CHAPTER 5-000 LOCATION

This chapter outlines the role of the Department or County/Authorized Attorney in locating custodial and/or non-custodial parties and sources of income and/or assets.

5-001 APPROPRIATE LOCATE SOURCES: The Department or County/Authorized Attorney must utilize federal, state, local, and ~~interstate~~ intergovernmental location networks, sources and authorized agencies.

5-002 LOCATION TIMEFRAMES: Available location sources, including any appropriate requests to the Federal Parent Locator Service (FPLS) of the U. S. Department of Health and Human Services must be accessed within 75 days of determining that location action is necessary. Location efforts must continue until the information obtained allows the Department or County/Authorized Attorney to take the next appropriate case action.

5-003 UNABLE TO LOCATE/REPEATED ATTEMPTS: The Department or County/Authorized Attorney must continue location attempts for cases in which previous attempts to locate the custodial/non-custodial party or sources of income/assets have failed, but adequate information exists to meet location submission requirements.

Attempts for such cases must be repeated at least quarterly, or upon receipt of new information, which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources, but must include accessing the state employment security files.

5-004 STATE PARENT LOCATOR SERVICE (SPLS): The Department must ~~establish~~ maintain a State Parent Locator Service (SPLS). Requests for confidential information from the SPLS will ~~only~~ be accepted from authorized persons for authorized purposes.~~:~~ ~~using all available relevant sources of information and records.~~ Any information obtained through the SPLS must be treated as confidential and must be used solely for the purpose for which it was obtained and must be safeguarded.

5-004.01 Authorized Persons: The SPLS may not accept requests from any individual or entity not included in this section. The SPLS must accept requests for locate information ~~only~~ from the following authorized persons, unless a lawful exception exists:

1. Any state or local governmental agency, ~~authorized attorney,~~ or agent thereof, ~~or official seeking to collect~~ providing child, ~~and~~ spousal, ~~support obligations,~~ or medical support services under Title IV-D of the Social Security Act;

~~2. Any state or local agency, County/Authorized Attorney, agent, or official which provides federal or state assistance, in cash or in-kind, or services, directly to individuals on the basis of need;~~

2. Any state or local governmental agency administering a IV-A, IV-B, IV-E, Supplemental Nutrition Assistance Program (SNAP) or Medicaid Program;
3. ~~Personnel~~State governmental agencies involved with the investigation, prosecution, criminal or civil proceedings conducted with the administration of the programs in 466 NAC 5-004.01,numbers 1 and 2;

~~3.~~4. Any Tribal IV-D agency providing child and spousal support services, provided the Department and the Tribe have in effect an intergovernmental agreement for the provision of SPLS and FPLS locate services;

~~4.~~5. A court or tribunal that has authority to issue an order against a non-custodial party for the support and maintenance of a child;~~, or any agent of such court;~~

6. The resident parent, legal guardian, attorney or agent of a child who is not receiving IV-~~A~~D services may request locate information via a court order only if the individual attests that:~~;~~
   a. 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 child support obligation;
   b. Any information obtained through the SPLS and FPLS shall be used solely for these purposes and shall be otherwise treated as confidential; and
   ~~5.~~c. The requestor is the resident parent, legal guardian, attorney, or agent of a child not receiving assistance under Title IV-A.

~~6.~~7. ~~Any authorized persons~~A court, an agent or attorney of the state or federal government in connection with parental kidnapping, ~~or~~ child custody or visitation cases pursuant to 466 NAC 5-005.0~~2~~8;. ~~or~~

~~7. Any state or local agency, agent, or official carrying out the responsibilities of state or federal law which allows or requires disclosure.~~

5-004.02 Authorized Purpose: Requests may only be submitted to the SPLS for purposes directly connected with:

1. The administration of the Child Support Enforcement IV-D Program;
2. ~~The administration of any federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need;~~
2. The administration of a IV-A, IV-B, IV-E, SNAP or Medicaid Program;
3. Any investigation, prosecution, criminal or civil proceeding conducted in connection with the administration of the programs in 466 NAC 5-004.02, numbers 1 and 2;
4. ~~Reporting to the appropriate agency or official, information~~The location of an individual in connection with ~~that involves~~ known or suspected mental or physical injury, sexual abuse, or exploitation, or negligent treatment or maltreatment of a child(ren) who is the subject of child support activity when circumstances indicate that the child(ren)'s health or welfare is threatened;
5. The location of an individual in connection with a parental kidnapping, ~~or~~ child custody or visitation case pursuant to 466 NAC 5-005.0~~2~~5; or
6. State or federal law which allows or requires disclosure.

5-004.03 Authorized Information Returned: The following information may be provided subject to the exceptions in 5-004.04 through 5-004.06:

1. Person's name, Social Security Number (SSN), address;
2. Employer's name, address and Federal Employer Identification Number;
3. Wages, income, employment benefits including health care coverage; and
4. Type, status, location of assets or debts owed by or to the individual.

5-004.04 Exceptions to Authorized Information Returned: The following are exceptions:

1. No National Directory of New Hire and Federal Case Registry information provided to Title XIX and Title XXI programs unless independently verified;
2. For location of a non-parent relative involved in a IV-B or IV-E case only information returned will be person's name, SSN, address, employer's name, address and Federal Employer Identification Number;
3. No IRS information will be disclosed outside of the IV-D Program unless independently verified. No MSFIDM and FIDM information will be disclosed outside of the IV-D program.

5-004.05 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 SPLS information could be harmful to the party or a child. See 466 NAC 12-002.01.

5-004.06 Family Violence Indicator Override: A court with authorization to enter an order for support may request that the family violence indicator be overridden. Upon receipt of the information, the court must determine whether disclosure of the information would be harmful to the parent or child. If the court finds that harm is possible to the parent or child, the release of the data must be denied.

5-005 ~~ACCESS TO~~ FEDERAL PARENT LOCATOR SERVICE~~S~~ (FPLS) ~~DATA~~: Only t~~T~~he State Parent Locator Service (SPLS) may submit requests for information to the Federal Parent Locator Service (FPLS) ~~only~~ when the request is received from an authorized person for an authorized purpose. Any information obtained through the FPLS must be treated as confidential and must be used solely for the purpose for which it was obtained and must be safeguarded.

5-005.01 Authorized Persons: The FPLS may not accept requests from any individual or entity not included in this section. Requests to the FPLS must be submitted only when the request comes from one of the following authorized persons, unless a lawful exception exists:

1. Any state or local governmental agency, ~~authorized attorney,~~ or agent thereof, ~~or official~~ providing~~seeking to collect~~ child, ~~and~~ spousal ~~support obligations~~, or medical support services under Title IV-D of the Social Security Act;
2. Any state or local governmental agency administering a IV-A, IV-B, IV-E Program, SNAP or Medicaid Program;
3. State governmental agencies involved with the investigation, prosecution, criminal or civil proceedings conducted with the administration of the programs in 466 NAC 5-005.01, numbers 1 and 2;

~~1.~~4. Any Tribal IV-D agency providing child and spousal support services, provided the Department and the Tribe have in effect an intergovernmental agreement for the provision of SPLS and FPLS locate services;

~~2.~~5. A court or tribunal that has authority to issue an order against a non-custodial party for the support and maintenance of a child;~~, or any agent of such court; or~~

~~3.~~6. The resident parent, legal guardian, attorney or agent of a child who is not receiving IV-D services may request locate information via a court order only if the individual attests that:

a. 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 child support obligation;

b. Any information obtained through the SPLS or FPLS shall be used solely for these purposes and shall be otherwise treated as confidential; and

4.c. The requestor is the resident parent, legal guardian, attorney, or agent of a child not receiving assistance under Title IV-A.

5.7. Any authorized persons A court, agent or attorney of the state or federal government in connection with parental kidnapping, or child custody or visitation cases pursuant to 466 NAC 5-005.025.

5-005.02 Authorized Purpose: Requests to the FPLS must only be submitted for the purposes of:

1. Establishing paternity;
2. Establishing, modifying or enforcing support obligations;
3. Determining who has or may have parental rights to a child(ren);
4. Enforcing any state or federal law with respect to the unlawful taking or restraint of a child(ren); or
5. Making or enforcing a determination of child custody or visitation;
6. Locating a child or a non-parent relative of a child in a IV-B or IV-E case; or
7. Assisting state governmental agencies to carry out their responsibilities under Title IV-D, IV-A, IV-B, and IV-E programs.

5-005.03 Required Information: Requests Submittals to the FPLS must contain the following information:

1. The parent's, putative father's or non-parent relative's individual's name;
2. The parent's or putative father's individual's SSNSocial Security Number. If the SSNSocial Security Number is unknown, the Department or County/Authorized Attorney must make every reasonable effort to ascertain the individual's SSN Social Security Number before submitting making athe request;
3. The non-parent relative's SSN, if known; and
3. If known whether the individual is or has been a member of the armed services, and/or whether s/he is receiving or has received any Federal compensation, or benefits; and
4. Any other information required by the Federal Office of Child Support Enforcement.

5-005.04 Authorized information returned for the authorized purposes identified in 466 NAC 5-005.02, items 1-3 and 6-7:

5-005.04A The following information may be provided subject to the exceptions in 5-005.04B through 5-005.04D:

1. Person's name, SSN, address;
2. Employer's name, address and Federal Employer Identification Number;
3. Wages, income, employment benefits including health care coverage; and
4. Type, status, location of assets or debts owed by or to the individual.

5-005.04B Exceptions to Authorized Information Returned: The following are exceptions:

1. National Directory of New Hire and Federal Case Registry information will not be provided to Title XIX and Title XXI programs unless independently verified;
2. For location of a non-parent relative involved in a IV-B or IV-E case, only information returned will be person's name, SSN, address, employer's name, address and Federal Employer Identification Number;
3. No IRS information will be disclosed outside of the IV-D Program unless independently verified. No MSFIDM and FIDM information will be disclosed outside of the IV-D program.

5-005.04C 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 FPLS information could be harmful to the party or a child.

5-005.04D Family Violence Indicator Override: A court with authorization to enter an order for support may request that the family violence indicator be overridden. Upon receipt of the information, the court must determine whether disclosure of the information would be harmful to the parent or child. If the court finds that harm is possible to the parent or child, the release of the data must be denied.

5-005.05 Child Custody or Visitation and Parental Kidnapping: Pursuant to 466 NAC 5-005.05A ~~A~~an authorized person may obtain information from the SPLS and FPLS to locate a parent or child(ren)for the purpose of making or enforcing a child custody or visitation determination, or in cases of parental kidnapping. Requests for location information by a court of appropriate jurisdiction (see 5-005.05A, item 1) must be submitted via a court order ~~sent~~ to the Department. ~~pursuant to 466 NAC 5-004.01.~~

~~Custody or visitation determination means a judgment, decree, or other order of a court providing for custody or visitation of a child, and includes permanent and temporary orders, initial orders and modifications.~~

5-005.05A Authorized Person: An authorized person is:

~~1. Any agent or attorney of any state having an agreement under this section, who has the duty or authority under the laws of the state to enforce a child custody or visitation determination;~~

~~2.~~1. Any court~~, or any agent of the court,~~ having jurisdiction to make or enforce a child custody or visitation determination; and

~~3.~~2. Any agent or attorney of the United States or of a state having an agreement under this section, who has the duty or authority to investigate, enforce or prosecute cases of parental kidnapping.

5-005.05B Authorized Purpose: Requests to the FPLS must only be submitted for the purposes of:

1. Enforcing any state or federal law with respect to the unlawful taking or restraint of a child; or
2. Making or enforcing a child custody or visitation determination.

5-005.05C Authorized Information Returned for the authorized purposes identified in 466 NAC 5-005.02, items 4 and 5:

Only the following information may be provided subject to the exceptions in 5-005.05D through 5-005.05F:

1. Person's address;
2. Employer's name;
3. Employer's address.

5-005.05D Exceptions to Authorized Information Returned

The following are exceptions:

No IRS, MSFIDM and FIDM information will be disclosed outside of the IV-D program.

5-005.05E 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 FPLS information could be harmful to the party or a child.

5-005.05F Family Violence Indicator Override: A court with authorization to enter an order for support may request that the family violence indicator be overridden. Upon receipt of the information, the court must determine whether disclosure of the information would be harmful to the parent or child. If the court finds that harm is possible to the parent or child, the release of the data must be denied.

5-006 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 who are compensated by or receive income from an employer or other payor, regardless of how such income is denominated, to the Department within 20 days after the date of hire or rehire.

5-006.01 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.

1. The independent contractor is 18 years of age or older;
2. The independent contractor is an individual, sole shareholder of a corporation or sole member of a limited liability company; and

3. The employer paid or expects to pay $600 or more during the year to the independent contractor or is required to report payments made to the independent contractor to the Internal Revenue Service.

5-006.02 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;
2. Date of hire or rehire; and
3. Employer name, address and Employer Identification Number.

Employers may elect to transmit the information magnetically or electronically, by two monthly transmissions, if necessary, which are not less than 12 days or more than 16 days apart.

Within five business days of receiving reports from employers, the data must be entered into the Nebraska State Directory of New Hires.

Within two business days after a new hire date is entered, the Department's child support computer system will conduct a match between the Social Security Numbers in new hire reports, and data in the SPLS. 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.

Within three business days after new hire data is entered into the SDNH, new hire data must be submitted to the National Directory of New Hires.

5-007 FINANCIAL INSTITUTION DATA MATCH (FIDM): Financial institutions will receive a listing of obligors within 30 days after the end of each calendar quarter from the Department. The financial institution must match the listing to its current records of accounts held in one or more individuals' names and such accounts closed within the last quarter. The match must be conducted within 30 days after receiving the listing and a match listing of all matches made must be provided to the Department within five working days of the match. The Department may utilize data provided by the financial institutions to assist in the location of obligors and their assets for the establishment, modification, or enforcement of child support orders.

5-007.01 Information Included in the Listing of Obligors: The Department must submit to the financial institution the obligor's:

1. Name; and
2. Social Security Number; or
3. Taxpayer Identification Number.

5-007.02 Information Included in the Match Listing from the Financial Institution: The match listing from the financial institution must include the following:

1. Name of each obligor matched;
2. Address on file of each obligor matched;
3. Social Security Number or Taxpayer Identification Number of each obligor matched;
4. Names and addresses of all other owners of accounts in the match listing as reflected on a signature card or other similar document on file with the financial institution; and

5. Balance of each account.

5-007.03 Confidentiality: Financial institutions are not required to disclose any account numbers to the Department. The financial institution must maintain the confidentiality of all child support information received and must use this information only for the purpose of financial institution data match. The Department must implement security provisions for the listing of obligors and the match listings which are as stringent as those established under the Federal Tax Information Security Guidelines for federal, state, and local agencies. See 466 NAC 12-000.

5-007.04 Non-liability to Financial Institutions: Financial institutions are not liable for the disclosure or release of information to the Department or for any other action taken in good faith to comply with the requirements of FIDM.

5-007.05 Fees: Subject to prior Department approval, the Department may pay reasonable fees charged by a financial institution for the necessary upgrades to an existing computer system that are directly related to compliance with FIDM requirements and for the service of reporting matches, if such charges do not exceed the actual costs.