

TITLE 466 - CHILD SUPPORT ENFORCEMENT PROGRAM

CHAPTER 5 - LOCATION

001. SCOPE AND AUTHORITY. Part D of Title IV of the Social Security Act and other federal laws and regulations set forth requirements for child support enforcement. This chapter pertains to locating parties, sources of income, and assets in order to take appropriate action in a Title IV-D case.

002. LOCATION OF PARTIES, SOURCES OF INCOME, AND ASSETS. For all IV-D cases the Department will attempt to locate necessary parties, sources of income, and assets when location is needed to take a necessary action. The Department will comply with the requirements and standards set forth in 45 CFR 303.3.

003. LOCATION TIMEFRAMES AND REPEATED ATTEMPTS. Available location sources, including any appropriate requests to the Federal Parent Locator Service (FPLS) of the U. S. Department of Health and Human Services will be accessed within 75 calendar days of determining that location action is necessary. The Department will repeat location attempts in cases in which previous attempts to locate parties, sources of income, or assets have failed but adequate identifying and other information exists to meet requirements for submittal for location. Attempts will be either quarterly or immediately upon receipt of new information which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources but will include accessing state workforce files.

004. PARENT LOCATOR SERVICES. The Department is the agency responsible for maintaining and accessing parent locator services.

004.01 STATE PARENT LOCATOR SERVICE. The Department maintains a State Parent Locator Service as set forth in applicable state law and 45 CFR 302.35. Confidential information from the State Parent Locator Service will only be released to authorized persons for authorized purposes. Any information obtained through the State Parent Locator Service remains confidential and must be used solely for the purpose for which it was obtained and must be safeguarded.

004.02 FEDERAL PARENT LOCATOR SERVICE. The U.S. Department of Health and Human Services maintains the Federal Parent Locator Service. Only the State Parent Locator Service may submit requests for information to the Federal Parent Locator Service. Any information obtained through the Federal Parent Locator Service is confidential and must be used solely for the purpose for which it was obtained and must be safeguarded.

004.03 AUTHORIZED PERSONS. Unless otherwise provided by law, and subject to the restrictions set forth in applicable federal and state law, only the following are authorized to receive information from the State Parent Locator Service and Federal Parent Locator Service:

- (A) Any state or local governmental agency, or agent thereof, providing child, spousal, or medical support services under Title IV-D of the Social

Security Act;

(B) Any state or local governmental agency administering a IV-A, IV-B, IV-E, Supplemental Nutrition Assistance Program (SNAP) or Medicaid Program;

(C) State governmental agencies involved with the investigation, prosecution, or criminal or civil proceedings conducted in connection with the administration of the programs identified in this section or under 45 CFR Parts 302 and 303;

(D) Any certified Tribal IV-D agency providing child and spousal support services;

(E) A court or tribunal that has authority to issue an order against a noncustodial party for the support and maintenance of a child;

(F) The resident parent, legal guardian, attorney, or agent of a child who is not receiving IV-D services may request location information via a court order only if the individual attests that:

(i) The request is being made to obtain information on, or to facilitate the discovery of, any individual for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing a child support obligation;

(ii) Any information obtained through the State or Federal Parent Locator Service shall be used solely for these purposes and shall be otherwise treated as confidential; and

(iii) The requestor is the resident parent, legal guardian, attorney, or agent of a child not receiving assistance under IV-A; and

(G) A court, an agent, or attorney of the state or federal government in connection with parental kidnapping, child custody, or visitation cases pursuant to this chapter or 45 CFR Parts 302 and 303.

004.04 STATE AUTHORIZED PURPOSE. The following are authorized purposes for information from the State Parent Locator Service:

(A) The administration of the Child Support Enforcement IV-D Program;

(B) The administration of an IV-A, IV-B, IV-E, Supplemental Nutrition Assistance Program (SNAP) or Medicaid Program;

(C) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs identified in this chapter;

(D) The location of an individual in connection with known or suspected mental or physical injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of child support

activity when circumstances indicate that a child's health or welfare is threatened;

(E) The location of an individual in connection with a parental kidnapping, child custody or visitation case pursuant to this chapter or 45 CFR Parts 302 and 303; or

(F) State or federal law which allows or requires disclosure.

004.05 FEDERAL AUTHORIZED PURPOSE. The following are authorized purposes for information from the Federal Parent Locator Service:

(A) Establishing paternity;

(B) Establishing, modifying, or enforcing support obligations;

(C) Determining who has or may have parental rights to a child;

(D) Enforcing any state or federal law with respect to the unlawful taking or restraint of a child;

(E) Making or enforcing a determination of child custody or visitation;

(F) Locating a child or a non-parent relative of a child in a IV-B or IV-E case; or

(G) Assisting state governmental agencies to carry out their responsibilities under IV-D, IV-A, IV-B, and IV-E programs.

004.06 INFORMATION THAT MAY BE RELEASED. The following information may be provided to authorized persons subject to the exceptions and restrictions set forth in this chapter:

(A) For the purposes set forth in 466 Nebraska Administrative Code (NAC) 5-004.04(A), (B), and (C) and 466 NAC 5-004.05(A), (B), (C), and (G), the following information may be provided:

(i) Person's name, Social Security Number (SSN), and address;

(ii) Employer's name, address, and Federal Employer Identification Number;

(iii) Wages, income, and employment benefits including health care coverage; and

(iv) Type, status, and location of assets or debts owed by or to the individual.

(B) For the purposes set forth in 466 NAC 5-004.04(D) and (E) and 466 NAC 5-004.05(D) and (E), the following information may be provided:

(i) Person's name and address; and

(ii) Employer's name and address.

(C) For purposes of locating a child or non-parent relative under 466 NAC 5-004.04(B) and 466 NAC 5-004.05(F), the following information may be provided:

(i) Person's name, Social Security Number (SSN), and address; and

(ii) Employer's name, address, and Federal Employer Identification Number.

(D) For any other purpose allowed by federal or state law, the information released will be limited to only that information allowed by such law.

004.07 FURTHER EXCEPTIONS AND RESTRICTIONS TO RELEASE OF INFORMATION. The following additional restrictions apply to the release of information from the State and Federal Parent Locator Services:

(A) National Directory of New Hire and Federal Case Registry information must not be provided to Title XIX and Title XXI programs unless independently verified;

(B) Internal Revenue Service (IRS) information must not be disclosed outside of the IV-D program unless independently verified; and

(C) Multi-state Financial Institution Data Match and Financial Institution Data Match information must not be disclosed outside of the IV-D program.

004.08 FAMILY VIOLENCE INDICATOR. No information shall be disclosed if the Department has reasonable evidence of domestic violence or child abuse against a party or a child and disclosure of information could be harmful to the party or a child. The information can be released to a court of competent jurisdiction upon receipt of an order from that court. It is the responsibility of the court to determine if releasing the information further will be harmful to the parent or child.

004.09 REQUIRED INFORMATION. Requests for information from the Federal Parent Locator Service must contain the following information:

(A) The parent's, putative father's, or non-parent relative's name;

(B) The parent's or putative father's Social Security Number (SSN). If the Social Security Number (SSN) is unknown, every reasonable effort to ascertain the individual's Social Security Number (SSN) must be made before making a request;

(C) The non-parent relative's Social Security Number (SSN), if known; and

(D) Any other information required by the Federal Office of Child Support Enforcement.

004.10 COURT ORDERS. Requests for information from the State Parent Locator Service and Federal Parent Locator Service directly from courts and from the resident parent, legal guardian, attorney, or agent of a child who is not receiving IV-D services must be in the form of a court order.

005. NEBRASKA STATE DIRECTORY OF NEW HIRES (SDNH). The Department has established and operates the Nebraska State Directory of New Hires. Employers are required to report the hire or rehire of employees pursuant to the Nebraska New Hire Reporting Act.

005.01 CRITERIA TO REPORT INDEPENDENT CONTRACTORS. Employers are required to report independent contractors to the State Directory of New Hires (SDNH) if the following criteria are met.

- (A) The independent contractor is 18 years of age or older;
- (B) The independent contractor is an individual, sole shareholder of a corporation, or sole member of a limited liability company; and
- (C) The employer paid or expects to pay during the year to the independent contractor an amount reportable to the Internal Revenue Service (IRS) on Federal Form 1099.

005.02 SUBMISSION OF NEW HIRE INFORMATION. Reports may be submitted on a W-4 or equivalent document, which includes the following information:

- (1) Employee name, address, and Social Security Number (SSN);
- (2) Date of hire or rehire; and
- (3) Employer name, address, and Employer Identification Number.

005.02(A) Within five (5) business days of receiving reports from employers, the data will be entered into the Nebraska State Directory of New Hires.

005.02(B) Within two (2) business days after new hire data is entered, the Department's child support computer system will conduct a match between the Social Security Numbers (SSNs) in new hire reports, and data in the State Parent Locator Service. If a matched employee's income is subject to wage withholding, the Department's child support computer system will generate a notice of wage withholding to the employer.

005.02(C) Within three (3) business days after new hire data is entered into the State Directory of New Hires, new hire data will be submitted to the National Directory of New Hires.

005.03 CONFIDENTIALITY. Information derived from employer reports received and maintained by the Nebraska State Directory of New Hires is confidential. The information may be made available for use by state agencies administering:

- (1) State plans under Title IV-D of the Social Security Act;
- (2) Programs specified in section 1137(b) of the Social Security Act;
- (3) Unemployment Compensation Programs; and
- (4) Workers' Compensation Programs.

005.03(A) Information released under 466 NAC 5-005.03 remains confidential and may not be further released by the recipient unless specifically authorized by federal or state law or regulation.

