

Title 9. Family Law

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

Subchapter A. Generally

Part 3. Office of Child Support Enforcement Policy Manual — Case Initiation and Locate

Subpart 1. Opening a Case

9 CAR § 3-101. Custodial party request.

(a)(1) Child support services are available to custodial parties who submit a questionnaire and/or application, as appropriate, with the Office of Child Support Enforcement for services.

(2) The office charges a nonrefundable application fee of twenty-five dollars (\$25.00) to any person who files an application with the office for services under Title IV-D of the Social Security Act.

(3) The applicant for services does not have to be a resident of Arkansas.

(b)(1) The office will provide an application to any custodial party who makes the request.

(2) The applicant for services cannot be the child.

(c) The office will:

(1) Provide child and medical support services to any custodial party who applies on behalf of a child; and

(2) Enforce any support obligation established for a child or the custodial party of a child receiving services.

(d)(1) Children listed in the application for services must be under the age of eighteen (18) if no court order for child support exists.

(2) Custodial parties may apply to recover unpaid child support if the:

(A) Youngest child is between the ages of eighteen (18) and twenty-three (23); and

(B) Amount to be recovered is based on a court order.

(3)(A) The custodial party of a child over the age of twenty-three (23) may apply for services if a court order exists.

(B) However, the case may be eligible only for federal tax offset if there is no judgment on arrears.

(e) The office will not provide services if the noncustodial parent is deceased.

(f)(1) All appropriate child and medical support services will be provided.

(2) For example, the applicant cannot request paternity establishment but no support order, or a support order but no income withholding.

(3) The exception is that in Medicaid-only cases, the applicant may elect in writing to receive only services related to securing medical support.

(g) The office will address the medical support needs of the child, which may result in either the noncustodial parent or the custodial party being responsible for providing healthcare coverage.

(h) Applications for child support services are available on the office website at www.childsupport.arkansas.gov, or interested parties may contact the local child support office.

(i)(1) When the request is made in person, the application for services is to be provided on the date of request.

(2) When a request is made in writing or by telephone, the application must be mailed to the requestor within five (5) business days.

(3) A log will be kept for all requests for an application.

(j)(1) Completed requests for service packets may be submitted to a local child support office or mailed to:

OCSE Central Registry

P.O. Box 8133

Little Rock, AR, 72203

(2) Upon receipt, the request for service packet and all supporting documents will be forwarded to the appropriate local child support office for processing.

(3) If an application is received in a local office, the office reviewing the completed application for new or reopened cases must process the application locally and may transfer the case to another office, if appropriate.

(k)(1) The applicant must:

(A) Complete a separate application for each noncustodial parent named in the request for child support enforcement services; and

(B) Pay a separate application fee, as appropriate, for each noncustodial parent.

(2) Any supporting documents, such as divorce decrees, orders for child and medical support, and all modifications to original orders, should be included with the application.

(3) If an application is incomplete to the extent that work on the case cannot begin, the application, application fee, and all forms and documents will be returned to the applicant.

(l)(1) A letter of acceptance will be sent to the applicant.

(2) If the application is incomplete to the extent that work on the case cannot begin (e.g., the contract is not signed or the noncustodial parent or child is not listed), the application and fee will be returned to the applicant for completion.

(3) Otherwise, the application will be:

(A) Accepted;

(B) Entered in the data system; and

(C) Sent to the appropriate caseworker.

(4) The office caseworker will contact the custodial party for any additional information needed.

(5) If the applicant requests services that cannot be provided, the Request for Services packet will be returned to the applicant with a cover letter stating the reason or reasons why the application was rejected.

(m) **Child-only Medicaid.**

(1) A child-only Medicaid case is one in which:

(A) The children are receiving Medicaid (including ARKids First A or ARKids First B);

(B) The custodial party is not receiving Medicaid; and

(C) There is no assignment of medical support or requirement by the Department of Human Services that the custodial party cooperate with the office.

(2) Custodial parties in these cases may apply for child support services by completing and signing an application and contract for services.

(3) No application fee, costs, or other fees are charged to the custodial party in these cases.

(4) No recovery of previously charged fee balances will be made as long as a party on a case is receiving Medicaid.

(n) **Minor parents.**

(1) Requests for services are not accepted from minors.

(2) A parent or guardian of a minor may apply to establish support for the child of the minor.

Authority. Arkansas Code §§ 9-14-206, 9-14-212.

9 CAR § 3-102. Referrals.

(a)(1) Cases are referred to the Office of Child Support Enforcement when a custodial party and child is receiving TEA, Medicaid, or SNAP benefits.

(2) A case will also be referred if a noncustodial parent receives SNAP benefits.

(b) Costs and fees for child support enforcement services are not charged to the custodial party in these cases, and no recovery of previously charged fee balances will be made as long as the party referred for services and/or the child are receiving those benefits.

(c) The Department of Human Services may make a referral for a child in foster care.

(d)(1) **TEA.**

(2) As a condition of receiving TEA benefits, custodial parties are required to cooperate with the office in:

- (A) Establishing paternity if necessary;
- (B) Establishing a child and medical support order; and
- (C) Enforcing that order.

(3) By accepting a monetary grant for or on behalf of a child, the custodial party assigns to the state any rights to child support.

(4) The department is responsible for notifying each applicant in writing that acceptance of assistance will result in an automatic assignment of support rights.

(e) Mandatory Medicaid.

(1) Cooperation is required for Medicaid cases referred to the office where the custodial party and the dependent are both recipients of Medicaid benefits.

(2) In these cases, the full range of child support services are provided, unless the custodial party elects in writing to receive medical support services only.

(f) SNAP. As a condition of receiving SNAP, both custodial and noncustodial parents or putative fathers are required to cooperate with the office in:

- (1) Establishing paternity if necessary;
- (2) Establishing a child and medical support order; and
- (3) Enforcing that order.

(g) Cases with both parents in the home.

(1) The department may refer cases to the office when both parents are living in the home if paternity is an issue.

(2) The office will assist the parents to acknowledge paternity by administrative process, including DNA testing if requested by one (1) of the parents.

(3) When paternity is established, the case will be closed with appropriate notice.

Authority. Arkansas Code § 9-14-206.

Codification Notes. "DNA" means deoxyribonucleic acid.

9 CAR § 3-103. Foster care cases.

(a)(1) The Department of Health may refer a case to the Office of Child Support Enforcement when appropriate.

(2) The department is the custodial party in these cases and may refer a separate case for each parent as the noncustodial parent.

(b)(1) Once the child is removed from foster care, the case may remain open if the child was placed in the custody of one (1) of the parents.

(2) If the child was placed with another relative or caretaker, that party must apply for services or be referred by the department based on other assistance programs.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-104. Treatment facilities.

(a) The Office of Child Support Enforcement may receive a Medicaid referral for cases in which a child under eighteen (18) has been placed in a treatment facility if:

(1) There was a noncustodial parent absent from the home at the time of placement; and

(2) An office case is open against that absent parent, but not against both parents.

(b) If both parents are in the home at the time of placement and the placement was not due to abuse or neglect on the part of the parents, the office is not required to provide services.

(c) The Department of Health makes the determination and refers cases as appropriate.

Authority. Arkansas Code § 9-14-206.

Subpart 2. Intergovernmental Cases

9 CAR § 3-201. Generally.

(a) Child support services in intergovernmental cases are provided in cooperation with the child support program in another:

(1) State;

(2) Tribe; or

(3) Country which is a member of the Hague Convention or which has a reciprocal agreement with the United States.

(b) State law, the Uniform Interstate Family Support Act (UIFSA), Arkansas Code § 9-17-101 et seq., and the Hague Convention regulate the processing and enforcement of intergovernmental cases.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-202. Arkansas as the responding state.

(a) Arkansas is the responding state when another state, tribe, or country:

(1) Requests assistance because it is unable to use its long-arm statute for the establishment of paternity and support; or

(2) Requires assistance in the enforcement or modification of an obligation.

(b)(1) All available action will be taken according to Arkansas state law.

(2) The Arkansas Office of Child Support Enforcement will assess and recover costs and fees as described in 9 CAR § 1-801, Cost/Fees for service, of this document in intergovernmental cases, when applicable.

(3) Any fees deducted will be identified when payments are forwarded to the initiating state.

(c) The Central Registry, a section within Office of Child Support Enforcement Central Office, receives all incoming intergovernmental Office of Child Support Enforcement cases.

(d)(1) Within ten (10) business days of receipt of a case from the initiating state, the Central Registry must:

(A) Ensure that documentation submitted with the case has been reviewed to determine completeness;

(B) Forward the case for necessary action either to the State Parent Locate Service for location service or to the appropriate agency for processing;

(C) Acknowledge receipt of the case; and

(D) Ensure that any missing documentation has been requested from the initiating state.

(2) The Central Registry must respond to inquiries from other states within five (5) business days of receipt of the request for a case status review of cases that have not yet been forwarded to the local office.

(e)(1) Central Registry will refer intergovernmental cases to the appropriate caseworker.

(2) The caseworker must provide location services if the information provided is inadequate or at the request of the initiating state within seventy-five (75) calendar days of the referral of the case.

(f)(1) If the noncustodial parent is located in a county other than where initially located and there is no Arkansas court order, the case must be transferred to the appropriate county within ten (10) business days of verifying the noncustodial parent's location.

(2) If an Arkansas court order already exists, the case will be assigned to the county that issued the order.

(3) New information acquired while working the case must be transferred to the appropriate county within ten (10) business days of verification.

(g)(1) If the noncustodial parent is located in another state, the Arkansas Office of Child Support Enforcement must notify the initiating state within ten (10) business days of the verification of the noncustodial parent's location.

(2)(A) The Arkansas Office of Child Support Enforcement, as the responding state agency, must return the form and documentation, including the new location, to the initiating state.

(B) Or, if directed by the initiating state, the Arkansas Office of Child Support Enforcement must:

(i) Forward the form and documentation to the Central Registry in the state where the noncustodial parent has been located; and

(ii) Notify the initiating state where the case has been sent.

(h)(1) The caseworker will provide all services necessary to:

(A) Locate noncustodial parents;

(B) Establish paternity and child and medical support orders; and

(C) Enforce existing child and medical support orders.

(2) The Office of Child Support Enforcement will recognize and extend full faith and credit to court orders and affidavits acknowledging paternity issued in another state unless and until a court of competent jurisdiction directs otherwise.

(3) The caseworker will employ all remedies available under state law and Office of Child Support Enforcement policy to ensure compliance in intergovernmental cases.

(4) The caseworker must provide location services if the information provided is inadequate or at the request of the initiating state within seventy-five (75) calendar days of the referral of the case.

(i)(1) The Arkansas Office of Child Support Enforcement, as the responding state agency, must pay the costs of processing intergovernmental cases, including the cost of paternity testing in actions to establish paternity.

(2) If paternity is established in Arkansas, an attempt to obtain a judgment for costs of paternity testing from the father will be made.

(j) If an order of support exists in any other state and the order cannot be enforced without court action, the caseworker will forward the case to the legal section so the existing order can be registered.

(k)(1) In an intergovernmental case, the state that initiated the case is the Office of Child Support Enforcement's customer.

(2) It is not the responding state's responsibility to be in direct contact with the custodial party in the initiating state.

(3) However, it is the caseworker's responsibility to keep the initiating state informed of significant actions taken in the case so that the initiating state can keep the custodial party informed as to the status of the case.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-203. Arkansas as the initiating state.

(a) Arkansas is the initiating state when it requests the assistance of the child support program of another state, tribe, or country because it:

(1) Is unable to use its long-arm statute for the establishment of paternity and support; or

(2) Requires assistance in the enforcement or modification of an obligation.

(b)(1) If paternity or support has not been established, the local office should attempt use of long-arm jurisdiction as outlined in Long-Arm Jurisdiction, 9 CAR § 2-1401 et seq., to establish paternity and support whenever appropriate.

(2) When a noncustodial parent is located in another jurisdiction, the case must be referred to the other jurisdiction within twenty (20) days of determining:

(A) That intergovernmental services are needed; and

(B) The receipt of all necessary information.

(c) Sufficient and accurate information and documentation must be provided to the responding child support program.

(d) When the responding state requests information, the local Arkansas Office of Child Support Enforcement office must:

(1) Provide that information within thirty (30) calendar days; or

(2) Notify the responding state when the information can be provided.

(e) When new information has been verified, the responding state must be notified within ten (10) business days of the receipt of the information.

(f) A request for status of a nonpaying case will be sent to the responding state every ninety (90) calendar days until payments have been obligated or restored.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-204. International cases.

(a) International requests for services will be accepted from all countries, regardless of whether they are:

- (1) A member of the Hague Child Support Convention; or
- (2) Countries with which the United States has a reciprocal agreement.

(b) State IV-D agencies must meet the same case processing timeframes when working on international cases as in interstate cases.

(c)(1) Other countries may not be able to respond to requests from states within the timeframes that apply to interstate cases.

(2) Sufficient time must be allowed for other countries to process requests, therefore close communication with the other country is imperative.

Authority. Arkansas Code § 9-14-206.

Subpart 3. Cooperation Required

9 CAR § 3-301. Generally.

Cooperation in the establishment or enforcement of a case is required in all cases, as well as keeping the Office of Child Support Enforcement informed of changes in address or contact information.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-302. Cooperation by custodial parties who apply for services.

If a custodial party who applied for services does not cooperate with the Office of Child Support Enforcement and that cooperation is essential for the next step in providing IV-D services, the office may initiate case closure procedures in compliance with established policy.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-303. Cooperation by parties who are recipients of certain services.

(a) Custodial parties who are recipients of TEA, certain Medicaid, and/or SNAP, are required to cooperate to avoid a possible reduction of benefits.

(b) Noncustodial parents who are recipients of SNAP are also required to cooperate to avoid a possible reduction of benefits.

(c) SNAP recipients who are noncustodial parents or putative fathers.

(1) Noncustodial parents and putative fathers who have been referred for child support services must cooperate in:

(A) Establishing paternity if the child was born out of wedlock; and

(B) Providing support for the child unless a good cause determination has been made by the Department of Human Services.

(2) Cooperation may include:

(A) Providing requested information;

(B) Appearing for appointments and hearings;

(C) Participating in testing for paternity establishment; and

(D) Compliance with the terms of an order for support.

(d) Reporting noncooperation of parties.

(1) If a party who receives TEA, Medicaid, or SNAP, and whose cooperation is mandatory as a condition of receiving those benefits, willfully fails to comply with any of the cooperation requirements, he or she will be considered noncooperative unless a good cause finding has been determined by the department.

(2)(A) If the Office of Child Support Enforcement concludes that the party has willfully failed to comply, a notice will be sent by certified mail and will summarize the facts constituting the finding of noncooperation.

(B) The party must cooperate or request an administrative hearing to contest the finding of noncooperation within ten (10) business days from the date of the notice or the department:

- (i) Will be notified of the finding; and
- (ii) May apply appropriate sanctions.

(3) After the ten-day period referenced above, and even though the department has been notified of noncooperation, the party continues to have the right to request an administrative hearing within thirty (30) calendar days of the date on the notice.

(4) The office will continue to pursue child support efforts to the extent possible after the department has been notified of noncooperation.

(5) If at any time the party provides the office with the requested information needed for working the child support case, the office will notify the department that the party has cooperated.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-304. Custodial parties ordered to provide medical support.

(a) When the custodial party is ordered to be responsible for providing medical support, and if insurance is available through the custodial party's employer but is not being provided, the Office of Child Support Enforcement will send a National Medical Support Notice (NMSN) to the employer.

(b) If employer-sponsored insurance is not available, a notice will be sent to the custodial party advising that he or she will have thirty (30) days to comply with the NMSN.

(c) Failure to respond will be considered noncooperation.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-305. Mandatory information updates.

Upon the entry of an order, the noncustodial parent and custodial party must keep the Office of Child Support Enforcement updated with their current residential and mailing address, Social Security number, telephone number, driver's license number, and their employer's name and address if child support payments are paid through the:

- (1) Registry of court; or
- (2) Arkansas Child Support Clearinghouse.

Authority. Arkansas Code § 9-14-206.

Subpart 4. Initiation and Locate

9 CAR § 3-401. Initiation.

Within twenty (20) calendar days of receiving an application or the referral of a case, the local office must establish a case record and assess the information provided to determine the next appropriate action, which may include any of the following:

- (1) Interviewing the custodial or noncustodial party;
- (2) Initiating verification of information; or
- (3) If location information is inadequate, initiating locate efforts.

Authority. Arkansas Code § 9-14-206.

9 CAR § 3-402. Locate.

(a) "Locate" means obtaining information concerning the physical whereabouts and verifying information regarding the address, employment, and/or financial ability of a parent to provide support.

(b)(1) Any IV-D child support agency may request information regarding the assets or whereabouts of a noncustodial parent from any individual, financial entity, business, or corporation, as defined in state law.

(2) The information requested or a statement that no information is available must be sent to the Office of Child Support Enforcement within thirty (30) days of the receipt of the request.

(3) A business or financial entity shall be liable for civil penalties of up to one hundred dollars (\$100) for each day after the thirty-day period in which it fails to provide the information.

(4) Any business, financial entity, officer, agent, or employee of such entity participating in good faith and providing information requested is immune from liability and suit for damages that might otherwise result from the release of the information to the office.

(c)(1) The caseworker is required to access all appropriate locate resources, including FPLS, and evaluate the responses within seventy-five (75) calendar days of determining that location is necessary.

(2) Repeated attempts must be made quarterly or immediately upon receipt of new information.

(3) These attempts may be automated but must include accessing Division of Workforce Services screens.

(4) FPLS must be accessed at least annually.

(5) Within twenty (20) calendar days of determining the noncustodial parent is in another state, the caseworker must request assistance from the Central Registry in that state.

Authority. Arkansas Code §§ 9-14-206, 9-14-208.