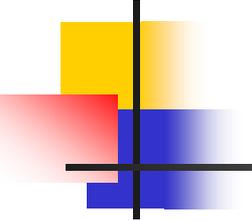


# Child Support Enforcement

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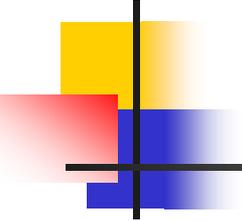




# Program Purpose Statement

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The purpose of the  
Child Support Enforcement program  
is to enhance the well-being of children and  
reduce the demand on public treasuries  
by securing financial and medical support from  
legally responsible parents and  
encouraging positive relationships between  
children and their parents.

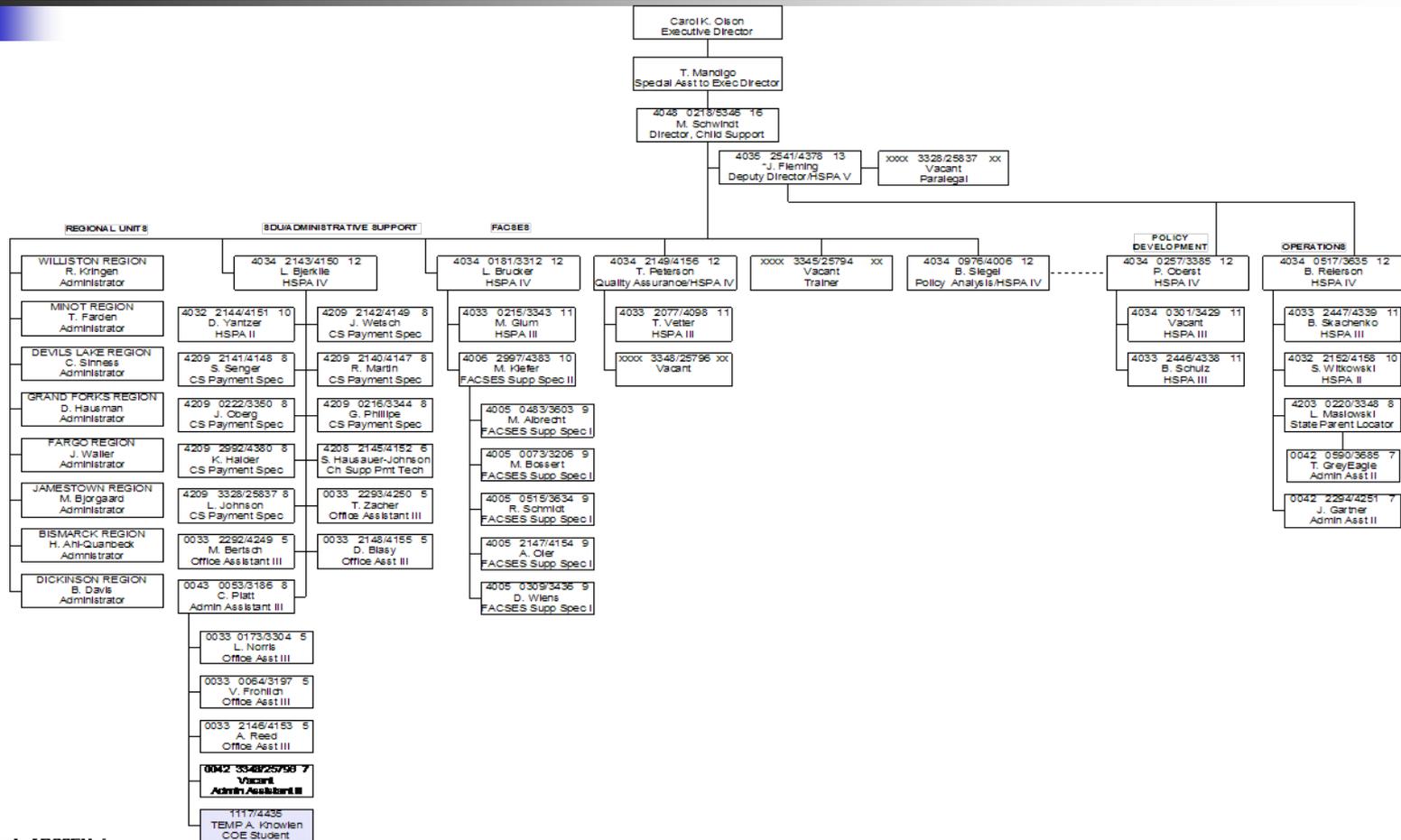


# Program Structure

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- The program in North Dakota is supervised and administered by the state through the Child Support Enforcement Division, Department of Human Services.
- In addition to a central office in Bismarck, there are eight local regional child support enforcement offices in the following locations: Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Jamestown, Minot, and Williston.

# Program Structure . . . Organizational Chart

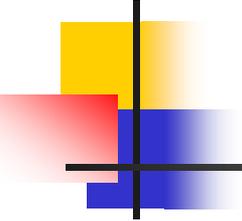


Legal work of RCSEUs is supervised by Jim Fleming

# Requirements

- The Child Support Enforcement program operates under federal laws and regulations.
- Some of these tie into required state laws.
- Compliance is required for eligibility for states to receive TANF funding.

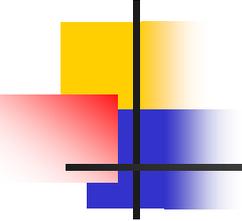




# Requirements . . . Significant Changes

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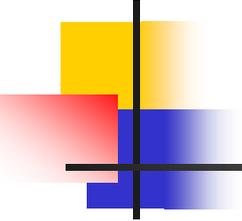
- The Family Support Act of 1988 which resulted in mandated certified computer systems.
- PRWORA – the welfare reform act from 1996 that mandated further enhancements to information systems, provided increased automated enforcement tools and changed the programmatic expectations from welfare cost recovery to supporting children.



# Requirements. . . Significant Changes

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- The Child Support Performance and Incentive Act of 1998 that emphasized medical support laws and regulations which are now just coming into play.
- The Deficit Reduction Act of 2005 that modified the program funding mix and offered states a number of alternatives for doing business.
- Direct federal funding of tribes in recognition of their sovereign nation status.



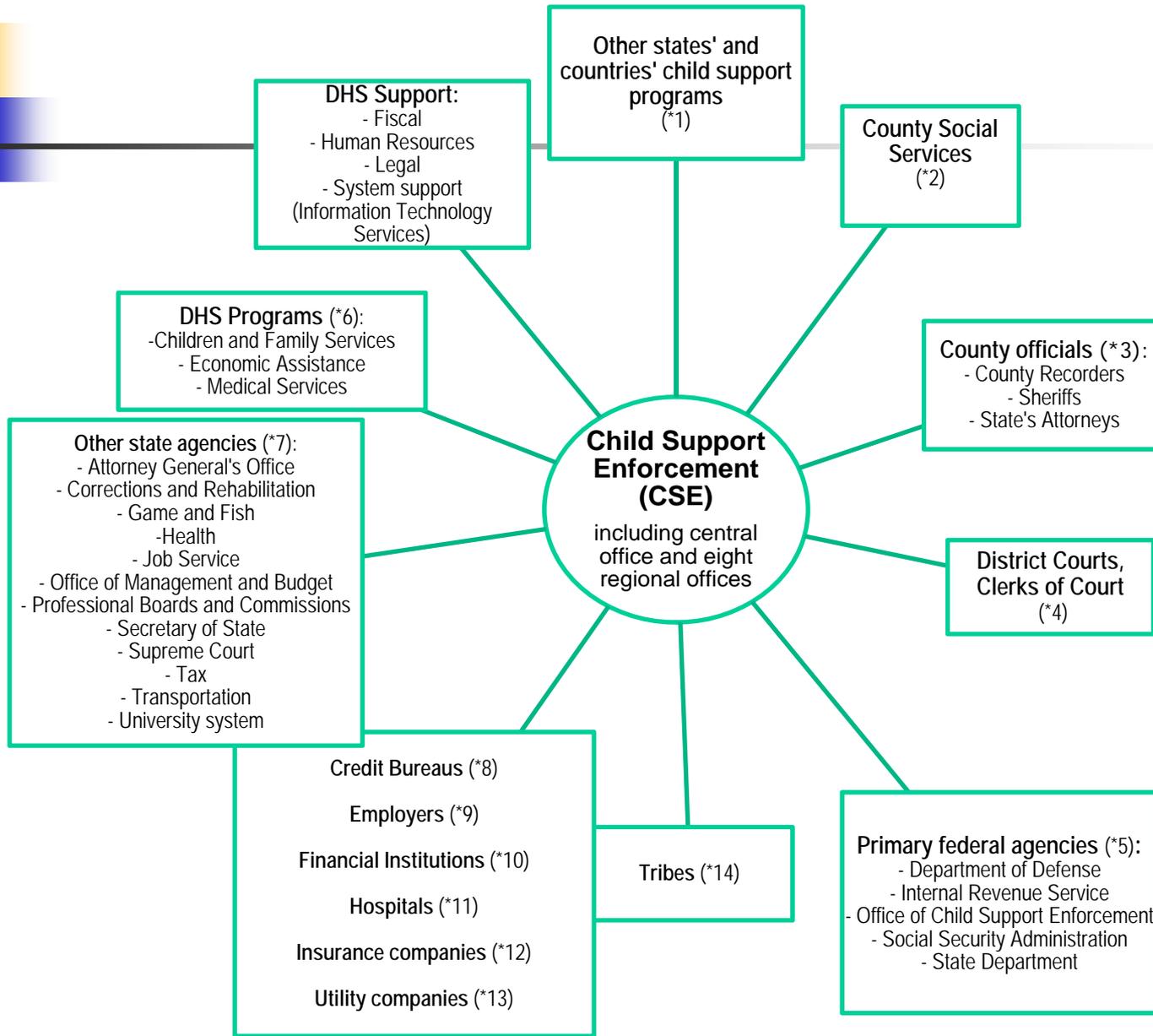
# Three Affiliated Tribes

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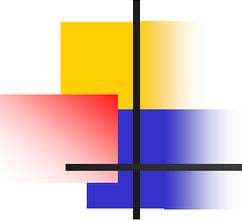
There is an MOU with Three Affiliated Tribes (TAT)  
– signed in April 2007.



# Interdependencies

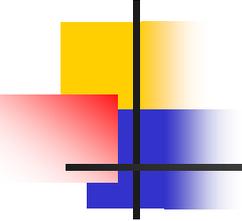


# Caseload / Customer Base



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- The total IV-D caseload was at 42,108 in December 2008. The nonIV-D portion of the caseload added 9,971 more cases.
- These cases include about 66,000 children and 79,600 parents.
- Our caseload is distributed among the 54 states and territories plus a number of Indian tribes and foreign countries.

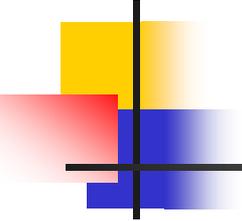


# IV-D and nonIV-D Cases

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**The Child Support Enforcement Division works with two types of cases:**

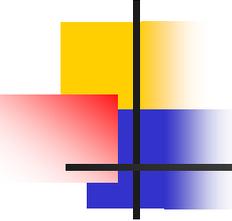
- **IV-D cases** which stem from referrals from public assistance programs (TANF, Medical Assistance, or foster care) or from either custodial or noncustodial parents applying for IV-D services.
- **nonIV-D cases** which stem from court orders where there is no referral or application to the program or where people choose to close their IV-D case.



# Myth/Reality

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- **MYTH:** The program didn't help me until I started receiving public assistance.
- **REALITY:** Automatic referrals to the program come from TANF, Medicaid, and Foster Care. In other cases, a parent would need to ask for our help.
- **REALITY:** We treat all IV-D cases the same. Whether the case is public assistance or not does not make a difference when it comes to providing services.

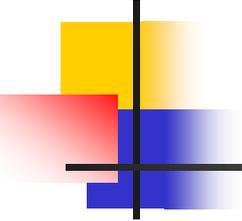


# IV-D Service Recipients . . .

## Public Assistance and Foster Care

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- TANF and Medicaid (public assistance): Automatic referrals.
- Foster Care: Automatic referrals.

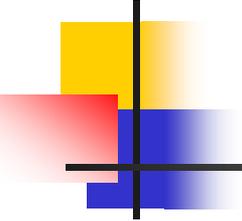


# IV-D Service Recipients . . .

## Applicants for Service

---

- Child support services are available to individuals not otherwise referred, through an application process.
- A custodial parent or a noncustodial parent may apply for services.
- Effective 10/1/07, a \$25 annual fee is charged in each case in which an individual has never received assistance and for whom there has been support collections of at least \$500. The fee is collected from the custodial parent by retaining the amount from support collected in excess of the first \$500. The court may order that the amount of the fee be collected from the noncustodial parent as an additional arrearage.

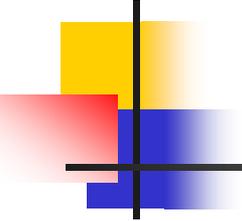


# Activities of the program

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## **Primary activities of the program include:**

- Locate
- Paternity Establishment
- Establishment of Court-Ordered Child Support
- Establishment of Court-Ordered Medical Support
- Enforcement of Court-Ordered Support
- Review and Adjustment
- Receive and distribute child support payments

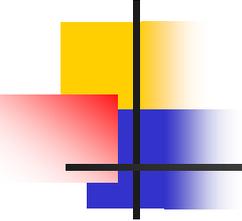


# Activities of the program. . .

## Locate

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- Location of address, employment, and assets.
- Three levels of Locate:
  - Local
  - State
  - Federal
- Access to vast array of information, much of it through automated sources, that is otherwise confidential.

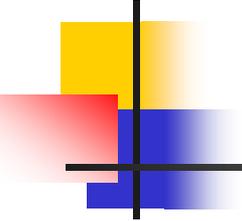


# Activities of the program. . .

## Paternity Establishment

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- If a child is born out of wedlock, paternity must be established prior to establishing a child support or medical support obligation against the father.
- Paternity establishment may be done through:
  - Voluntary Paternity Acknowledgment
  - Court
- Genetic testing is available. It may be requested by either parent and may be ordered by the program or by the court.



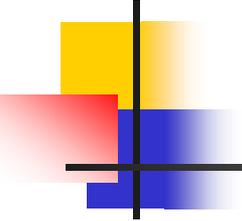
# Activities of the program. . .

## Establishment of Court-Ordered Child Support

---

**The program pursues a court order for child support -**

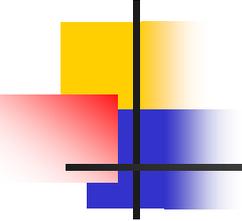
- Identify the income of the noncustodial parent.
- Apply the child support guidelines to determine the appropriate amount of child support.
- Court approves a stipulation or a court hearing is scheduled for a final determination.



# Child Support Guidelines

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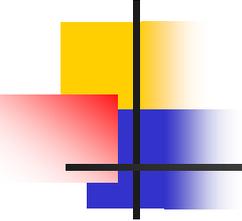
- Federal requirement for state child support guidelines.
- Guidelines must apply in all cases.
- Deviation criteria must take into consideration the best interest of the child.
- Guidelines must be reviewed at least every 4 years.
- North Dakota guidelines are in administrative rule.



# Myth/Reality

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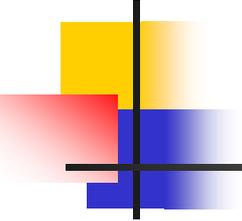
- **MYTH:** The program wants to establish the highest obligation possible.
- **REALITY:** The federal performance measurement is based on the percentage of current support collected.



# Myth/Reality

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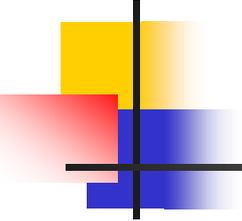
- **MYTH:** I can't afford my child support.
- **REALITY:** Child support amounts are determined as a percentage of the obligor's net income or ability to pay.



# Myth/Reality

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- **MYTH:** I know an obligor who owes \$3,000 per month in child support.
- **REALITY:** When last identified, the average obligation in North Dakota IV-D cases for one child was \$277/month. Under the North Dakota guidelines, an obligor would have to have monthly net income of \$10,700 and owe support for two children before such an obligation would be appropriate.



# Activities of the program. . .

## **Establishment of Court-Ordered Medical Support**

---

### **The program pursues a court order for medical support -**

- All child support orders should include a medical support provision.
- Most likely, the provision requires the
  - noncustodial parent to provide health insurance coverage for the child if it is available at “reasonable cost,” and the
  - custodial parent to provide health insurance coverage for the child if it is available at no or nominal cost.
- Changes based on new federal medical support regulations are pending.

# Activities of the program. . .

## Enforcement of Court-Ordered Support

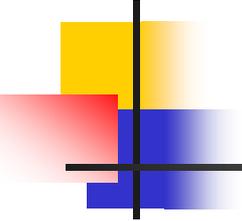
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- **Order to Show Cause (Contempt) Hearings**

- Possible results of hearing:

- Ability to Pay Order
- Professional/Occupational License Suspension
- Drivers License Suspension
- Recreational License Suspension
- Jail Time
- Work Requirements

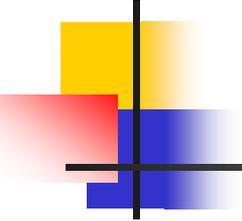




# Myth/Reality

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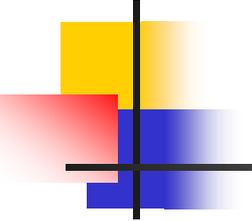
- **MYTH:** I didn't pay my child support because I don't have a job.
- **REALITY:** PRIDE links obligors with a Job Service North Dakota caseworker to improve employability and provide job search assistance.



# Enforcement of Court-Ordered Support . . .

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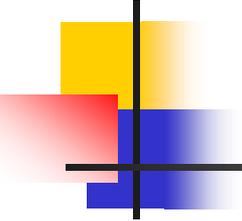
- Income Withholding
- Federal and State Tax Refund Offset
- Lottery Offset
- Passport Denial
- Report to Credit Bureaus



# Myth/Reality

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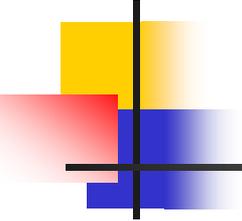
- **MYTH:** The program sent my employer an income withholding order like I'm some kind of deadbeat.
- **REALITY:** The program does not use the term "deadbeat."
- **REALITY:** Income withholding is mandated by federal law regardless of whether the obligor is delinquent.
- **REALITY:** North Dakota is one of a few states authorizing automatic withdrawal of child support payments from an obligor's bank account **INSTEAD OF** income withholding.



# Enforcement of Court-Ordered Support . . .

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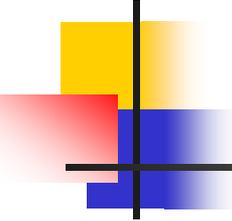
- Administrative license (professional & occupational, recreational, drivers) and vehicle registration suspension
- Freeze and Seize Property
- Claims Against Estates and Intercepting Inheritances
- Federal and State Prosecution
- National Medical Support Notice (NMSN)



# Myth/Reality

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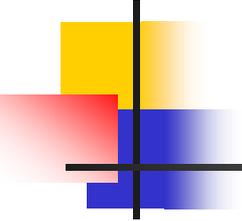
- **MYTH:** Just because I owe arrears, the program wants to take every penny I have.
- **REALITY:** The program's goal is to have the debt repaid at a reasonable rate. Nobody wins if the obligor goes into the underground economy.
- **REALITY:** The federal performance measurement is the same no matter how much the program collects.



# Myth/Reality

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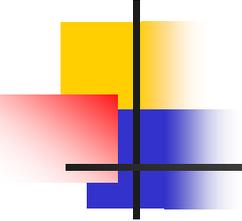
- **MYTH:** How can I go to work and pay support if my driver's license is suspended?
- **REALITY:** The program does NOT want the obligor's license. If the obligor had been making regular payments or explained to the caseworker why the failure to do so was not willful, the program would not have started the license suspension action.
- **REALITY:** When the obligor has a job, the program will work with the obligor to get income withholding in place and to reinstate the license if it had been suspended.



# Myth/Reality

---

- **MYTH:** The program said I had to pay all my arrears to get my license back.
- **REALITY:** Most obligors cannot afford to pay their arrears in one lump-sum. The program will work with the obligor on a payment plan that includes a down-payment and installment payments each month. The obligor can get his or her license back by entering into, and complying with, the payment plan.



# Activities of the program. . .

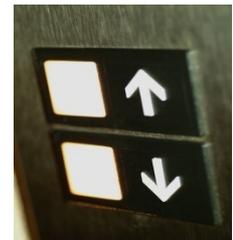
## Review & Adjustment

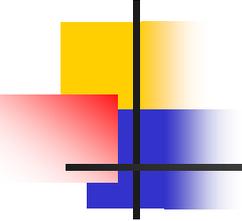
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- Implemented to respond to concerns that order amounts may not, over time, remain appropriate.
- The program reviews court orders, and pursues adjustments if appropriate.

# Review & Adjustment . . .

- **REVIEW:** The noncustodial parent's income is identified and applied to the guidelines.
- **ADJUSTMENT:** If there is a significant variation (15%) between the court-ordered amount and the new guideline amount, an adjustment will be pursued.

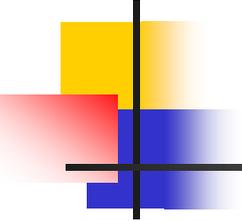




# Myth/Reality

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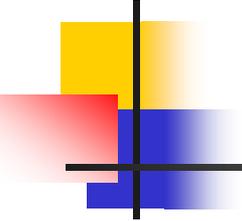
- **MYTH:** The program only tries to increase an obligation, and not decrease it.
- **REALITY:** The program reviews obligations and, following the child support guidelines, will file a motion with the court for an upward or downward adjustment of the obligation.



# Review & Adjustment . . .

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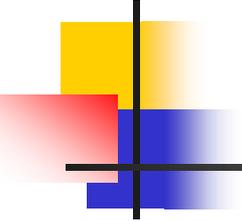
- Generally, the program will review orders every three years. However, there are a number of situations in which a review may be conducted even if it has been less than three years, such as a change in job or military duty.
- In TANF and Foster Care cases, the reviews are automatically conducted. In other cases, reviews are conducted only upon request of either party.



# Myth/Reality

---

- **MYTH:** My order is 7 years old and it has never been reviewed.
- **REALITY:** For an order not to be reviewed for 7 years, the parent has either not applied for IV-D services or not requested a review after being notified of the right to request one.



# Myth/Reality

---

- **MYTH:** I just got laid off and have to live with an obligation based on my prior wages.
- **REALITY:** The program will seek a modification when the obligor's employment is affected by the economic downturn.

# Activities of the program. . .

## Receive and Distribute Child Support Payments

---

- The State Disbursement Unit (SDU) receives all child support payments.
- Payments are:
  - paid to the family (direct deposit or debit card),
  - retained by the state, or
  - paid to another state.
- Distribution occurs within two days.



# Activities of the program. . .

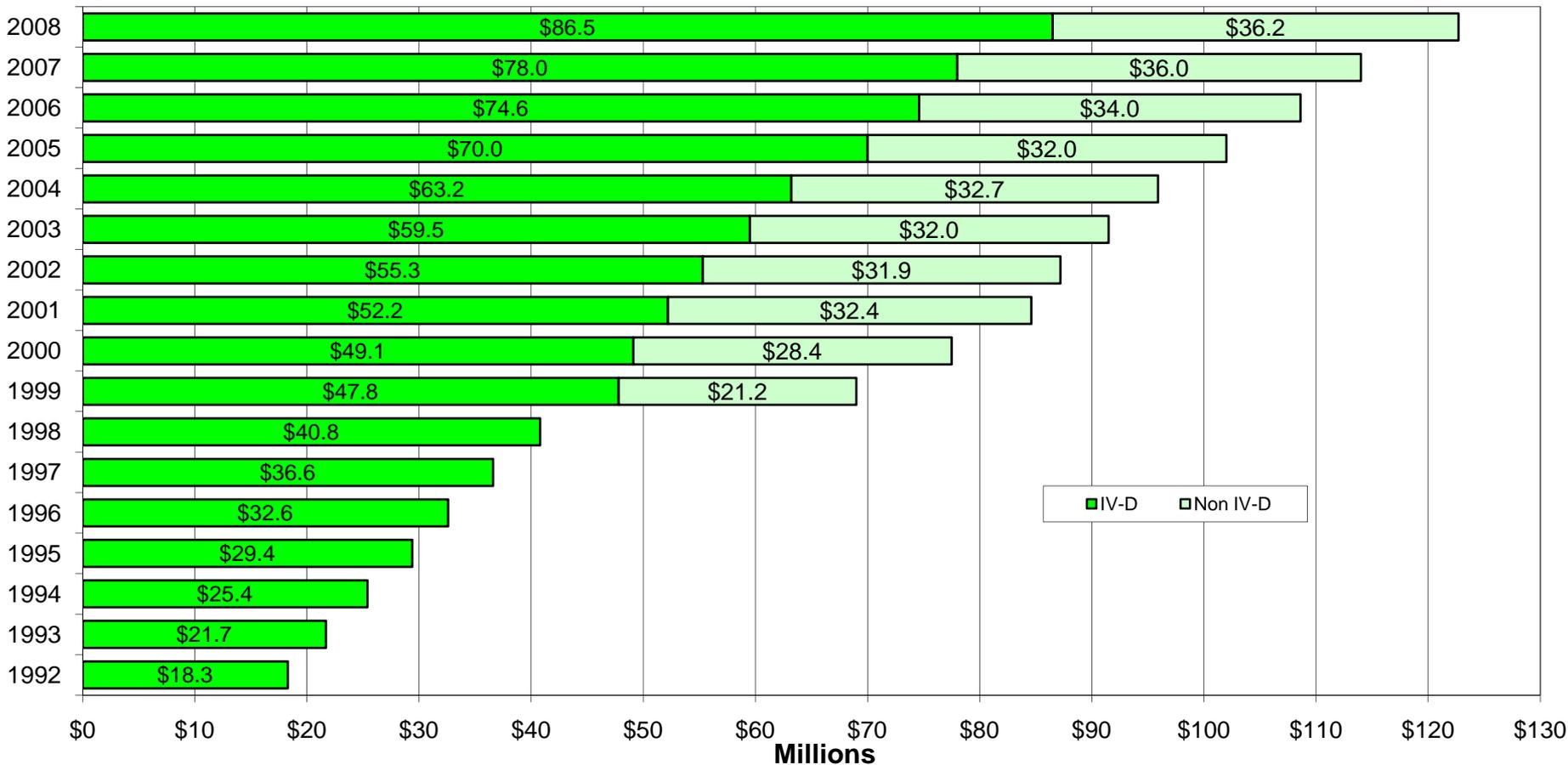
## Receive and Distribute Child Support Payments

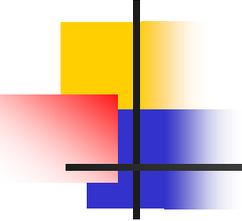


# Collections

## Child Support Receipts

Calendar Years 1992 - 2008





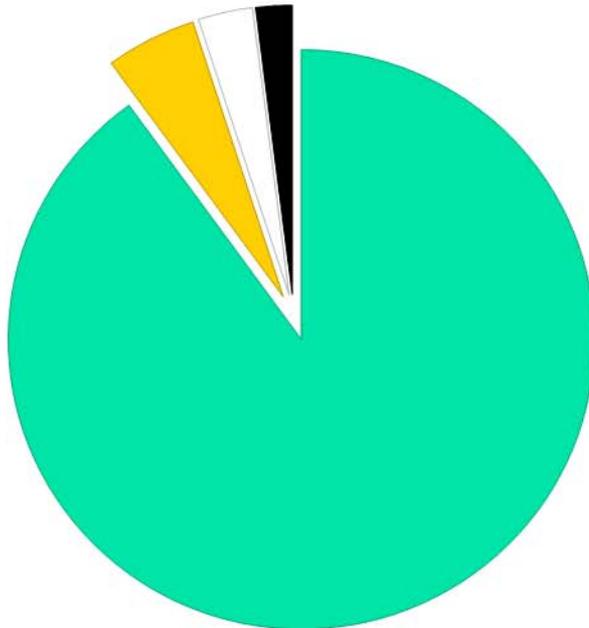
# Myth/Reality

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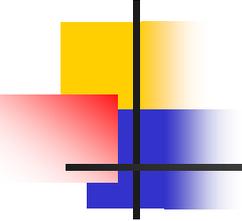
- **MYTH:** The money is kept to pay for the program.
- **REALITY:** Over 90% of child support collected is paid directly to the family.
- **REALITY:** The program's budget does not include child support collections.

# Collections

Where the money goes . . .



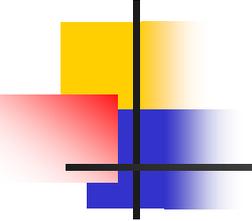
- Families 90%
- Other states 5%
- Retained by ND 3%
- Federal Reimbursement 2%



# Myth/Reality

---

- **MYTH:** My court order says I'm supposed to receive \$250 per month – where's my money?
- **REALITY:** The program is only able to disburse the funds that are collected from the obligor; the state does not advance the money to the obligee.

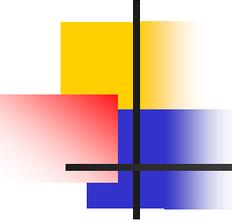


# Activities of the program. . .

## nonIV-D Cases

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- If there is no referral for services from TANF, Medicaid, or Foster Care, and there is no application for service, the program's activities are as follows (when a court order for child support exists):
  - Income withholding
  - Receive and distribute payments
- Effective 10/1/07, a \$2.10 monthly fee is charged in any month with a collection.

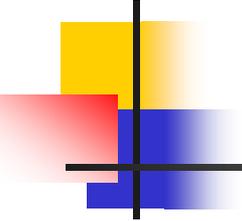


# Benefits

## Paternity Establishment

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- **Identity** – All children have the right to know their mother and father.
- **Money** – Children supported by only one parent are often poorer than children supported by both parents. In order to get support, paternity must be legally established.
- **Medical** – A child needs to know if he or she has inherited any special health problems. Also, it might be possible to obtain medical insurance for the child through the father's employer, union, or military service.
- **Survivor's Benefits** – If the father dies, the child could qualify for a number of benefits, including Social Security, pensions, inheritance rights, veterans benefits, and life insurance.

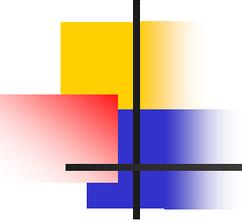


# Benefits Program

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The program:

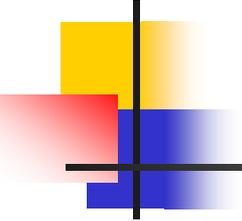
- Encourages parental responsibility
- Promotes family self-sufficiency
- Reduces the demand on public funds:
  - \$\$ collected used to offset TANF and Foster Care costs
  - Avoidance of public assistance costs because of family self-sufficiency



# Customer Service

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- 24/7 IVR (Interactive Voice Response)
- On-line customer service tools on the Web
- Automated email notifications



# Myth/Reality

---

- **MYTH:** I had to complain to get the program to listen to me.
- **REALITY:** Customers receive much better customer service if they keep their caseworkers informed of issues or concerns.

# Customer Service. . .

## Why would an obligor want to contact the program?

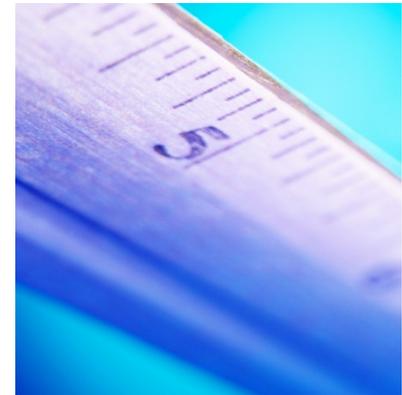
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- A new obligation is being proposed based on inaccurate or incomplete income data. Accurate and complete information supplied by the obligor helps ensure an appropriate amount is proposed.
- Negotiate payment plan or get PRIDE referral to avoid certain collection activities (or stop them, if they have begun already), and to apply payments to arrears principal rather than interest
- Employer withholds income but does not pay SDU, or employer refuses to honor an income withholding order
- Payments were made directly to the custodial parent, and need to be credited on the payment ledger
- And more

# Performance Measures

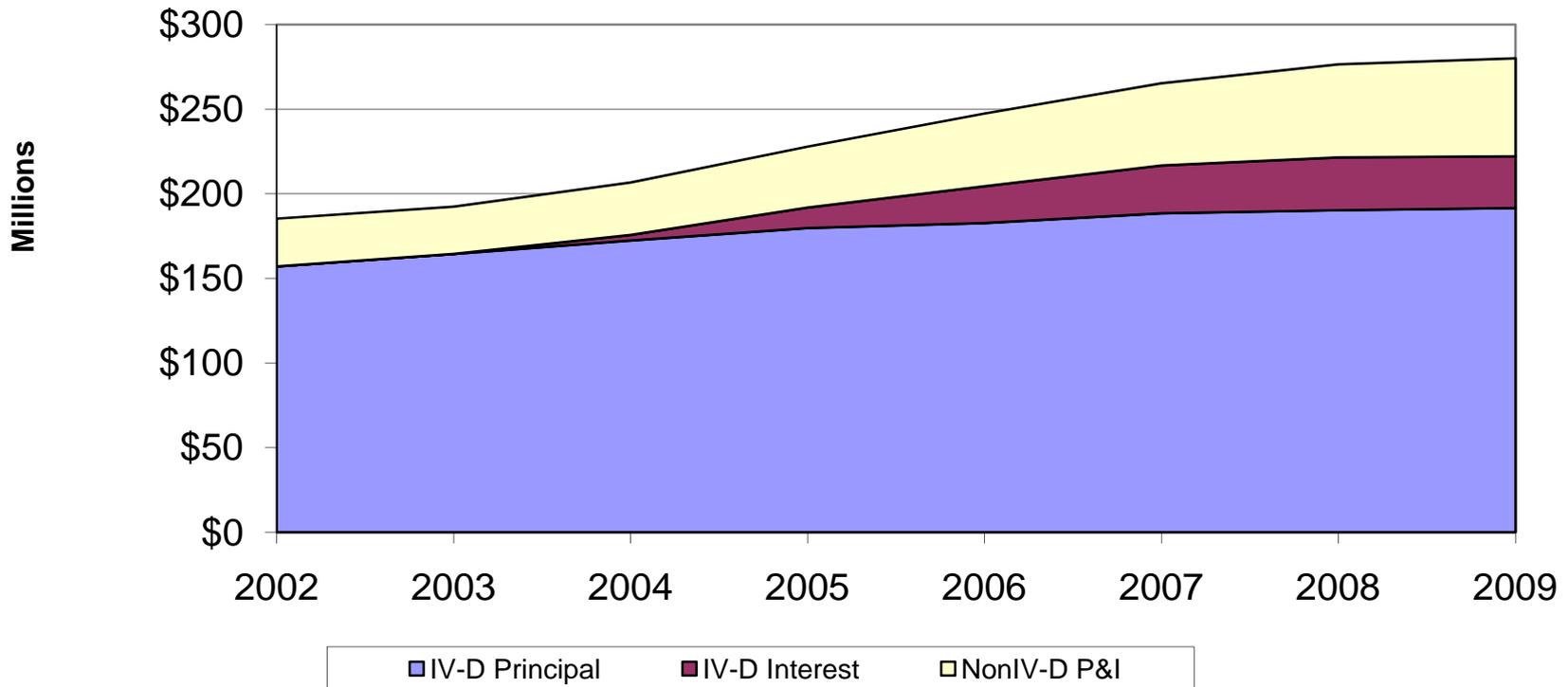
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- Paternity Establishment
- Support Order Establishment
- Current Collections
- Arrearage Collections
- Cost Effectiveness
- Medical Support  
(pending federal measurement)



# Receivables

SFY 2002 - 2009



# Parenting Time (Visitation) Resources

While the program does not provide services relating to parenting time (visitation), we recognize that customers may have issues or questions concerning parenting time with their children.

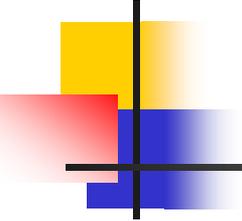
- Visitation Fact Sheet
- FAQ on Web site



These provide attorney assistance options, information on visitation enforcement “pro se” forms, and applicable state laws and administrative rules.

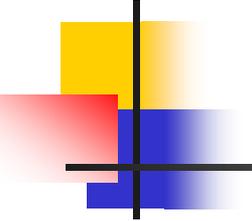
The Fact Sheet and the FAQ are currently being revised to incorporate 2009 legislative changes.

# Our Goal



World  
Class





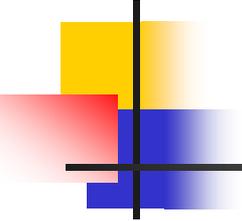
# Our Goal

## Our Roadmap to the Future

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### **WORLD CLASS PROGRAM**

- We have reached **world class** status when children, parents, and taxpayers can, with a very high degree of confidence, rely on our services to assist in the orderly transfer of resources between parents while also encouraging positive relationships between children and parents. In every contact, customers are treated with respect. In every program decision the best interests of children are paramount.



# Contact Information

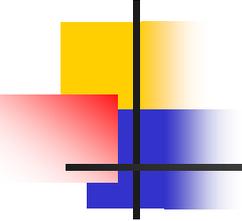
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## **Customer Service Unit:**

- **Email:** [centralofficecse@nd.gov](mailto:centralofficecse@nd.gov)
- **Ph:** 800.231.4255    **Local:** 328.5440    **Fax:** 701.328.5425

## **Regional Child Support Enforcement offices:**

<b>Bismarck:</b>	701.328.0955	<b>Grand Forks:</b>	701.795.3960
<b>Devils Lake:</b>	701.665.4475	<b>Jamestown:</b>	701.253.6260
<b>Dickinson:</b>	701.227.7424	<b>Minot:</b>	701.857.7696
<b>Fargo:</b>	701.298.4900	<b>Williston:</b>	701.774.7940



# Contact Information . . .

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## Web site

- <http://www.childsupportnd.com>

## Mike Schwindt, Director

- **Email:** [mschwindt@nd.gov](mailto:mschwindt@nd.gov)
- **Ph:** 701.328.3582

