CHAPTER 10-000 ~~INTERSTATE~~ INTERGOVERNMENTAL CASES

This chapter outlines the role of the Department and the County/Authorized Attorney in the processing of ~~interstate~~ intergovernmental cases involving two or more states, countries, or tribes. In Nebraska, intergovernmental~~Interstate~~ cases are governed by the Uniform Interstate Family Support Act (UIFSA).

10-001 INTERGOVERNMENTAL~~INTERSTATE~~ CENTRAL REGISTRY: The ~~Interstate~~ Intergovernmental Central Registry is responsible for receiving, ~~distributing~~transmitting, and responding to inquiries on all incoming intergovernmental~~interstate~~ IV-D cases. The Intergovernmental~~Interstate~~ Central Registry must, within ten working days of receipt of an intergovernmental~~interstate~~ IV-D case:

1. Ensure that the documentation submitted with the case has been reviewed to determine completeness;
2. Forward the case for necessary action to the State Parent Locator Service (SPLS) for location services or to the appropriate agency for processing;
3. Acknowledge receipt of the case and request any missing documentation;
4. ~~Ensure any missing documentation has been requested from the initiating state; and~~
4. Inform the ~~IV-D~~initiating agency ~~in the initiating state~~of the location and phone number of the Child Support Enforcement office where the case ~~was sent for action~~will be sent; and
5. Forward the case to the appropriate Child Support Enforcement office for necessary action.

10-001.01 Inadequate Documentation: If the Intergovernmental~~Interstate~~ Central Registry determines the documentation submitted with a case does not meet the requirements of UIFSA, the Intergovernmental~~Interstate~~ Central Registry must notify the initiating ~~state~~ agency of the deficiency. The Intergovernmental~~Interstate~~ Central Registry will then forward the case to the appropriate Child Support Enforcement office for any action that can be taken pending the receipt of necessary documentation from the initiating ~~state~~agency. If, upon receipt of the case from the Intergovernmental~~Interstate~~ Central Registry, the Department or County/Authorized Attorney determines it requires documentation beyond the requirements of UIFSA, Child Support Enforcement must contact the initiating ~~state~~ agency directly.

10-001.02 Case Status Inquiries: The Intergovernmental~~Interstate~~ Central Registry must respond to case status inquires from other ~~states~~ agencies within five working days of receipt of the case status review request.

10-002 NEBRASKA AS INITIATING ~~STATE~~ AGENCY

10-002.01 Long Arm Statute: The Department or County/Authorized Attorney must use the long arm statute to establish paternity whenever appropriate.

10-002.02 Non-custodial Party in Another ~~State~~Jurisdiction: The Department or County/Authorized Attorney must refer a case to the intergovernmental~~interstate~~ central registry ~~in~~ of the responding ~~state~~ agency for action within 20 calendar days of:

1. Determining the non-custodial party is in another ~~state~~jurisdiction;
2. Determining it is appropriate to send a request to another ~~state~~jurisdiction; ~~and~~
3. Receiving the information needed to process the case; and,
4. Ascertaining in which jurisdiction a determination of controlling order and reconciliation of arrearages may be made when multiple orders exist.

10-002.03 Request for Information: Within 30 calendar days of receipt of a request for information, the Department or County/Authorized Attorney must provide the responding ~~state~~ agency with any requested information, or notify the responding ~~state~~ agency when the information ~~must~~ will be provided.

10-002.04 Receipt of New Information: The Department or County/Authorized Attorney must notify the responding ~~state~~ agency within ten working days of receipt of new case information.

10-002.05 Review and Modification: The Department or County/Authorized Attorney must refer the case to the intergovernmental~~interstate~~ central registry ~~in~~ of the responding ~~state~~ agency for action within 20 calendar days of:

1. Determining it is appropriate to request a review in another ~~state~~jurisdiction; and
2. Receiving the information needed to process the case. See 466 NAC 8-000.

10-002.06 Case Closure: See 466 NAC 4-000

~~The Department or County/Authorized Attorney must determine whether a case should be closed within 30 calendar days of:~~

~~1. Notification that the custodial party has left the state and the case meets the case closure criteria in 466 NAC 4-000; or~~
~~2. Receipt of a request from the responding state to close an interstate case.~~

10-002.07 Submission for Offset, Passport Denial, MSFIDM and Insurance Match: The initiating agency must submit to the federal Office of Child Support Enforcement the past-due support for federal tax refund offset and, as the initiating agency determines to be appropriate, past-due support for passport denial, MSFIDM, administrative offset and federal insurance match. The initiating agency must also inform any other agency enforcing a case when a case is submitted and when it receives an offset amount.

If a case is submitted based upon another jurisdiction's support order, the agency submitting the case must communicate with the agency that has the order. The submitting agency should verify arrears and obtain a copy of the order, including any modifications, and the payment record prior to submitting the noncustodial parent for certification. Intergovernmental debts may be certified only by an agency that has taken an assignment pursuant to the federal Social Security Act, or has processed an application for IV-D services.

10-002.08 Interest Charges: The initiating agency must 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 tribunal's order being enforced in the responding jurisdiction.

10-003 NEBRASKA AS RESPONDING ~~STATE~~ AGENCY

10-003.01 Receipt of Intergovernmental~~Interstate~~ Request: Within 75 calendar days of receipt of an intergovernmental~~interstate~~ request and documentation from the Intergovernmental~~Interstate~~ Central Registry, the Department or County/Authorized Attorney must:

1. Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial party;

2. Notify the initiating ~~state~~ agency of any necessary additions or corrections to the form or documentation if unable to proceed with the case because of inadequate documentation; and

3. Process the intergovernmental~~interstate~~ IV-D case to the extent possible pending necessary documentation by the initiating ~~state~~ agency if the case documentation is inadequate and cannot be remedied without the initiating ~~state's~~ agency's assistance.

   10-003.01A Controlling Order Determination Request

   File the controlling order determination request with the appropriate tribunal in its jurisdiction within 30 calendar days of receipt of the request or location of the non-custodial party, whichever occurs later.

   10-003.01B Notification of Controlling Order Determination

   Notify the initiating agency, the controlling order jurisdiction and any jurisdiction 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.

10-003.02 Non-custodial Party Location Within Nebraska: Within ten working days of locating the non-custodial ~~Party~~ party in a different county in Nebraska, the Department or County/Authorized Attorney must forward the forms and documentation to the appropriate county and notify the initiating ~~state~~ agency of its action, unless:

1. An incoming intergovernmental~~interstate~~ request has already been filed or registered in that county; or
2. A Nebraska order has been entered in that county.

10-003.03 Non-custodial Party Location Outside Nebraska: Within ten working days of locating the non-custodial party in a different ~~state~~jurisdiction, the Department or County/Authorized Attorney must:

1. ~~1.~~ Return the form and documentation, including the new location, to the initiating ~~state~~agency; or

2. If directed by the initiating ~~state~~agency, forward the forms and documentation to the intergovernmental~~interstate~~ central registry in the ~~state~~ jurisdiction where the non-custodial party has been located.

10-003.04 Notice to Initiating ~~State~~Agency: The Department or County/Authorized Attorney must provide timely notice to the initiating ~~state~~ IV-D agency in advance of any formal hearings which may result in the establishment or modification of an order.

10-003.05 Receipt of New Information: The Department or County/Authorized Attorney must notify the initiating ~~state~~ agency within ten working days of receipt of new case information.

10-003.06 Case Closure: The Department or County/Authorized Attorney must notify the initiating ~~state~~ agency when a case meets the case closing criteria in 466 NAC 4-000 ~~or when the noncustodial party has left Nebraska~~.

10-003.06A Request from Initiating ~~State~~Agency: Except as provided in 466 NAC 10-003.06B, the Department or County/Authorized Attorney must only close a case when requested by the initiating ~~State~~agency. Within ten working days of receipt of instructions from an initiating agency requesting case closure, the Department or County/Authorized Attorney must terminate any income withholding and close the intergovernmental IV-D case.

10-003.06B ~~Action Required~~Failure by Initiating ~~State~~Agency to Take Necessary Action: The Department or County/Authorized Attorney must notify the initiating ~~state~~ agency when action essential for the next step in providing services is required by the initiating ~~state~~agency. If after 30 days the initiating ~~state~~ agency fails to take the required action, the Department or County/Authorized Attorney may close the case as provided in 466 NAC 4-000 ~~must, after proper documentation, notify the initiating state in writing 60 calendar days prior to closing the case of its intent to close the case~~. The case must be kept open if the initiating ~~state~~ agency supplies information in response to the notice. ~~See 466 NAC 4-000.~~

10-003.07 Review And Modification: The Department or County/Authorized Attorney must review and modify orders upon request in accordance with federal and state law.

10-003.08 Consumer Credit Reporting: The Department may submit to consumer credit reporting agencies IV-D support orders with a total delinquency of more than $500 in intergovernmental cases when Nebraska is the responding state.

10-004 PAYMENT AND RECOVERY OF COST IN ~~INTERSTATE COSTS~~ INTERGOVERNMENTAL CASES: In intergovernmental~~interstate~~ cases the following criteria apply:

1. The responding ~~state~~ agency must pay the costs it incurs in processing intergovernmental~~interstate~~ IV-D cases except as provided in 466 NAC 10-004, number~~s~~ ~~2~~ ~~and~~ 4;
2. The ~~initiating state~~responding agency must pay the costs of genetic testing in paternity cases;
3. If paternity is established in the responding ~~state~~jurisdiction, the responding ~~state~~ agency must ~~attempt to obtain~~seek a judgment for the costs of the genetic testing from the alleged father who denied paternity. ~~If the costs of initial or additional genetic testing are recovered, the responding state must reimburse the initiating state. In Nebraska, the Department or County/Authorized Attorney must attempt to recover the costs of genetic testing from the party that denied paternity~~;
4. Each ~~state~~ agency may recover its costs of providing services in intergovernmental~~interstate~~ non -ADC cases in accordance with federal regulations, A IV-D agency may not recover costs from a foreign reciprocating country (FRC) or from a foreign obligee in that FRC when providing services; and
5. The responding ~~state~~ agency must identify any fees or costs deducted from support payments when forwarding payments to the initiating ~~state~~agency.

10-005 ~~INTERSTATE~~ INTERGOVERNMENTAL LIENS: A child support judgment automatically creates a lien, which may be filed against real property, or any personal property that is registered with a county office. See 466 NAC 9-012.

10-005.01 Full Faith and Credit: Nebraska courts must give full faith and credit to child support liens being enforced from other ~~states~~ jurisdictions when the party seeking enforcement complies with procedures for filing the lien. Liens arising in other ~~states~~ jurisdictions are entitled to the same priority as liens arising in the State of Nebraska.

10-005.02 Filing Requirements: To file an intergovernmental~~interstate~~ lien in Nebraska, the ~~state~~ agency or party seeking enforcement must send the following items to the clerk of the district court:

1. A certified copy of the support order and all modifications;
2. A notice of lien which complies with 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E); and
3. The appropriate filing fee.

Acceptance of these items by the clerk of the district court constitutes entry of the foreign support order, for purposes of enforcing the lien only. Additional filings that would be required to register a foreign judg~~e~~ment under UIFSA are not required for filing an intergovernmental~~interstate~~ lien.

To file an outgoing intergovernmental~~interstate~~ lien, the filing requirements of the receiving ~~state~~ agency must be followed.

10-006 ~~INTERSTATE~~ 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. See 466 NAC 9-005.

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

10-007 ADMINISTRATIVE ENFORCEMENT IN ~~INTERSTATE~~ INTERGOVERNMENTAL CASES (AEI): Federal law, as amended by PRWORA, requires that all states have laws in effect which allow for one IV-D agency~~state~~ to submit a request to another IV-D agency~~state~~ for the use of automated data processing to search ~~state~~ agency data bases to identify and seize assets of delinquent obligors. AEI allows for one IV-D agency~~state~~ to obtain and access information in the databases of another IV-D agency~~state~~ to use the same enforcement techniques that are used in intrastate cases. AEI may be used to access information from:

1. State Financial Information Data Match;
2. Directory of New Hires;
3. Employment services;
4. License records; and
5. Other databases.

10-007.01 Requests For AEI: AEI is triggered by a request from one ~~state~~ IV-D agency to another. This request must certify the following:

1. The amount that each noncustodial party is in arrears, and
2. That all due process requirements have been met by the requesting ~~State~~agency.

Because this is a request, and not a formal ~~interstate~~ intergovernmental referral, the assisting ~~state~~ agency is not required to open a IV-D case.

10-007.02 Record-Keeping Requirements: Federal law requires each ~~state~~ agency to maintain records of the following:

1. The number of AEI requests received by the ~~state~~agency,
2. The number of cases in which support is collected as a result of AEI requests, and
3. The dollar amounts of support collected as a result of AEI requests.