

Maintaining County

Beyond the Basics – Problem Solving Session



Goals of This Session

- After several years of talking about the Maintaining County Policy in general, it is time to roll up our sleeves and dig in
- We hope to:
 - promote looking at all sides of each situation and seeking agreement
 - provide you with skills to identify where the problems are and to analyze and articulate each position effectively
 - have some fun



Ground Rules for Problem Solving

- This is a group discussion that will be most successful if everyone participates.
 - Please participate and share your opinions
 - Please respect each other's opinions
 - Please take turns speaking
 - Please ask questions to gain clarity and understanding
 - Please try to stay away from establishing hard positions and try to see all sides of the coin
 - Please listen respectfully and sincerely try to understand the other's issues and positions

Humor Us – Some Basics



Review of the Guiding Principles

- To the extent possible, analyze and resolve maintaining county issues as follows:
 - Limit the number of orders per family
 - One county maintains all cases involving same parties
 - Avoid unnecessary venue changes
 - Use legal analysis to identify and prioritize options consistent with these guiding principles to achieve the best results for the case at hand
 - Provide effective customer service
 - See agreement through communication and compromise
 - Uniformity in analyzing and resolving maintaining county issues.

Beyond the Guiding Principles

- Never dump a case on another county
- Take the time to understand everyone's perspective
- Make sure you are on the same page and talking about the same thing
- Communicate! Communicate! Communicate!
- Remember, we do what we do for children



Roles in Maintaining County

- **Child Support Worker** – Apply policy. Discuss proposal with other county. Bring unresolved issues to Supervisor.
 - 5 day timeframe
- **Child Support Supervisor** – Apply policy. Discuss proposal with other county supervisor when workers do not agree. Bring unresolved issues to Attorney
 - 10 day timeframe
- **Assistant County Attorney** – Apply policy. Consult with Supervisor. Discuss legal and best order issues with Assistant County Attorney in other county.
 - 15 day timeframe
- **DHS Staff** – Receive referrals and seek input from counties when the workers, supervisors and attorneys cannot agree. Apply policy.

Jurisdiction: Power of the Court to Decide a case

Personal Jurisdiction

- The Court's power and authority over a person rather than a type of case or particular issue.
 - Gained by service on the party while physically present in the state in which the court is located. Also be gained through long-arm jurisdiction.
- Parties may consent to personal jurisdiction.

Subject Matter Jurisdiction

- The court's power and authority to decide certain types of cases or issues.
 - Granted by the Constitution, statutes and rules.
- Parties cannot consent to subject matter jurisdiction

Venue = Place

- Venue is the particular place (county) in which a court with personal and subject matter jurisdiction may hear and determine a case. Sometimes there is more than one possible venue.
 - **Paternity** – Minn. Stat. § 257.59 –
 - County where ALF/presumed father or child reside or are found.
 - **Dissolution** – Minn. Stat. § 518.09 –
 - County of either spouse.
 - **Establishment** – Minn. Stat. § 256.87 & 542.09 –
 - County of either party.

Let's roll up our sleeves & have some fun

- These scenarios are based on real questions escalated to DHS
- Names and some facts have been changed to protect the innocent



Role Reversal



Role Reversal - Facts

- August 2005 – Paternity or Dissolution order in County A granting Mom custody and ordering Dad to pay support.
 - Mom resides with child in County A
 - Dad resides in County A
- February 2009 – Child now resides with Dad, and Dad is receiving MFIP for the child – no court order changing custody
 - Dad and child reside in County B
 - Mom resides in County C

Role Reversal – Issues

- What are the issues?
 - Does a new establishment action need to be initiated against Mom?
 - Which County is or should be the maintaining county?

Role Reversal – Questions

- Does the scope of the original action allow the original county to take the next appropriate legal step in the case?
- If not, which county is the best venue? the county with the original order is not able to take the next appropriate step in the case, a new establishment would be necessary
- Question to ponder - what if public assistance is not in place for the Dad and child?

Additional Child



Additional Child - Facts

- Parties signed a ROP, and an order was established in County A in 2006 for 2 children
- 3rd child born in January 2007 – no ROP signed
- Mom and all 3 children move to County B in July 2007
- Dad moves around to several counties, but moves to County C in July 2009 and remains there in September 2009
- Mom and the children were on MFIP/MA/CCC and remain on MA/CCC in September 2009

Additional Child - Issues

- County A wants County B to agree to a change of venue and maintaining county
- County wants County A to keep the case

Additional Child - Questions

- Which county/counties **could** establish support for the 3rd child?
- Which county **should** establish support for the 3rd child?
- Is a change of venue necessary or appropriate?

Interstate Paternity



Interstate Paternity - Facts

- **January 2008:**
 - CP and child reside and apply for services in Minnesota County A
 - NCP resides in Texas
 - County A sends UIFSA paternity establishment packet to Texas
- **January 2008 – July 2009:**
 - CP fails to maintain contact with County A and does not cooperate in establishing paternity
 - CP and child begin to reside in Minnesota County B

Interstate Paternity - Facts

- **September 2009:**
 - CP and child currently reside in County B and receive public assistance
 - Texas informs County A that the UIFSA paternity establishment packet sent in January 2008 has expired and Minnesota must send a new packet to initiate the paternity establishment action

Interstate Paternity- Issues

- Counties A and B do not agree about which should initiate the interstate paternity establishment action and maintain the case

Interstate Paternity - Questions

- Which county should initiate the interstate paternity establishment action?
- Which county is/should be the maintaining county?

Interstate Enforcement



Interstate Enforcement - Facts

- North Dakota Child Support Order Issued.
- At the time child support was established
 - Dad resided in North Dakota
 - Mom and child resided in County A, Minnesota
- County A opened case on PRISM as a two-state interstate case with Minnesota initiating and North Dakota responding.

Interstate Enforcement - Facts

- **September 2007** - Mom requested that County A close the case, and County A closed it.
- **October 2008** –
 - Mom and child reside in Minnesota County B, and Mom receives public assistance.
 - Dad resides in North Dakota.
 - Based on Mom's receipt of public assistance, County A reopened the case it closed in September 2007.
 - County A is enforcing the North Dakota child support order directly. North Dakota has taken no action to enforce the order or assist County A in doing so.

Interstate Enforcement - Issues

- What are the issues?
 - Counties A and B do not agree about which county should maintain the case.

Interstate Enforcement- Questions

- Is the open case a two-state interstate case? If so, which county must maintain the case?
- Is the open case an intake case rather than a two-state interstate case? If so, which county must maintain the case?
- Which county and what actions would best serve the case participants? What makes the most practical sense?

Paternity/IV-E Foster Care/Relative Caretaker



Paternity/IV-E Foster Care/Relative Caretaker - Facts

- **November 1999:**
 - Mom and child reside in County A.
 - Dad resides in County A.
 - Mom receives public assistance in County A.
 - County A court order establishes paternity and Dad's child support obligation in amount of \$250 per month.
- **October 2007:**
 - County B files CHIPS petition in County B court.
 - Mom and child resided in County B at the time CHIPS petition is filed.
 - Dad resided in County A.
 - Neither Mom nor Dad appeared at the CHIPS hearing in County B. At the time of the hearing, Mom's location and residence were unknown.
 - County B court finds child a resident of County B for purposes of CHIPS proceeding. The court issues order adjudicating the child in need of protection or services, and placing the child with County B for foster care placement.
 - County B IV-E places child with child's grandparents, who reside in County A.

Paternity/IV-E Foster Care/Relative
Caretaker - Facts

- **July 2008:**
 - Mom receives public assistance in County A on behalf of a subsequent non-joint child, born in June 2008.
 - Mom's last known residential address is in County A.
 - Dad resides in County A.
 - Dad is in arrears in the amount of \$10,000.00 on the County A paternity case (NPA = \$3,000.00; PA = \$7,000.00).
 - Joint-Child resides with relative caretakers in County A.
 - IV-E foster care case is open in County B.

Paternity/IV-E Foster Care/Relative
Caretaker - Issues

- Counties A and B do not agree on which county should maintain the IV-E foster care case and what actions are required to best serve the case and participants.

Paternity/IV-E Foster Care/Relative
Caretaker - Questions

- What actions are **required** at this point (e.g., 256 action; redirection; if redirection, from where to where; etc.)?
- Even if not required, what actions **would best serve** the case and participants?
 - What is most practical for **this** case and **these** participants, given their respective economic and residency circumstances?
- Which county **can** maintain the IV-E foster care case?
- Which county **should** maintain the IV-E foster care case?

FCC/Relative Caretaker/Interstate –
Minnesota's Order

FCC/Relative Caretaker/Interstate –
Minnesota's Order - Facts

- Mom resides in Minnesota County A.
- Dad resides in Texas.
- County A court issued child support order.
- The primary case is open in County A. The case participants are Mom, Dad and their joint child.
- Child goes into FCC or with a relative caretaker in Minnesota County B.

FCC/Relative Caretaker/Interstate –
Minnesota's Order - Issue

- Counties A and B do not agree about which county should be the maintaining county and what actions are required to best serve the case and participants.

FCC/Relative Caretaker/Interstate –
Minnesota's Order - Questions

- Should one county maintain both cases? If so, which county is the maintaining county?
- What actions **could** County A take? What actions **should** County A take?
- What actions **could** County B take? What actions **should** County B take?
- What actions **would best serve** the case and participant?
 - What is most practical for **this** case and **these** participants?

FCC/Relative Caretaker/Interstate –
Other State's Order



FCC/Relative Caretaker/Interstate –
Other State's Order - Facts

- Mom resides in Minnesota County A.
- Dad resides in Texas.
- Texas court issued child support order.
- The primary case is open in County A. The case participants are Mom, Dad and their joint child.
- Child goes into FCC or with a relative caretaker in Minnesota County B.

FCC/Relative Caretaker/Interstate –
Other State's Order - Issues

- Counties A and B do not agree about which county should be the maintaining county and what actions are required to best serve the case and participants.

FCC/Relative Caretaker/Interstate –
Other State's Order - Questions

- Should one county maintain both cases? If so, which county is the maintaining county?
- What actions **could** County A take? What actions **should** County A take?
- What actions **could** County B take? What actions **should** County B take?
- What actions **would best serve** the case and participant?
 - What is most practical for **this** case and **these** participants?

Thanks for Your Attention!


