that cannot be provided in payment processing cases:

(1) Any enforcement action, for example:

(A) Suspension of driver's license;

(B) Interception of federal or state income tax refunds; or

(C) Passport denial;

(2) Process a refund of an overpayment; and

(3) Inquiry of a noncustodial parent or an employer why support payments ceased.

Authority. Arkansas Code §§ 9-14-206, 9-14-239.

9 CAR § 2-105. Suspended case.

(a) Cases may be suspended for a specific date in the future only if there is a direct order by a court to cease all collection action as ordered by the court.

- (b) When a case is suspended, all enforcement action and distributions stop.

Authority. Arkansas Code § 9-14-206.

Subpart 2. Assigned Office

9 CAR § 2-201. Assigned office — Open enforcement cases.

- (a) Cases in which child support enforcement services are provided are assigned to a local child support office responsible for a geographic area of one (1) or more counties.
- (b) The office responsible for working a case is the assigned office.
- (c) The following factors determine the office where the case should be assigned, listed in the order of priority:
 - (1) Location of the Arkansas court that issued the order for child/medical support;
 - (2) Location of the custodial party; and
 - (3) Location of the noncustodial parent.
- (d) **Payment processing cases.** The Arkansas Child Support Clearinghouse is responsible for all payment processing cases.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-202. Transferring cases.

- (a) **Prior to the establishment of an order.** Prior to the establishment of a court order, unless a case is already pending in court, if facts indicate a case should be assigned to a different local child support office, the caseworker shall take immediate action to transfer the case to the correct office.
- (b) **After the establishment of an order.** The Office of Child Support Enforcement Field Operations Manager or designee must approve all actions by the

Office of Child Support Enforcement to request transfer of a case from the jurisdiction of one (1) court to another.

Authority. Arkansas Code § 9-14-206.

Subpart 3. Information Safeguard

9 CAR § 2-301. Prohibitions.

- (a)(1) The Office of Child Support Enforcement will not release information regarding members in an office case except as permitted by federal or state law.
 - (2) Release of information on the whereabouts of a party is permissible only:
 - (A) If it is in connection with the administration of the Title IV-D Child Support Program;
 - (B) For other limited purposes; or
 - (C) As specifically authorized by law.
 - (3) A violation of confidentiality shall constitute a Class B misdemeanor.
- (b) It is unlawful to disclose to any committee or legislative body any information that identifies by name or address any applicant or recipient of the office's child support enforcement services, except under limited circumstances.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-302. Release of information upon request of the parties.

- (a)(1) A custodial party or noncustodial parent is entitled to his or her own personal information contained in a case file.
 - (2) Court orders and pay records may be released to either requesting party.
 - (3) Personal information regarding the other party will not be released.
- (b)(1) All requests for copies of information must be made in writing.
 - (2) Information may not be released over the phone.

(3) If a copy of an entire file is requested, then all information, including pay records and notes, will be released.

(4) However, the nonrequesting party's address, work information, and Social Security number will be redacted.

(c)(1) Release forms and request letters will be maintained in the case file for documentation.

(2) Requested information will be mailed within five (5) business days from date of receipt of the written request.

(3) No fee for copies will be charged.

(d)(1) Pursuant to Arkansas Code § 9-14-210, the office may release information on the whereabouts of a party if the party requesting the information is the noncustodial parent or the custodial party.

(2) The noncustodial parent or custodial party must submit the request by an affidavit that:

(A) Clearly states the reason the information is requested; and

(B) Describes the unsuccessful attempts to acquire the information from other sources.

(3) The affidavit requesting release of information may be sent by first-class mail to the office.

(e) Within seven (7) calendar days of receiving the request, the office will notify the party whose whereabouts are subject to disclosure that:

(1) A request for location information has been made; and

(2) Information will be provided within twenty (20) calendar days of the date of the notice unless the office receives a:

(A) Copy of a court order prohibiting the disclosure or otherwise restricting the requesting party's rights to contact or visit the nonrequesting party or children; or

(B) Request for an administrative hearing to contest the disclosure.

(f)(1) When an administrative hearing to contest the release of information is requested, the office will not disclose the whereabouts of a party until the administrative hearing is held or completed.

(2) If any reasonable evidence of domestic violence or child abuse is presented at the administrative hearing or by affidavit, and the disclosure of the last known address or any identifying information could be harmful to a party or the child, the office will not release the information.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-303. Security of case records.

(a) Case records will be stored in electronic files or in file cabinets accessible only to authorized Office of Child Support Enforcement personnel.

(b) These file cabinets will be:

- (1) Maintained in a secure area; and
- (2) Locked when not in use.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-304. Private collection agencies.

(a)(1) The Office of Child Support Enforcement will not accept change request forms or requests for information from a private collection agency.

(2) A power of attorney provided by a private collection agency will not be accepted.

(b) Custodial parties may seek optional remedies for the collection of obligated past due support.

(c) A custodial party may keep his or her office child support case open while under contract with a private collection agency.

(d) As required by federal regulation, all payments received by the office will continue to be disbursed directly to the custodial party.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-305. Reporting breaches.

(a)(1) Federal and state law and regulation require that safeguard measures be in place to secure:

- (A) Federal tax information (FTI);
- (B) Personally Identifiable Information (PII);
- (C) Federal Parent Locator Service (FPLS) information; and
- (D) Child support program information.

(2) Upon discovery of a possible improper inspection or disclosure of such information, employees shall follow Office of Child Support Enforcement procedures to report the incident to the appropriate authorities.

(b) Office employees receive annual training for safeguarding information.

Authority. Arkansas Code § 9-14-206.

Subpart 4. Case Records

9 CAR § 2-401. Maintenance of case records.

(a) The caseworker is responsible for the maintenance of a case record for each individual case in an assigned caseload.

(b) The record must contain all documents related to the case from the time of referral until closure.

(c) A written narrative containing a history of all contacts with the custodial party and noncustodial parent, all attempts to locate the noncustodial parent, all legal activity, any activity related to an adjustment of a disbursement of child support collections, and any other activity related to the case must be maintained in the data system.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-402. Retention of case records.

(a) Local Office of Child Support Enforcement staff must retain records for closed cases for a minimum of three (3) years.

(b) Field Managers or their designees may determine that a case record should be retained for a longer period.

(c)(1) The Field Manager, or a designee, will review case records selected for destruction and will arrange to have the case records destroyed by burning or shredding.

(2) The method of destruction must ensure the confidentiality of the contents of the case record.

Authority. Arkansas Code § 9-14-206.

Subpart 5. Separation of Cash Handling and Accounting Functions

9 CAR § 2-501. Overview.

(a)(1) Federal regulations require that individuals who have the responsibility of handling and issuing receipts may not participate in accounting or record-keeping functions.

(2) The person who accepts payments and makes receipts must not be the same person who transmits and deposits moneys.

(b) Procedures and internal controls are in place for handling payments.

(c) When payments are not being processed for distribution, they are locked in a secure file cabinet.

Authority. Arkansas Code § 9-14-206.

Subpart 6. Security of Payments

9 CAR § 2-601. Overview.

(a) The Office of Child Support Enforcement will ensure that every person who has access to or control over funds collected under the child support enforcement program is covered by a bond against loss resulting from employee dishonesty.

(b)(1) In order to ensure payments are received and credited in a timely manner, all payments should be made to the Arkansas Child Support Clearinghouse.

(2) Payments will not be accepted in the local office, with the exception of lump-sum payments as a result of an agreement or a court order.

Authority. Arkansas Code § 9-14-206.

Subpart 7. Program Review

9 CAR § 2-701. Overview.

(a) Cases will be reviewed at regular intervals to ensure that:

- (1) Case activities meet the program standards for completeness and timeliness as outlined in the Code of Federal Regulations;
- (2) Fees are monitored to ensure that they are charged appropriately;
- (3) Corrections and deletions are reviewed and approved; and
- (4) All case activities are properly narrated.

(b)(1) Reviews will be scheduled for each office on an annual basis.

(2) The review period will be the preceding twelve (12) months.

(3) If the office fails to meet the standard for any criteria:

- (A) A review will be scheduled after six (6) months; and
- (B) Only the criteria that failed will be reviewed.

(4) The Federal Self-Assessment review will be scheduled in October and includes sample cases from all Office of Child Support Enforcement offices.

(5) The review period for the Federal Self-Assessment review is the preceding twelve (12) months from October through September.

(c) Reviews are conducted using Arkansas Child Support Information Systems (ARCSIS) case screens including all imaged documents.

Authority. Arkansas Code § 9-14-206.

Subpart 8. Administrative Review Request

9 CAR § 2-801. Overview.

(a)(1) A customer may ask for an administrative review to address any concern regarding his or her case.

(2) This informal process is useful in providing an explanation concerning various actions taken in his or her case or its status.

(3) Once a request for an administrative review is received, the appropriate office will:

(A) Review the case to determine if the action taken was appropriate; and

(B) Respond to the customer in writing within ten (10) days of receipt of the request.

(b)(1) An administrative review does not take the place of a formal administrative hearing that may be available under certain qualifying circumstances.

(2) It is not necessary for a customer to request an administrative review prior to requesting an administrative hearing.

(3)(A) However, if the informal administrative process does not resolve an issue that qualifies for an administrative hearing, the customer's written request for an administrative review must also be treated as a request for an administrative hearing.

(B) In this instance, the date that the administrative review was first requested in writing will also be used as the date of the administrative hearing request.

(4) The customer must provide the information required in Administrative Hearings, 9 CAR pt. 9 and meet all other requirements.

Authority. Arkansas Code § 9-14-206.

Subpart 9. Domestic Violence and Good Cause Claims

9 CAR § 2-901. Domestic violence.

(a)(1) Parties who have experienced domestic violence with the other parent should notify his or her caseworker immediately.

(2) The party may be asked to provide copies of any orders of protection or other information about the situation.

(b) The Office of Child Support Enforcement will provide extra protection to information about the whereabouts of the parties.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-902. Good cause claims.

(a)(1) Good cause is a term used to identify cases where recipients of Medicaid, SNAP, or TEA are excused from cooperating with child support establishment and/or enforcement services.

(2) Good cause may be made at any time during the life of a case.

(3) It should be submitted by the custodial party to the Department of Human Services when the custodial party believes cooperation with the Office of Child Support Enforcement would not be in the best interest of the child or would create a risk of harm to the child or the custodial party.

(4)(A) When the office is notified of a good cause claim, the office will immediately discontinue activity on the case.

(B) If the claim is denied, then appropriate child support activities will resume.

(b) In cases where the noncustodial parent has been referred to the office because he or she is a recipient of SNAP, but the custodial party does not receive any assistance through the department, and the custodial party notifies the office that continuing to

enforce the case is a danger to the custodial party or the children on the case, the office will close the child support enforcement case and notify the department.

Authority. Arkansas Code § 9-14-206.

Subpart 10. Arkansas Registry of Child Support Orders

9 CAR § 2-1001. Overview.

(a)(1) As mandated by federal and state law, all support orders issued or modified must be reported to each state's case registry (SCR).

(2) The Office of Child Support Enforcement is responsible for the maintenance of the SCR, known as the Arkansas Registry of Child Support Orders.

(b) The SCR maintains standard information regarding the parties to a child support order including but not limited to:

- (1) Names;
- (2) Social Security numbers, and other uniform identification numbers;
- (3) Dates of birth;
- (4) Case numbers; and
- (5) Case status.

(c) When a support order exists for a IV-D case, the case record must also include the following:

- (1) A record of:
 - (A) The amount of periodic support owed under the order; and
 - (B) Other amounts including:
 - (i) Arrearages;
 - (ii) Interest; or
 - (iii) Fees due;
- (2) Information on child support collected and distributed on each case;
- (3) The birth date of any child for whom the order requires support;
- (4) The amount of any lien imposed with respect to the support order; and

(5) Payment history, provided by the office.

Authority. Arkansas Code § 9-14-206.

Subpart 11. Acknowledgment of Paternity Program

9 CAR § 2-1101. Overview.

(a)(1) The Acknowledgment of Paternity Program provides a simple way for the biological parents of a child to establish paternity if they are not married at the time of the child's birth.

(2) The Office of Child Support Enforcement provides:

(A) Written materials about paternity establishment to all public and private birthing hospitals in the state;

(B) Forms necessary to voluntarily acknowledge paternity; and

(C) Copies of a written description of the rights and responsibilities of acknowledging paternity.

(3) The rights and responsibilities of acknowledging paternity are explained and due process is safeguarded.

(4) The office must also:

(A) Provide training, guidance, and written instructions regarding voluntary acknowledgment of paternity as necessary to operate the hospital-based program; and

(B) Assess each birthing hospital's program on an annual basis.

(b) The Administrator of the Office of Child Support Enforcement and the hospital birthing center, certified nurse practitioner, or licensed midwife shall enter into cooperative agreements for compensation at a rate not to exceed twenty dollars (\$20.00) for each valid acknowledgment of paternity (AOP) forwarded by the hospital, birthing center, certified nurse practitioner, or licensed midwife to the office.

(c)(1) A valid AOP must contain the signatures of both parents, and a notary must authenticate the parents' signatures.

(2) For children born in Arkansas after April 10, 1995, an AOP, properly executed during the child's minority, conclusively establishes the man as the father of the child, subject to modification pursuant to state law.

(3) For children born prior to April 10, 1995, paternity must be established by court order.

(d) Additionally, the opportunity to acknowledge paternity after parents leave the hospital is provided in all vital records departments, health departments, and all local child support offices located throughout the state.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1102. Effect of signing the acknowledgment of paternity.

(a) The AOP forms the basis for establishment and enforcement of a child support or visitation order without a further proceeding to establish paternity.

(b)(1) If the AOP is completed within ten (10) days after the birth of the child, the father's name will appear on the birth certificate.

(2) If the AOP is completed after ten (10) days, the mother may request an amended birth certificate showing the father's name.

(3) If the mother is married to someone other than the biological father at the time of birth, the mother, husband, and the biological father may use the AOP to establish paternity of the child and the biological father's name will appear on the birth certificate if completed within ten (10) days of the child's birth.

(4) If the AOP is completed later than ten (10) days after the birth and the husband's name appears on the birth certificate, a court order must be entered to allow the name of the father to be corrected.

(c) There is a space on the AOP that allows for change of the child's last name.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1103. Rescinding the acknowledgment of paternity.

(a) Any person who has signed an AOP may rescind the document within the earlier of:

(1) Sixty (60) calendar days from the date of signing; or

(2) Prior to the date that an administrative or judicial proceeding, including a proceeding to establish a support order, is held relating to the child and the person executing the voluntary acknowledgment of paternity.

(b) Forms for this purpose are available at the Division of Vital Records.

(c) Beyond the sixty-calendar day period, the acknowledged father must file a motion in court to set aside a paternity establishment pursuant to a voluntary acknowledgment of paternity based on an allegation that the acknowledgment was obtained by:

(1) Fraud;

(2) Duress; or

(3) Material mistake of fact.

(d) The Office of Child Support Enforcement does not have the authority to assist the acknowledged father in the filing of such motions or in entering into an agreed order.

(e) The court may, after making such finding, direct the mother, the child, and the presumed father to submit to genetic testing for paternity.

(f) The burden of proof shall be upon the person challenging the establishment of paternity.

(g)(1) The duty to pay child support and other legal obligations shall not be suspended while the motion is pending, except for good cause shown.

(2) The specific basis supporting the good cause findings shall be recited in the court's order.

Authority. Arkansas Code § 9-14-206.

Subpart 12. Administrative Subpoenas

9 CAR § 2-1201. Overview.

(a) The Administrator of the Office of Child Support Enforcement or a designee is authorized to issue an administrative subpoena for any financial or other information needed to establish, modify, or enforce a child support order to any individual or organization reasonably believed to have information on the financial resources of a noncustodial parent or putative father.

(b) A court may compel compliance with an administrative subpoena, impose penalties for failure to comply of up to one hundred dollars (\$100) for each day after sixty (60) days of receipt of a request, and may award attorney fees and costs to the Office of Child Support Enforcement upon proof that an individual or organization failed to comply with the subpoena without cause.

(c)(1) Subpoenas are served in the manner provided by law.

(2) The office will make and keep a record of all subpoenas issued.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1202. New hire reporting.

(a)(1) The United States Office of Child Support Enforcement operates the National Directory of New Hires, a database established for the purposes of assisting state child support agencies in locating parents and enforcing child and medical support orders.

(2) Arkansas law established the State New Hire Registry, located within the Division of Workforce Services.

(3) Employers are required to report to the registry information on newly hired and returning employees.

(4) The Office of Child Support Enforcement receives new hire records of noncustodial parents in open enforcement cases.

(b)(1) Information received by the Office of Child Support Enforcement from the match is used for the sole purpose of establishing or enforcing child support obligations.

(2) When a match occurs, an income withholding notice and a National Medical Support Notice (NMSN), if appropriate, must be sent to the employer within two (2) business days of the receipt of information.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1203. Social Security numbers.

(a)(1) State law mandates that all persons, agencies, boards, commissions, or other licensing entities issuing marriage or any occupational, professional, or business license must record the name, address, and Social Security number of each person applying for such licenses on the license application.

(2) This information is shared with the Office of Child Support Enforcement for the purpose of locating individuals who owe child support obligations and for the enforcement of those obligations.

(b)(1) Those persons, agencies, boards, departments, commissions, or other licensing entities that issue five hundred (500) or more licenses each year, or that have a membership of five hundred (500) or more, are required to implement an automated data system capable of transmitting licensee information to the office.

(2) The license database may be transmitted or made available to the office quarterly.

(c) The name of any member or representative of a licensing entity refusing to provide license information to the office will be certified by the office to the Governor and to the Legislative Council.

(d)(1) Member and applicant Social Security number information is not:

(A) Released publicly; and

(B) Subject to disclosure under the open public record requirements of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(2) Disclosure of Social Security information without the consent of the individual or without court authorization is a Class B misdemeanor.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1204. Specific request for a credit report.

(a)(1) If requested by the Administrator of the Office of Child Support Enforcement, the consumer reporting agency must provide a copy of a credit report if the report is needed to establish an individual's ability to pay child support or to determine the appropriate level of payments.

(2) The reports are kept confidential and used for that purpose only.

(3) The report may not be used for any:

(A) Civil, administrative, or criminal proceeding; or

(B) Purpose other than determining the ability to pay or the appropriate amount of child support payments.

(b) The office must notify the noncustodial parent in writing, by certified mail, ten (10) calendar days prior to requesting a consumer report.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1205. Federal Case Registry.

(a)(1) As mandated by federal law, the Federal Case Registry (FCR) is a national database that includes all:

(A) Child support cases handled by state child support agencies, referred to as open enforcement or IV-D cases; and

(B) Support orders established or modified on or after October 1, 1998, referred to as non-IV-D cases.

(2)(A) It is a database that contains basic case and participant data from each of the state case registries (SCR).

(B) SCRs are central registries of child support cases (IV-D cases) and orders (non-IV-D orders) in each state.

(b) The Federal Case Registry assists states in locating parties that live in different states to:

- (1) Establish, modify, or enforce child support obligations;
- (2) Establish paternity;
- (3) Enforce state law regarding parental kidnapping; and
- (4) Establish or enforce child custody or visitation determinations.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1206. Internal Revenue Service full collection service.

(a)(1) Past due child and medical support for TEA, Medicaid, SNAP, and non-TEA full Office of Child Support Enforcement services cases can be referred to the Internal Revenue Service to be collected as if unpaid child support were a delinquent tax debt.

(2) To be eligible for the Internal Revenue Service full collection service:

- (A) A court order must exist; and
- (B) Arrears must be at least seven hundred fifty dollars (\$750).

(3) Request for use of full collection services must be:

(A) Approved by the Administrator of the Arkansas Office of Child Support Enforcement; and

(B) Reviewed by the United States Office of Child Support Enforcement regional office.

(b) Referrals to the Internal Revenue Service full collection service are made by the state to which an assignment of support rights or a non-TEA application for child support services has been made.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1207. United States district courts.

(a) The United States district courts may be used to enforce the court order of an Arkansas court of competent jurisdiction against a noncustodial parent in another state.

(b) An application for using the United States district court must be submitted to the federal Office of Child Support Enforcement regional office by the Arkansas Office of Child Support Enforcement Central Office.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1208. Federal Parent Locator Service.

(a) The Federal Parent Locator Service (FPLS) is a national locate system managed by the United States Office of Child Support Enforcement and contains information to help states locate parents and establish and enforce child support orders.

(b) The Central Registry within the Office of Child Support Enforcement Central Office processes requests for information through the State Parent Locator Services (SPLS) and Federal Parent Locator Service (FPLS).

(c)(1) SPLS is utilized to respond to requests for locate information from other state child support agencies needed for establishing paternity, and/or securing child/medical support for dependent children.

(2) Additionally, the SPLS may accept authorized requests from IV-B (child welfare services) or IV-E (foster care) agencies, as well as acting as the conduit for submitting authorized requests through the FPLS.

(3) Authorized external requests are processed by Central Registry.

(4) Disclosure of FPLS information to an authorized person is prohibited if:

(A) A state has notified the FPLS that the state has reasonable evidence of domestic violence or child abuse; and

(B) That disclosure of such information could be harmful to the custodial party or the child of such parent.

(d) Requests through the SPLS from the Federal Parent Locator Service (FPLS).

(1) Federal regulations require state child support agencies to honor and submit authorized requests for FPLS location information using the State Parent Locator Service (SPLS).

(2)(A) The information that may be made available through the FPLS is controlled by federal law and regulation and will vary based on the role or identity of the requestor and the purpose for which the information is requested.

(B) Information may be used or disclosed only as expressly permitted by federal law and regulation.

(C) The requestor must:

(i) Attest that the information will be used for an authorized purpose;

(ii) Attest that any information received will be treated as

confidential; and

(iii) Provide evidence that the requestor is an authorized person.

(3) Authorized federal attorneys or agents:

(A) May request FPLS information directly from the United States Office of Child Support Enforcement; and

(B) Do not submit their request through the SPLS.

(e) Safeguards when using Federal Parent Locator Service.

(1)(A) All information obtained from the use of FPLS will be treated as confidential and safeguarded as required by the provisions of this part.

(B) The Arkansas Office of Child Support Enforcement annually certifies to the FPLS that the information requested is for purposes specified in federal law and regulations and that specific safeguards are in place.

(2)(A) Central Registry is responsible for storing data collected and otherwise ensuring the confidentiality of the data.

(B) Information obtained through an FPLS request will be forwarded directly to the requestor.

(C) No other use of the information will be made and any records related to the request that are confidential in nature will be destroyed.

(f) Documents.

(1)(A) All documents associated with FPLS that contain confidential information concerning noncustodial parents will be accessible only to authorized Office of Child Support Enforcement personnel.

(B) All such documents will be maintained in a secure, locked area when not in use.

(2)(A) Computer files and documents will be protected by security measures in place in data processing and administrative services sections.

(B) Printouts and other computer documents generated for use by the Office of Child Support Enforcement will be disposed of in such a manner that none of the contents come into the possession of unauthorized persons.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1209. Child Support Enforcement Network.

(a) Child Support Enforcement Network (CSENet) is a nationwide network which links state child support enforcement systems.

(b) States use CSENet to electronically request or report:

- (1) Location;
- (2) Paternity and support establishment;
- (3) Enforcement; and
- (4) Collection information.

Authority. Arkansas Code § 9-14-206.

Subpart 13. Service of Process

9 CAR § 2-1301. Guidelines for diligent efforts to obtain service of process.

(a) Attorneys representing the Office of Child Support Enforcement are responsible for selecting the appropriate method of service.

(b) The method must be selected and action taken to obtain service within three (3) business days of the date on which the summons or contempt citation was issued.

Authority. Arkansas Code § 9-14-206.

9 CAR § 2-1302. Monitoring the request for service of process.

(a) Service by sheriff or process server.

(1) If proof of service has not been returned within fourteen (14) calendar days of mailing, the sheriff or process server must be contacted to determine whether service has been obtained and, if not, whether the address provided has been determined to be inaccurate.

(2)(A) If the address is inaccurate, the attorney must immediately refer the case to the caseworker for relocate.

(B) The caseworker shall attempt to relocate the party and provide the attorney with a new address for service of process.

(3) If service is still being attempted using the address provided, follow up shall be made again fourteen (14) calendar days afterwards.

(b) Service by restricted delivery mail.

(1) If the return receipt is not received within thirty (30) calendar days, it shall be assumed that the:

(A) Service is unsuccessful; and

(B) Request for service must be sent to the sheriff or process server within thirty-five (35) calendar days after the restricted delivery was mailed.

(2) If the restricted delivery service is returned unclaimed, but with the appearance that the address is still good, request for service shall be sent to the sheriff or process server within two (2) business days.

(3) According to applicable Arkansas Rules of Civil Procedure, if the restricted delivery service is returned marked "Refused" by the post office, it shall be remailed by first-class mail within two (2) business days of the return along with a notice that:

(A) Despite such refusal the case will proceed; and

(B) Judgment by default may be entered against the defendant unless he or she appears at the hearing.

(4) If the restricted delivery service is returned with an indication that the address is no longer good, the file shall be referred to the caseworker for relocate immediately.

(5) All efforts of service of process must be documented in the case file and Arkansas Child Support Information Systems note screens.

Authority. Arkansas Code § 9-14-206.

Subpart 14. Long-arm Jurisdiction

9 CAR § 2-1401. Overview.

(a) Arkansas courts may exercise jurisdiction over a putative father or a legal father who resides in another state when any of the following conditions provided in state law are met:

- (1) The individual is personally served with a summons within Arkansas;
- (2) The individual submits to the jurisdiction of this state by:
 - (A) Entering a general appearance; or
 - (B) Filing a responsive document having the effect of waiving any consent to personal jurisdiction;
- (3) The individual resided with the child in Arkansas;
- (4) The individual:
 - (A) Resided in Arkansas; and
 - (B) Provided prenatal expenses or support for the child;
- (5) The child resides in Arkansas because of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
- (7) The individual asserted parentage in the Putative Father Registry maintained in Arkansas by the Department of Health; and

(8) There is any other basis consistent with the Arkansas Constitution and the United States Constitution for the exercise of personal jurisdiction.

(b) The long-arm provision should be used before any other intergovernmental action when it is confirmed that the putative father lives in another state and when permitted under state law.

(c) The long-arm provision applies to the establishment of paternity and/or the establishment of a support order.

(d) **Note.**

(1) The Uniform Interstate Family Support Act, Arkansas Code § 9-17-101 et seq., recognizes that an intrastate case is preferable to an intergovernmental case.

(2) Therefore, only pursue intergovernmental remedies when all avenues for intrastate relief have been exhausted.

Authority. Arkansas Code § 9-14-206.

Subpart 15. Social Security Number Requirement

9 CAR § 2-1501. Overview.

(a)(1) Federal law requires the recording of a Social Security number (SSN) for any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment to be recorded in certain family matters.

(2) Each recipient of services is asked to provide an SSN.

(b)(1) Federal law requires that any federal, state, or local government agency which requests an individual to disclose his or her SSN shall inform that individual whether:

- (A) That disclosure is mandatory or voluntary;
- (B) By what statutory or other authority such number is solicited; and
- (C) What uses will be made of it.

(2) Accordingly, for purposes of implementing federal law, individuals are informed that:

(A) Disclosure is mandatory, pursuant to section 466(a)(13) of the Social Security Act; and

(B) It will be used under the child support enforcement program to locate individuals for purposes of:

(i) Establishing paternity; and

(ii) Establishing, modifying, and enforcing support obligations.

Authority. Arkansas Code § 9-14-206.