

Keys to Making the Maintaining County Policy Work

MFSRC - October 2013

1. **Communication** – Communicate about what you think should happen to cases with each other. Have a discussion and consider each others' positions.
 - If the person in the other county does not agree with you, assess their position and if you still do not agree, talk to someone else or escalate to the next step (line staff first, supervisors second, attorneys third, DHS last).
 - If you think a change of venue is best, contact the other county first. Make sure the attorneys from both counties are consulted about this decision before the paper work is signed, served and filed.
 - Consult some colleagues from other counties if you cannot figure out what to do. Sometimes a person not invested in the outcome of this particular case may have a fresh set of eyes and can evaluate the case differently than you. They may agree with you and give you some ideas on how to communicate your position better with the other county; but they may not agree with you and come up with a better way to explain the decision of the other county.
 - Use your attorneys. Remember that the maintaining county policy is part administrative/program analysis and part legal/attorney analysis.
2. **Compromise** – Ever heard the phrase “you scratch my back and I will scratch your back?” Sometimes you will need to take a horrible, terrible, very bad case from your neighboring county, but sometimes you will turn to them for the same request. A case with a lot of accrued NPA arrears is not a reason to turn down a maintaining county request if your county is the one that should have the case.
3. **No Dumping** - No dumping cases. If you can work the case from both a program and legal aspect, and it is not too much trouble for the parties and the courts for you to keep the case, keep it. Just because there is a policy that allows cases to be transferred from one county to another does not need they must be transferred when one or both parties move from the original county.
4. **80/20 Rule** – While the maintaining county policy covers many of the common situations, it doesn't cover them all. Think of it as the 80/20 rule. Get to know the guiding principles of the maintaining county policy and apply them to your sticky/stinky situations.
5. **Legal and Program Together** - Before denying the maintaining county transfer even though your county attorney agreed to take the legal case, or accepting the maintaining county without talking to your county attorney to see if they will take the legal case, consider how difficult it will be to work with the legal or program of another county as you work your case. It is not always necessary to have both legal and program transferred, but where it makes sense, do it. But, it is not always necessary to change venue when the legal and program of another county takes on maintaining county. If you are in the next county over, you should go to that county for the court case where the courts may be familiar with the case already, or it may be more convenient for the parties to get to court.

Maintaining County: Purpose and Guiding Principles and Considerations

MFSRC - October 2013

The DHS/CSED Maintaining County policy is to provide:

- Consistency in establishing, maintaining and enforcing child support orders;
- Consistency in identifying and evaluating all pertinent factors in determining whether a county is best suited to pursue legal actions, as well as whether a county should maintain the PRISM case;
- Assurance of the integrity of court orders;
- Increased communication and collaboration by and between counties when addressing maintaining county issues; and
- A process to assist in resolving differences between or among counties over maintaining county issues.

When possible counties should consider the following guiding principles and considerations when determining which county should be the maintaining county:

- Limit the number of orders per family;
- Confine case(s) involving the same parties to one county;
- Avoid unnecessary venue changes (recognize our mobile population);
- Use legal analysis to identify and prioritize options consistent with these principles to achieve the best results for the particular case;
- If a case may be properly venued in two counties, consider the county providing public assistance, or the county where child resides, or in the county with the party with the more stable address;
- Facilitate efficiency and ease in case management;
- Promote and provide effective customer service;
- Seek agreement through communication and compromise; and,
- Facilitate uniformity in analyzing and resolving maintaining county issues.