

TITLE 466 - CHILD SUPPORT ENFORCEMENT PROGRAM

CHAPTER 10 - INTERGOVERNMENTAL CASES

001. SCOPE AND AUTHORITY. Part D of Title IV of the Social Security Act, the Uniform Interstate Family Support Act (UIFSA), and other federal laws and regulations set forth requirements for child support enforcement. This chapter relates to intergovernmental cases involving two or more states, countries, or tribes.

002. INTERGOVERNMENTAL CENTRAL REGISTRY. The Department has established an Intergovernmental Central Registry responsible for receiving, transmitting, and responding to inquiries on all incoming intergovernmental IV-D cases. Within 10 working days of receipt of an intergovernmental IV-D case, the Intergovernmental Central Registry will:

- (A) Ensure that the documentation submitted with the case has been reviewed to determine completeness;
- (B) Forward the case for necessary action to the State Parent Locator Service for location services or to the appropriate agency for processing;
- (C) Acknowledge receipt of the case and request any missing documentation;
- (D) Inform the initiating agency of the location and phone number of the Child Support Enforcement office where the case will be sent; and
- (E) Forward the case to the appropriate Child Support Enforcement office for necessary action.

002.01 INADEQUATE DOCUMENTATION. If the documentation received with a case is incomplete and cannot be remedied by the Intergovernmental Central Registry without the assistance of the initiating agency, the Intergovernmental Central Registry will forward the case for any action that can be taken pending necessary action by the initiating agency.

002.02 CASE STATUS INQUIRIES. The Intergovernmental Central Registry will respond to case status inquiries from other agencies within five (5) working days of receipt of the case status review request.

002.03 RECEIPT OF NEW INFORMATION. The Department will notify the responding agency within 10 working days of receipt of new case information on an intergovernmental case.

003. NEBRASKA AS INITIATING AGENCY. The Department will determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use its long-arm statute to establish paternity and establish, modify, and enforce a support order, including medical support and income withholding. The Department will also:

(A) Determine whether or not there is a support order or orders in effect in a case using the Federal and State Case Registries, state records, information provided by the recipient of services, and other relevant information available;

(B) Determine in which state a determination of the controlling order and reconciliation of arrearages may be made where multiple orders exist;

(C) Within 20 calendar days of completing the actions set forth above in this section and receipt of any necessary information needed to process the case:

(i) Ask the appropriate intrastate tribunal, or refer the case to the appropriate responding state IV-D agency, for a determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and

(ii) Refer any intergovernmental IV-D case to the appropriate state central registry, Tribal IV-D program, or central authority of a country for action, if using the Nebraska long-arm statute is not appropriate;

(D) Provide the responding agency sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the responding agency;

(E) Within 30 calendar days of receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided;

(F) Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on overdue support under an initiating state order being enforced in the responding jurisdiction;

(G) Submit all past-due support owed in IV-D cases that meet the certification requirements for Federal Tax Refund Offset;

(H) Send a request for review of a child support order to another state within 20 calendar days of determining that a request for review of the order should be sent to the other state and of receipt of information from the requestor necessary to conduct the review;

(I) Distribute and disburse any support collections received in accordance with applicable federal and state law;

(J) Notify the responding agency within 10 working days that the Department has closed its case and the basis for case closure;

(K) Instruct the responding agency to close its interstate case and to stop any withholding order or notice the responding agency has sent to an employer before the initiating state transmits a withholding order or notice,

with respect to the same case, to the same or another employer unless the two states reach an alternative agreement on how to proceed; and

(L) If the Department has closed its case and has not notified the responding agency to close its corresponding case, make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute and disburse any payment received from a responding agency.

004. NEBRASKA AS RESPONDING AGENCY. The Department accepts and processes intergovernmental requests for services regardless of whether the initiating agency elected not to use remedies that may be available under the law of that jurisdiction. The Department will:

(A) Within 75 calendar days of receipt of an intergovernmental form and documentation from its Intergovernmental Central Registry:

(i) Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent;

(ii) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation; and

(iii) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;

(B) Within 10 working days of locating the noncustodial parent in a different state, return the forms and documentation, including the new location, to the initiating agency, or, if directed by the initiating agency, forward the forms and documentation to the central registry in the state where the noncustodial parent has been located and notify the Nebraska Intergovernmental Central Registry where the case has been sent;

(C) Within 10 working days of locating the noncustodial parent in a different county within Nebraska, forward the forms and documentation to the appropriate county and notify the initiating agency and the responding state's own central registry of its action unless an incoming intergovernmental request has already been filed or registered in that county or a Nebraska order has been entered in that county;

(D) If the request is for a determination of controlling order:

(i) File the controlling order determination request with the appropriate tribunal in Nebraska within 30 calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later; and

(ii) Notify the initiating state agency, the controlling order state and any state where a support order in the case was issued or registered, of the

controlling order determination and any reconciled arrearages within 30 calendar days of receipt of the determination from the tribunal;

(E) At the discretion of the Department, report overdue support to Consumer Credit Reporting Agencies, in accordance with applicable federal and state law;

(F) Review and modify child support orders upon request in accordance with applicable federal and state law;

(G) Provide timely notice to the initiating agency in advance of any hearing before a tribunal that may result in establishment or adjustment of an order;

(H) Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency in accordance with applicable federal and state law;

(I) Within 10 working days of receipt of instructions for case closure from an initiating state agency, stop any Nebraska income withholding order or notice and close the intergovernmental IV-D case, unless the two states reach an alternative agreement on how to proceed; and

(J) Notify the initiating agency when a case is closed.

005. PAYMENT AND RECOVERY OF COSTS IN INTERGOVERNMENTAL IV-D CASES. Nebraska initially pays the costs it incurs in processing intergovernmental IV-D cases, including the costs of genetic testing. If paternity is established, the Department, at its election, may seek a judgment for the costs of testing from the alleged father who denied paternity. The Department may recover its costs of providing services in intergovernmental non-Aid to Dependent Children (ADC) cases in accordance with applicable federal and state laws. The Department does not recover costs from a foreign reciprocating country or from a foreign obligee in that country when providing services. The Department identifies any fees or costs deducted from support payments when forwarding payments to the initiating agency.

006. INTERGOVERNMENTAL ADMINISTRATIVE SUBPOENA. Federal and state laws allow for the IV-D agency to issue an administrative subpoena to order genetic testing and to obtain financial or other information needed to establish, modify, or enforce a support order, without the necessity of obtaining a court order.

006.01 ADMINISTRATIVE SUBPOENA RECOGNITION. The federal rules and regulations require all IV-D agencies to recognize the authority of other IV-D agencies to issue an administrative subpoena. In the case of an administrative subpoena issued in an intergovernmental case, the federally approved form, citing the applicable federal law, must be used.

007. ADMINISTRATIVE ENFORCEMENT IN INTERGOVERNMENTAL CASES. Nebraska uses high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by

another state to enforce support orders. The Department will report the results of such enforcement procedure to the requesting state.

007.01 REQUESTS FROM OTHER STATES. Another state may, by electronic or other means, transmit to the Department a request for assistance in enforcing support orders through high-volume, automated administrative enforcement. The request must include sufficient information to enable the Department to compare the information about the cases to the information in the Nebraska databases. The requesting state must certify the amount the obligor is in arrears and that the requesting state has complied with all procedural due process requirements applicable to each case.

007.02 CASE NOT TRANSFERRED. If the Department provides assistance to another state pursuant to this section, the case is not considered to be transferred to the caseload of the Department.

007.03 RECORDS. The Department maintains records of the number of such requests for assistance received, the number of cases for which Nebraska collected support in response to such a request, and the amount of such collected support.

