CHAPTER 1-000 GENERAL BACKGROUND

1-001 AUTHORIZATION: In January 1975, the Social Security Act was amended to place specific requirements on States to address the problems of desertion and non-support of children. These amendments, titled the Child Support and Establishment Provisions, were incorporated as Part D to Title IV of the Act.

Known as the Child Support Enforcement Program, Title IV-D provides for establishing administrative procedures and financial incentives to encourage states to improve their child support enforcement activities.

1-002 PURPOSE AND SCOPE: The Department of Health and Human Services is designated as the agency that is responsible for the administration of the Child Support Enforcement Program. It is administered in accordance with equitable standards that are mandatory throughout the state.

1-003 ORGANIZATION: The Title IV-D Unit (Child Support Enforcement) is the single and separate organizational unit within the Department of Health and Human Services responsible for administering the Child Support Enforcement Program. The Department delegates some of its functions to counties and courts through cooperative agreements. The Department must ensure fiscal accountability and adherence to federal requirements as well as maintain records necessary for the efficient operation of the program.

1-004 IV-D SERVICES AVAILABLE: The IV-D services available from the Child Support Enforcement Program include the following:

1. Locating parents;
2. Establishing paternity;
3. Establishing court orders for child support;
4. Establishing court orders for medical support;
5. Enforcing IV-D orders;
6. Review and modification of support order(s); and
7. Collection and distribution of support.

1-005 CHILD SUPPORT ENFORCEMENT PROGRAM PARTICIPANTS

1-005.01 Non-Public Assistance (NPA) Recipients: Any individual who is not receiving public assistance is eligible for IV-D services upon application and payment of all applicable fees. Individuals applying for child support services, including individuals not currently receiving public assistance, do not have the option to refuse any applicable IV-D services. ~~that relate to medical support.~~

1-005.01A Child Care Subsidy Recipients: As a condition of eligibility, custodial parties who are recipients of Child Care Subsidy benefits are required to apply for and receive all applicable IV-D services. Child Care Subsidy recipients referred for IV-D services are eligible for NPA IV-D services.

1-005.01B $25 Annual Fee: The payee of the support order will be assessed a $25 annual fee once $500 of support has been disbursed. When a minimum of $500 has been disbursed, the next collection(s) will be retained by the Department until the fee has been paid. The payor of the support order will be given full credit for the entire payment(s) received.

The annual fee will be assessed during each Federal Fiscal Year (FFY). Each CSE IV-D case as defined by the Federal Administration of Children and Families will be subject to the fee.

1-005.01B1 ~~Interstate~~ Intergovernmental Cases: Initiating states are required to assess and collect the annual fee.

1-005.01B2 Exception(s) to Being Assessed the Fee: A fee will not be assessed in a CSE IV-D case(s) where the:

1. Custodial party and/or dependent(s) are currently receiving ADC/TANF;
2. Custodial party and/or dependent(s) have previously received ADC/TANF in Nebraska and/or another state;
3. Dependent(s) are currently receiving IV-E foster care services in Nebraska and/or another state;
4. Dependent(s) have previously received IV-E foster care services in Nebraska and/or another state; or
5. Fee was assessed and collected in another state during the current FFY.

1-005.02 Public Assistance Recipients: Recipients of Aid to Dependent Children (ADC), Foster Care, Medicaid and Aid to the Aged, Blind and Disabled (AABD), who are referred to Child Support Enforcement, are eligible for all applicable Department services. AABD recipients are eligible if they receive Medicaid. Within five (5) days of being notified that a recipient receiving IV-D services is no longer eligible for public assistance, the Department or County/Authorized Attorney must notify the party that IV-D services will continue unless the party notifies the Department or County/Authorized Attorney that such services are no longer desired. When there is a debt owed to the state, the case must remain open, unless it qualifies for case closure. See 466 NAC 4-002.01.

1-005.02A $25 Annual Fee: The payee of the support order will be assessed a $25 annual fee once $500 of support has been disbursed. When a minimum of $500 has been disbursed, the next collection(s) will be retained by the Department until the fee has been paid. The payor of the support order will be given full credit for the entire payment(s) received.

The annual fee will be assessed during each Federal Fiscal Year (FFY). Each CSE IV-D case as defined by the Federal Administration of Children and Families will be subject to the fee.

1-005.02A1 ~~Interstate~~ Intergovernmental Cases: Initiating states are required to assess and collect the annual fee.

1-005.02A2 Exception(s) to Being Assessed the Fee: A fee will not be assessed in a CSE IV-D case(s) where the:

1. Custodial party and/or dependent(s) are currently receiving ADC/TANF;
2. Custodial party and/or dependent(s) have previously received ADC/TANF in Nebraska and/or another state;
3. Dependent(s) are currently receiving IV-E foster care services in Nebraska and/or another state;
4. Dependent(s) have previously received IV-E foster care services in Nebraska and/or another state; or
5. Fee was assessed and collected in another state during the current FFY.

1-005.02B Mandatory and Optional Services: As a condition of eligibility, ADC and Foster Care recipients are mandated to receive Child Support Enforcement services and do not have the option to refuse any of these services.

Medicaid recipients are mandated to receive Child Support Enforcement services related to securing medical support, including the establishment of paternity when appropriate. Medicaid recipients do have the option of refusing other Child Support Enforcement services,(for example establishment and/or enforcement of a child support order), but the Medicaid recipient must notify the Department or County/Authorized Attorney that they are requesting only IV-D services that relate to securing medical support.

1-005.02C Assignment of Support: The application for and acceptance of ADC or the receipt of Foster Care constitutes an assignment to the Department of any right to:

1. Court ordered spousal or medical support; and
2. Child support, regardless if court ordered, which a recipient may have in his/her own behalf or on behalf of any other person for which the applicant receives public assistance.

Any party receiving Medicaid assigns his/her rights to medical support. A Medicaid recipient not receiving ADC or Foster Care assigns his/her rights only to medical support.

1-005.02D Requirement To Cooperate:

All ADC, Medicaid, and Child Care Subsidy recipients are required to cooperate in good faith with Child Support Enforcement Program unless a good cause exemption has been allowed in accordance with 466 NAC 3-003.