

PANELISTS' PROPOSED ANSWERS For the Maintaining County Scenarios

Role Reversal:

MCAA's guidelines for a situation in which the parties are the same, the roles are reversed and none of the parties are left in the original county provide that the county with the original order should maintain the case if the scope of the original order allows them to take the next appropriate action on the case. However, if the county with original order is not able to take the next appropriate action within the scope of the order and a new establishment order is needed, then the county where the current custodial parent resides should establish a new support order and maintain the case.

Additional Child:

Paternity needs to be adjudicated for the 3rd child, and support modified for the other two children and established for the 3rd child.

Since it the first order was established in County A based off of a ROP, the scope of the action was limited to establishing support for the first 2 children only. Thus County A cannot modify the original order to include the 3rd child. Also, paternity needs to be adjudicated for the 3rd child, and there is no venue to do so in County A.

County A should request that venue be changed of the original establishment order for the first 2 children. Either County B or C would have venue to adjudicate paternity and set support for the 3 children. It is probably best to change venue to County B, since Mom and the children have lived there since 2007, and Dad appears to not have a stable address. County B can pursue a paternity adjudication and request to merge the original establishment into the paternity adjudication to address support for all 3 children.

Interstate Paternity:

For paternity establishment cases, the maintaining county is the county in which the CP currently resides. In interstate initiating cases, if the CP moves to a different county before the intake county sends an interstate referral, the CP's new county of residence is the maintaining county. On

the other hand, if the CP moves after the intake county sends an interstate referral, the intake county is the maintaining county.

In this case, County A sent Texas the UIFSA packet in January 2008. However, no further action was taken to establish paternity for approximately 18 months. In September 2009, Texas rejected the January 2008 packet and advised County A that a new packet is required to initiate the action. The legal action has therefore not been initiated.

Further, all of the necessary parties have not been served with the new UIFSA packet required to initiate the legal paternity establishment action. Consequently, this case should be transferred to County B, the CP's and child's county of residence. Since the CP and child reside in and receive public assistance through County B, County B can provide the more efficiently and consistently service the case.

County B should initiate the UIFSA paternity establishment action and maintain this case.

Paternity/IV-E Foster Care/Relative Caretaker:

County A should maintain the IV-E foster care case and seek voluntary or court-ordered redirection of Dad's child support obligation from the original paternity order to the relative caretaker or IV-E foster care. Pursuant to CSED's maintaining county policy regarding IV-E foster care and relative caretaker cases, County A, as the county with the original order involving the biological parents and child, as well as the county in which all the case participants reside, is the county best suited to efficiently provide continuous services to the family.

CSED's policy also provides that the county with the original order involving the biological parents and child should seek to establish support on behalf of the relative caretaker or IV-E foster care from the custodial parent in the original case *if appropriate*. In this case, the custodial parent in the original case is the child's biological mother. Given that the child's biological mother now has a subsequent child under one year old, receives public assistance and is currently homeless, it is doubtful that County A's pursuit of support from her would be appropriate or would make practical sense.

FCC/Relative Caretaker/Interstate – Minnesota Order:

This case requires both counties to fully communicate, cooperate and coordinate with each other.

County A could obtain voluntary redirect from Mom. They can also request Michigan to redirect their court order or obtain a redirection order.

County B could obtain a voluntary redirect from Mom or request Texas to redirect/establish an order.

What makes sense? Keeping the cases together and allow Texas to work with only one Minnesota county for the same child. Case services will be uninterrupted. This will also maintain stability since County A is most familiar with the case, the parties, orders, and has already communicated with Michigan about the case.

NOTE:

If Mom resides in Minnesota County C, the county in which the order was issued should take the FCC/Relative Case.

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

This case requires both counties to fully communicate, cooperate and coordinate with each other.

County A could obtain voluntary redirect from Mom. They can also request Texas to redirect their court order or obtain a redirection order.

County B could obtain a voluntary redirect from Mom or request Texas to redirect/establish an order.

What makes sense? Keeping the cases together and allow Texas to work with only one Minnesota county for the same child. Case services will be uninterrupted. This will also maintain stability since County A is most familiar with the case, the parties, orders, and has already communicated with Texas about the case.