
POLICY TRANSMITTAL NO. 08-62	DATE: DECEMBER 23, 2008
CHILD SUPPORT ENFORCEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:25-5-123 and 25-5-171.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

The proposed revisions to Subchapter 5 of Chapter 25: (1) amend OAC 340:25-5-123 to add that when the custodial person is receiving non-TANF Medicaid benefits for a child(ren) only, the child support case may be closed when the conditions in either Section 303.11(b)(10) or Section 303.11(b)(11) of Title 45 of the Code of Federal Regulations are met; (2) language that is not longer applicable is removed; and (3) OAC 340:25-5-171 requires the National Medical Support Notice be used to enforce medical support against either parent.

Original signed on 12-22-08

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WF # 08-14 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:25-5-123

340:25-5-171

INSERT

340:25-5-123, pages 1-4, revised 12-15-08

340:25-5-171, pages 1-4, revised 12-15-08

340:25-5-123. Case closure system

Revised 12-15-08

(a) Except as provided in (b) and (c) of this Section, the Child Support Enforcement Division (CSED) closes cases eligible for closure under Section 303.11 of Title 45 of the Code of Federal Regulations (CFR). ■ 1

(b) A child support case may not be closed when:

- (1) court-ordered support is owed to the state; and
- (2) current child support is being collected by income assignment.

(c) A child support case may be closed when any of the criteria in (1) through (5) of this subsection applies.

(1) Less than \$500 in court-ordered support is owed to the state, unless there has been:

- (A) a collection during the past six months; or
- (B) a federal or state income tax refund intercept in the past 18 months. ■ 2

(2) The custodial person is participating in the Oklahoma Department of Human Services (OKDHS) child care subsidy program, is not receiving Temporary Assistance for Needy Families (TANF) or non-TANF Medicaid, requests closure, and (A) and (B) of this paragraph apply.

(A) There is a child support order.

(B) The custodial person is receiving the full amount of the current monthly child support obligation and has reported to the person's Family Support Services worker receipt of this child support income. ■ 3

(3) The custodial person is participating in the OKDHS child care subsidy program, is receiving non-TANF Medicaid benefits for a child(ren) only, requests closure, and all the criteria in paragraphs (2) and (3) of this subsection apply. ■ 1 & 4

(4) The noncustodial parent is receiving Supplemental Security Income, has no income or assets to pay arrears, and the child support order is set at or modified to \$0.00 per month due to the parent's disability and lack of income.

(d) A child support case may be closed when the custodial person is receiving non-TANF Medicaid benefits for a child(ren) only when the custodial person:

(1) cannot be located under Section 303.11(b)10 of Title 45 of CFR; or

(2) fails to cooperate and an action by the custodial person is essential for the next step in providing child support services under Section 303.11(b)(11) of Title 45 of CFR. ■ 5

(e) When CSED closes a non-public assistance child support case because the parties to a case reunite or the child(ren) is adopted, CSED terminates the Order/Notice to Withhold Income for Child Support with the employer. ■ 4

(f) When CSED closes a non-public assistance child support case for reasons other than reunification, CSED keeps the Order/Notice to Withhold Income for Child Support with the employer in effect unless ordered by district or administrative court to terminate the notice with the employer.

(1) The income assignment order remains in effect as long as support is owed under 12 O.S. § 1171.3(B)(4). If the district or administrative court orders that the Order/Notice to Withhold Income for Child Support be terminated, CSED sends a termination notice to the employer.

(2) Income assignment child support payments continue to be processed in a non-IV-D child support case through the Centralized Support Registry under 43 O.S. § 413(A)(2) and OAC 340:25-5-350.3.

(g) Under Section 302.33 of Title 45 of the CFR when IV-A TANF, IV-E foster care, and non-TANF Medicaid services are discontinued, CSED notifies the recipient that CSED maintains a full-service child support case unless the custodial person affirmatively declines services in writing. If the custodial person declines services in writing, CSED closes the case. If the custodial person fails to respond, CSED maintains a full-service child support case.

INSTRUCTIONS TO STAFF 340:25-5-123

Revised 12-15-08

- 1. Child support staff follow the Child Support Manual, Volume 2 - Case Initiation and Case Closure, Case Closure chapter for information on case closure. Child support staff access the Child Support Manual on the Child Support Enforcement Division (CSED) InfoNet Home page.**

2. **CSED does not close a case solely because the applicant moves out-of-state.**
3. (a) **Child support staff must manually review the CSED CP Day Care Closure (CSDCC) screen on the automated Oklahoma Support Information System (OSIS) to determine if the amount of child support income in the F95 block on the EF screen of the automated Family Support Services Division (FSSD) PS2 system is equal to or greater than the child's court-ordered monthly child support amount on the Obligation Current Support Inquiry (OBCSI) screen.**
 - (b) **If the amount in the F95 block is equal to or greater than the amount on the OBCSI screen, a message will appear on the CSDCC screen "ENTER 'X' TO CLOSE CASE" allowing child support staff to close the case if the criteria in subsection (c) of this rule are met.**
 - (c) **If the amount per child in the F95 block is less than the court-ordered amount, the message "IF FSSD HAS VERIFIED CHILD SUPPORT INCOME, ENTER 'X' TO CLOSE CASE" will appear. Child support staff must e-mail the Family Support Services (FSS) worker and the Field Operations Division county director to report the discrepancy and request verification of the monthly amount of child support income reported by the custodial person to the FSS program worker.**
 - (d) **Child support staff must document on the Case Log Add (CSLOGA) screen when the e-mail was sent to the FSS program worker. When the FSS program worker e-mails child support staff confirming the monthly amount of child support income reported by the custodial person, child support staff may close the child support case if the criteria in subsection (c) of this rule are met. Child support staff must document on CSLOGA when the FSS program worker e-mailed them and the information provided.**
4. (a) **CSED does not close a child support case in which a custodial person is receiving a child care subsidy referral at the custodial person's request, except as described in OAC 340:25-5-123(c)(2).**
 - (b) **When CSED receives a payment on a non-TANF Medicaid benefits only case, child support staff process the case as described in (1) through (3).**
 - (1) **District office staff:**
 - (A) **resolve the payment on OSIS in the CSED Undistributed Payments Select Menu (UNDL) screen by using the CSED Financial Notes Add**

- (UNDR) screen and coding the payment with a 'W' resolution indicator and a note that the payment is a non-IV-D pass through; and
- (B) close the case on OSIS with the closure codes 04/01, which converts the case to a non-IV-D pass through case to allow future payments to automatically pass through to the custodial person.
- (2) Center for Finance and Budget staff log the payment for issuance to the custodial person as a non-IV-D pass through case as provided in OAC 340:25-5-350.3.
- (3) District office staff review the child support order for a medical support provision as described in OAC 340:25-5-168 and, if there is no such provision:
- (A) re-open the child support case to obtain a modification of the child support order to include a medical support provision, document medical insurance actually provided, and/or issue a National Medical Support Notice to an existing employer as described in OAC 340:25-5-171;
- (B) update OSIS with this information; and
- (C) close the case with the OSIS closure codes 04/01.
- 5. Examples of noncooperation in a child-only Medicaid case include, but are not limited to closure is:**
- (1) appropriate when the custodial person refuses to bring the child in for court-ordered genetic testing despite multiple notices to do so. The case may be closed because genetic testing, when ordered, is an essential next step for establishing paternity as described in OAC 340:25-5-114 ITS 1 for noncooperation; or**
- (2) not appropriate when the noncustodial parent has requested a review of the order, but the custodial person fails to appear at the modification hearing after having been served with notice. The court enters an order imputing income to the custodial person despite the custodial person's failure to appear. The case may not be closed because CSED was able to proceed with the modification without the custodial person's appearance under OAC 340:25-5-114 ITS 1(c).**

340:25-5-171. Enforcement of a medical support order

Revised 12-15-08

(a) When a parent has been ordered to provide health insurance for the child(ren) and has failed to voluntarily enroll the child(ren), the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) uses the National Medical Support Notice (NMSN) to aid in enrolling the child(ren) in the group health plans for which a parent is eligible. CSED sends the NMSN to the noncustodial parent's employer as required by Section 666 of Title 42 of the United States Code, Section 609 of the Employee Retirement Income Security Act of 1974, Section 303.32 of Title 45 of the Code of Federal Regulations, and Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(b) When a child is eligible for enrollment in the United States Department of Defense's managed health care program, TRICARE, (a) of this Section does not apply. CSED notifies the custodial person to contact the Defense Manpower Data Center Support Office at 1-800-538-9552 to enroll the child, using the Defense Enrollment Eligibility Reporting System registration process. ■ 1

(c) If the employer response to the NMSN indicates that enrollment cannot be completed because of the cost of coverage, CSED applies OAC 340:25-5-168 to determine if coverage is available at reasonable cost. CSED conducts a review of the order under OAC 340:25-5-198.1 and seeks a modified order if the review indicates that modification would result in an enforceable medical support order or that the child support order should be adjusted. ■ 2

(d) CSED issues a non-compliance letter to the employer when the employer:

(1) has not returned the NMSN within 20 business days after the date of the NMSN notifying CSED that:

(A) the employer does not offer group dependent health coverage;

(B) the employee is among a class of employees that is not eligible for family coverage under the employer's plans;

(C) the employee is not employed by the employer; or

(D) state or federal withholding limitations or prioritization of withholding prevent the required employee contribution to obtain coverage;

(2) has not forwarded the NMSN to the insurer within 20 business days after the date of the NMSN; or

(3) is the insurer and has not returned the NMSN within 20 business days after the date of the NMSN indicating that either the child(ren) has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 3

(e) CSED issues a non-compliance letter to the insurer when the insurer has not returned the NMSN within 40 business days after the date of the NMSN indicating that either the child(ren) has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 4

(f) CSED may initiate legal proceedings to request the court to fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within ten business days after the date of the non-compliance letter. Fines may be imposed by the court for up to \$200 a month per child for each failure to comply with the requirements of the NMSN under Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(g) If the employer or insurer complies with the requirements of the NMSN, CSED may dismiss the case against the employer or insurer.

(h) Employers and insurers must send any fine(s) imposed by the court, under Section 225 of Title 56 of the Oklahoma Statutes, by check or money order to CSED, Attn: Finance, P.O. Box 53552, Oklahoma City, Oklahoma 73125-3552.

(i) In addition to the NMSN, when the custodial person is ordered to provide medical support for the minor child(ren) and is not complying with the order, CSED may either:

(1) enforce the medical support order under Section 139.1 of Title 43, or Section 566 of Title 21 of the Oklahoma Statutes; or

(2) seek a modification of the order under OAC 340:25-5-198.2.

INSTRUCTIONS TO STAFF340:25-5-171

Revised 7-1-08

1. TRICARE.

(1) Registration for TRICARE is required through the Defense Enrollment Eligibility Reporting System (DEERS). Active-duty and retired servicemembers are automatically registered in DEERS, but additional action is required to enroll eligible dependents.

(2) Federal Case Registry (FCR) data is sent to the Defense Manpower Data Center (DMDC) for matching. DMDC matches the FCR participants with its records and indicates which children are eligible and enrolled for TRICARE. DMDC then sends the health benefits matching information to states.

(3) The Oklahoma Support Information System (OSIS) reports that present data received from the DMDC matches are available through Document Direct of the Report Distribution System and include:

(A) CY909R01, The Child is Currently Enrolled in Medical Coverage;

(B) CY909R02, A Child is Eligible Based on the CP or NCP/PF (Noncustodial Parent/Putative Father) Current Medical Coverage, But is Not Enrolled; and

(C) CY909R03, A Child was Previously Enrolled But Not Currently Enrolled and Neither a CP Nor NCP/PF is Enrolled.

(4) Child support staff:

(A) updates OSIS medical support case information based on the information provided in the OSIS reports; and

(B) sends the custodial person the MEDTRI letter on OSIS to advise of the availability of TRICARE and provide enrollment instructions.

2. Examples of cases in which review of the order would result in an enforceable medical support order include:

(1) a parent can obtain health insurance coverage or alternative health coverage for the child(ren) at no additional cost;

(2) a parent can obtain private health insurance coverage at reasonable cost; and

(3) the child support order can be modified to an amount that considers the premium cost. After modification of the order, the total amount of child support for all orders owed by the noncustodial parent plus the premium cost does not exceed limitations of the Consumer Credit Protection Act.

- 3. The Child Support Enforcement Division (CSED) attempts to contact the employer by telephone to determine compliance if the National Medical Support Notice (NMSN) is not returned within 20 business days after the date of the NMSN.**
- 4. CSED attempts to contact the insurer by telephone to determine compliance if the NMSN is not returned within 40 business days after the date of the NMSN.**