CHAPTER 4-000 CASE INITIATION AND CLOSURE

This chapter outlines the requirements and criteria for establishing and closing a Child Support Enforcement case.

4-001 CASE INITIATION

4-001.01 Application Requirements: The Department or County/Authorized Attorney must:

1. Make application for child support services readily accessible to the public;
2. Furnish an application on the day the individual makes the request in person or send an application to the individual within no more than five working days of a written or telephone request;
3. Provide with the application:
   a. A description of available services;
   b. The individual's rights and responsibilities;
   c. Application fees; and
   d. The Department's cost recovery and distribution policies; and
4. Provide ADC, Medicaid and Title IV-E foster care applicants or recipients the information as specified in 466 NAC 4-001.01, items 3a-d, within five working days from the receipt of a referral to the IV-D agency.

4-001.02 Establishment of Cases: In establishing cases, the Department or County/Authorized Attorney must:

1. Accept an application as filed the day the application and fee are received;
2. Within no more than 20 calendar days of accepting an application for services or receipt of the referral of a case, open a IV-D case by establishing a case record; and
3. After case assessment, determine which of the following actions must be taken:
   a. Solicit necessary and relevant information from the custodial party and other relevant sources and if appropriate, initiate verification of information; and
   b. If location information is inadequate to proceed with the case, request additional information or refer the case for further location attempts as specified in 466 NAC 5-000.

4-001.03 Case Record: The case record must contain all information and documents belonging to the case, and all relevant facts, dates, action taken, contacts made and results. For the purpose of this section, a case record must include both paper and automated files.

4-002 CASE CLOSURE

4-002.01 Case Closure Criteria: In order to close a child support case, at least one of the following criteria must be met:

1. There is no longer a current support order in the case and arrearages are under $500 or unenforceable under State law; or
2. The non-custodial party or alleged father is deceased and:
   a. No arrears are owed; or
   b. Arrears are owed, but the non-custodial party has been deceased for a minimum of two years, and no further action, including a levy against the estate, can be taken; or
3. Paternity cannot be established because:
   a. The child(ren) is/are at least 18 years old and action to establish paternity is barred by state law;
   b. Genetic testing, a court, or administrative process has excluded the alleged father and no other alleged father can be identified; or
   c. The Department IV-D staff or designated IV-D contract staff has determined that it would not be in the best interest of the child(ren) to establish paternity in a case:
      (1) Involving incest or forcible rape; or
      (2) Where legal proceedings for adoption are pending; or
   d. The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by Department or County/Authorized Attorney staff with the recipient of services; or
4. The non-custodial party's location is unknown, and the Department or the County/Authorized Attorney has made regular attempts using multiple sources, all which have been unsuccessful, to locate the non-custodial party over a:
   a. Three-year period when there was sufficient information to initiate automated locate efforts; or
   b. One-year period when there was not sufficient information to initiate automated locate efforts; or
5. The non-custodial party cannot pay support for the duration of the child(ren)'s minority because the non-custodial party:
   a. Has been institutionalized in a psychiatric facility;
   b. Is incarcerated with no chance for parole; or
   c. Has a medically verified total and permanent disability with no evidence of support potential. In addition, the Department or the County/Authorized Attorney has determined that no income or assets are available to the non-custodial party, which could be attached for support;
6. The non-custodial party is a citizen of, and lives in a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets, and reciprocity has not been established with the country;
7. The Department or County/Authorized Attorney has provided requested location-only services;

8. The Non-Public Assistance (NPA) recipient of services requests closure of a case and there is no assignment to the State of medical support and/or no state debt exists;
9. There has been a finding of good cause and the IV-D staff have determined that support enforcement may not proceed without risk of harm to the child(ren) or caretaker relative;
10. In a NPA or non-ADC case when cooperation with the IV-D agency is not required of the recipient of services, the Department or the County/Authorized Attorney has been unable to contact the recipient of services within a 60 calendar day period despite an attempt of at least one letter, sent by first class mail to the last known address;
11. In a NPA or non-ADC case when cooperation with the Department or the ~~county/authorized~~County/Authorized Attorney is not required of the recipient of services, the Department or ~~county~~County/~~authorized~~Authorized Attorney documents the circumstances of the recipient of service's non-cooperation and the recipient of services has failed to cooperate and further action by the recipient of services is essential for the next step in providing services; ~~or~~
12. In an ~~interstate~~ intergovernmental case, the Department or the County/Authorized Attorney documents that the initiating ~~state~~ agency has failed to take an action, which is essential for the next step in providing services;~~.~~
13. In an intergovernmental case, the Department or the County/Authorized Attorney documents that the initiating agency has notified Nebraska that they have closed their case; and
14. In an intergovernmental case the Department or the County/Authorized Attorney documents that the initiating agency has notified Nebraska that Nebraska's intergovernmental services are no longer needed.

If a case qualifies for closure using the criteria in 466 NAC 4-002.01, numbers 4, 5, or 6, the case must also meet the criteria in 466 NAC 4-002.01, number 1.

4-002.02 Notice of Closure: In cases meeting the criteria in 466 NAC 4-002.01, numbers 1 through 6 and 10 through ~~13~~12, the Department or County/Authorized Attorney must notify the recipient of services, or in an ~~interstate~~ intergovernmental case meeting the criteria for closure under 466 NAC 4-002.01, number 12, the initiating state, in writing 60 calendar days prior to closing the case of its intent to close the case. The intergovernmental case must be kept open if the initiating agency supplies useable information in response to the notice of the intent to close the case.

The initiating agency must also notify the responding agency within 10 working days of case closure that the initiating State IV-D agency has closed its case pursuant to 466 NAC 4-000 numbers 12 through 14 and the basis for the case closure.

If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances as specified in 466 NAC 8-002.01A that could lead to the establishment of paternity, establishment of a support order, or the enforcement of an order by completing a new application for IV-D services and paying any applicable application fee.

4-002.02A Requirements for Keeping a Case Open: The case must be kept open if:

1. The recipient of services supplies information in response to the notice, which could lead to the:
   a. Establishment of paternity;
   b. Establishment of a support order; or
   c. Enforcement of an order; or
2. Contact is reestablished with the custodial party.

4-003 RETENTION OF CASE RECORDS: The Department or County/Authorized Attorney must retain all closed case records for a minimum of six years after a child support case has closed.