Judgment by Operation of Law

Judgment by Operation of Law (JOL) is a form of civil recovery for establishing overpayments and securing judgments on selected MAXIS claims. The JOL differs from the typical administrative process for establishing overpayment. Instead of first class mail, the notice of overpayment must be provided by certified mail or personal service to the client. See <u>0026.39</u> (Notice of Overpayment and Recoupment). The time period for requesting an appeal is extended to 90 days after the notice is received by certified mail or personal service. Typically, the client has 30 days from the date a regular notice of overpayment is mailed to request an appeal. See <u>0027.09</u> (Appeal Requests). With the <u>following exceptions</u>, the JOL process must be used for all newly established MAXIS claims:

- Agency error overpayments.
- Household error overpayments under \$100.
- Fraud overpayments that have been established by a court order for restitution.

Programs allowed: MFIP, FS, DWP,GA,MSA,MEC2

- The County must have the overpayment notice delivered by certified mail (return receipt requested) or by personal service. NO EXCEPTIONS.
- The specific client doesn't need to sign the certified mail receipt; any adult at the address can sign.
- Make sure everyone who is responsible on the claim is coded to receive a certified notice.
- The County can send one certified notice to an address with two or more clients who are responsible for the debt. I just make sure to have each name on the certified address label.

John Smith

Jane Smith

111 1st Street

Anytown, MN

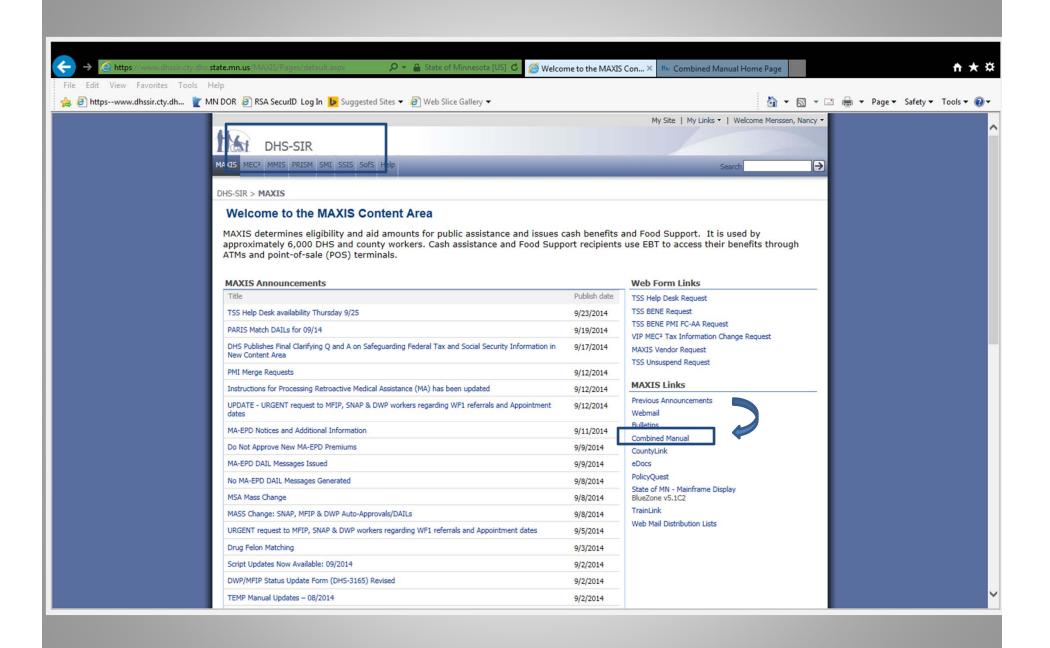
When the certified notice is returned, go to CCOL/JGMT and enter the date the notice was delivered. It will automatically pop up the number of days left until you can docket the judgment, 90 days from the day the notice was delivered.

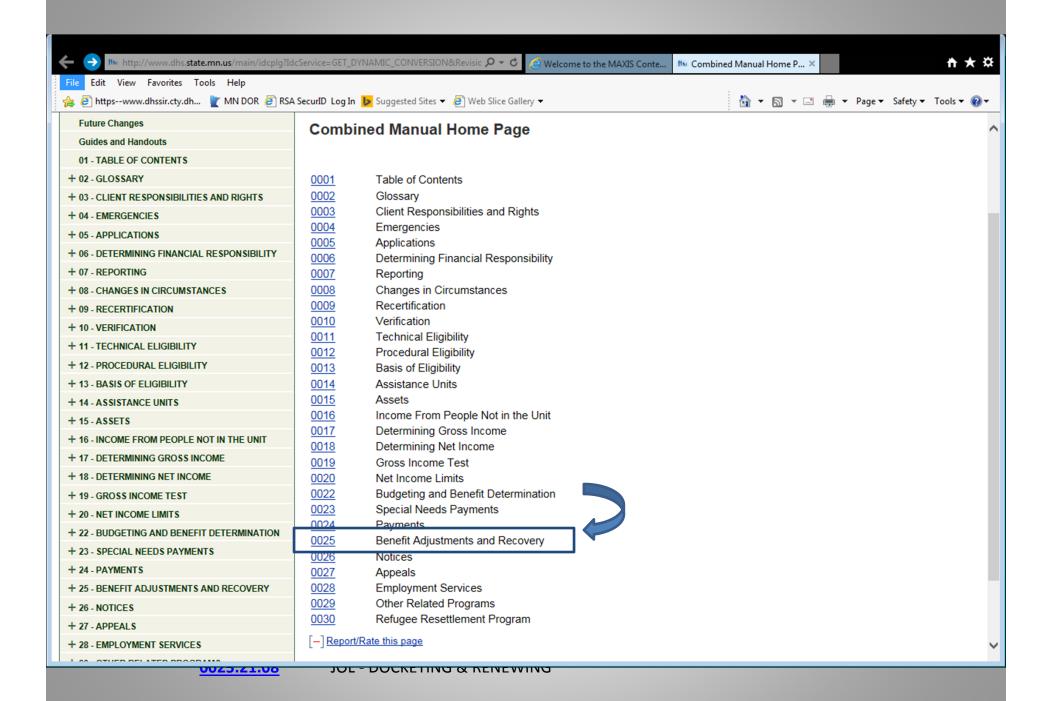
08/26/14 13:19:04 M Judgment Maintenance a		
Person SSN: 000 00 0000 CI	aim: <mark>444444</mark> CL	IENT,JOE
Clm Estab Period Prog St Typ Date From _ FS 2 D 02/08/13 06/12	To Balance Co C	Case
Notice Produced: 02 11 13 Notice Delivered: 03 05 13 Notice Returned by P.O/Sher	<u> </u>	_ Appeal Filed (Y/N): N
Judgment Type: AJ Docket (Docket Nbr: Joint Resp. (Y/N) N Share R Partial Satisfaction Date:	Docket Dt: 08 28 13 atio: 1 / 1 Interest (Y/N):	Amt Docket for Jgmt:\$936.00 N Satisf.Dt:
Claim Co: Claim Pw:	Name: PF5PF6PF7PF	8PF9PF10PF11PF12

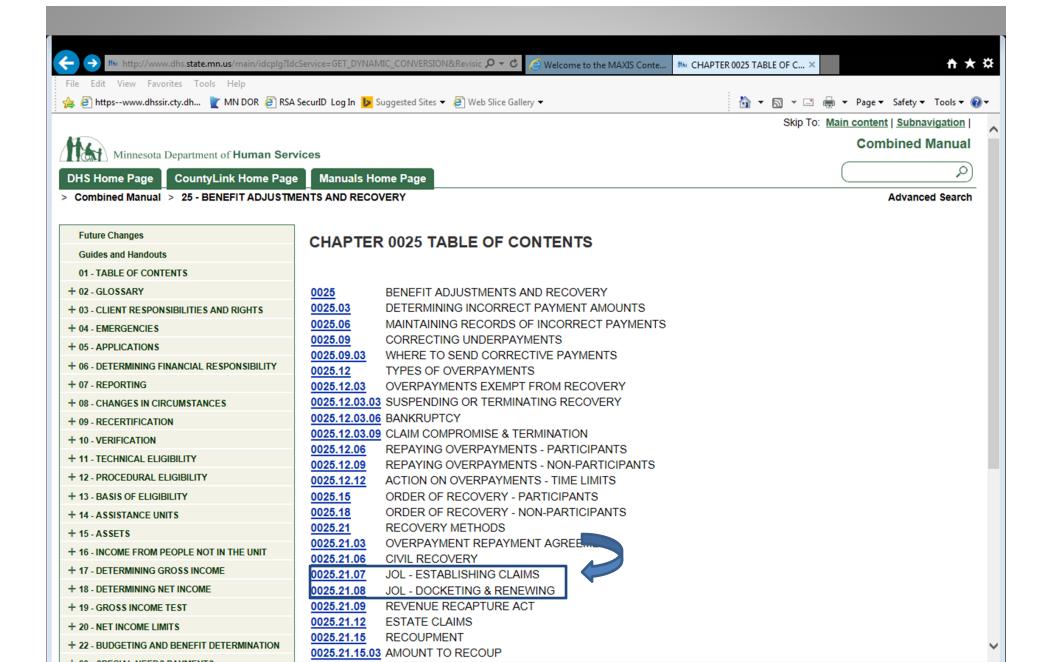
WHERE DO YOU FIND JOL INSTRUCTIONS AND FORMS??

THE COMBINED MANUAL!

WHERE DO YOU FIND THE COMBINED MANUAL??





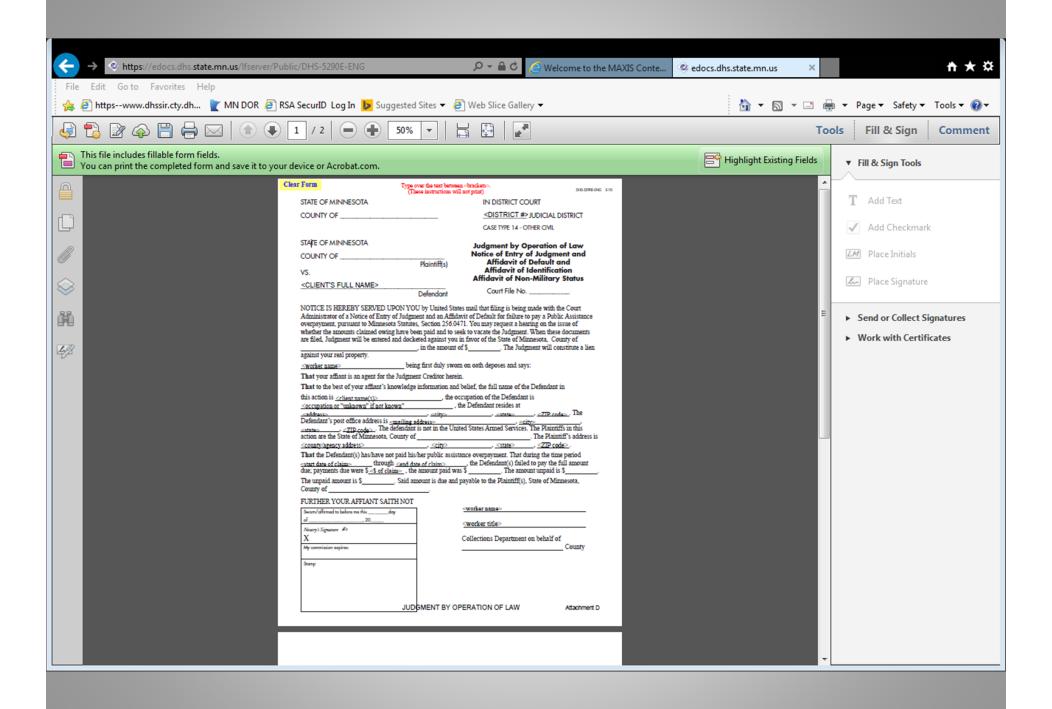


Overpayments established through the Judgment by Operation of Law (JOL) process can be docketed and renewed when needed. See 25.21.07 (JOL – Establishing Claims). A local agency may enter a JOL for docketing 90 days after delivery of the overpayment notice or 90 days after terminating the benefits causing the overpayment, whichever occurs later. It does not prevent docketing a JOL against a person responsible on the claim who is no longer a member of the household that is subject to recoupment. If a satisfactory repayment plan can be completed in the 3 month period after recoupment ends, docketing the judgment can be further postponed as long as the debtor complies with the repayment plan.

To docket a JOL, the collection or accounting officer must:

1.

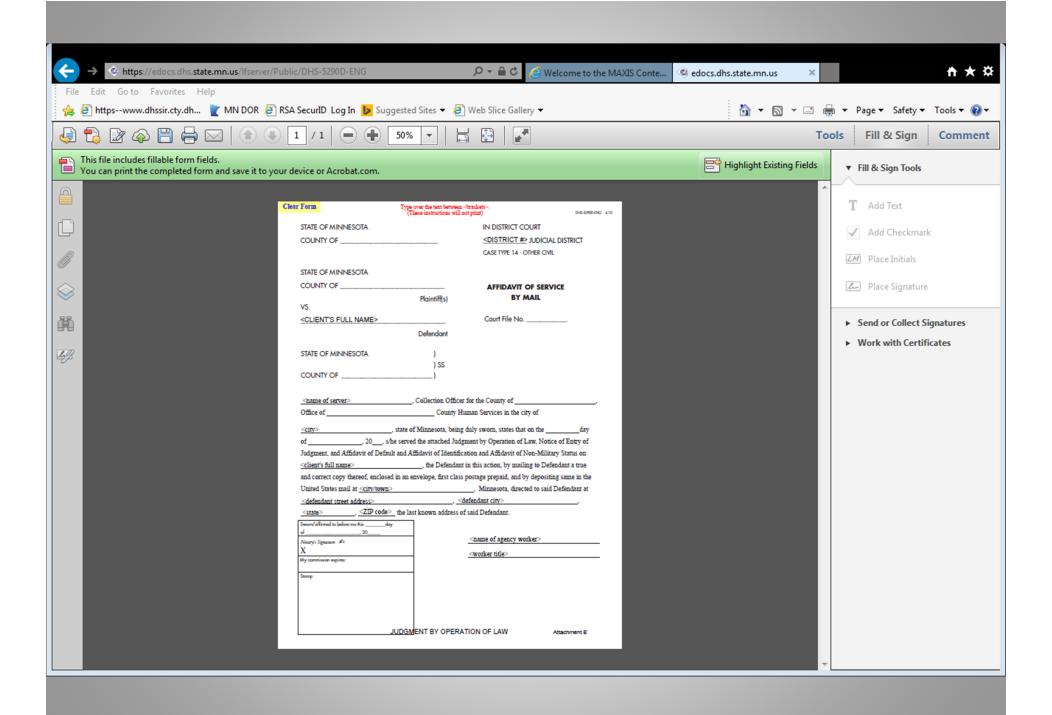
Complete a Notice of Entry of Judgment for the JOL, an Affidavit of Default, an Affidavit of Identification and an Affidavit of Non-Military Status. A combined affidavit can include all of these features. Use Judgment by Operation of Law Notice of Entry of Judgment and Affidavit of Default and Affidavit of Identification Affidavit of Non-Military Status (DHS-5290E), (Combined Affidavit of JOL Entry and Default).



	er public assistance overpayment. That during th
	, the Defendant(s) failed to pay th
full amount due; payments due were \$	632.31 , the amount paid was 0.00 .
	Signature
Subscribed and swom to before me	Signature Nancy Menssen
Subscribed and swom to before me	Signature Nancy Menssen
	9
Subscribed and swom to before me thisof, 20	Nancy Menssen Name
	Nancy Menssen
thisof, 20	Nancy Menssen Name

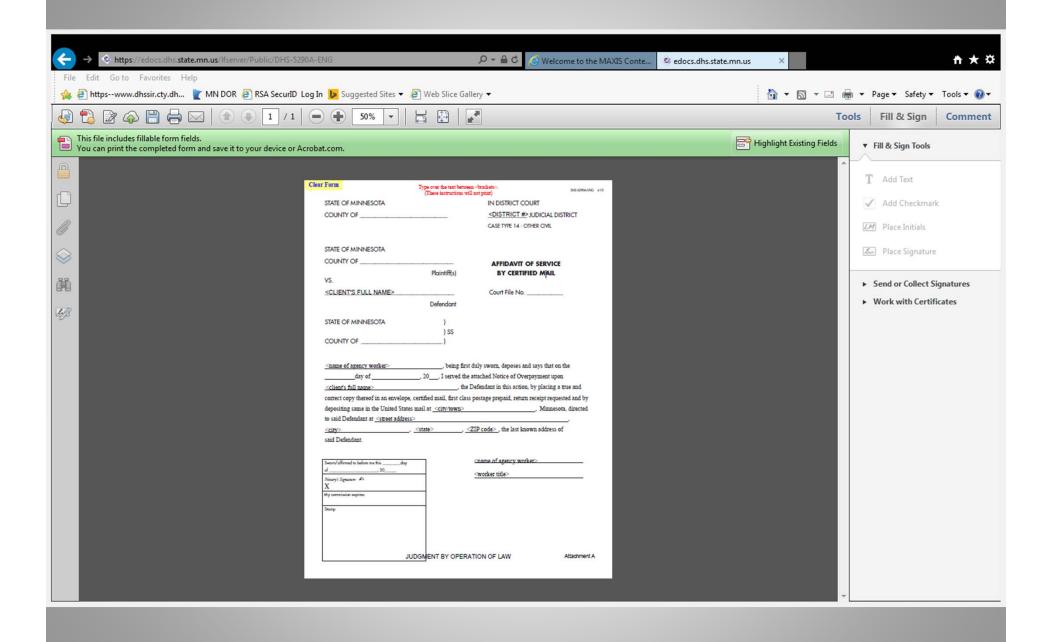
Use View Options → X Close

- 2 Send a copy of the <u>Judgment by Operation of Law Notice of Entry of</u>
- Judgment and Affidavit of Default and Affidavit of Identification Affidavit of Non-Military Status (DHS-5290E) by first class mail to the debtor at the address where the JOL notice was received. If the debtor has since moved, mail a copy to the new address. Complete a notarized Affidavit of Service by Mail (DHS-5290D) that the DHS-5290E has been mailed.
- 3 Affidavits can also be hand delivered to the debtor. Complete the
- appropriate <u>Affidavit of Service by Personal Service (DHS-5290B)</u> for a paid process server or <u>Affidavit of Personal Service (DHS-5290C)</u> for personal service by an agency worker.



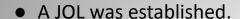
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Watonwan County Human Servic swom, states that on the 24th day of September, 2 Law, Notice of entry of Judgment and Affidavit of Non-Military Stamailing to Defendant a true and copostage prepaid, and by depositing	AFFIDAVIT OF SERVICE BY MAIL Court File No: Collection Officer for the County of Watonwan, Office of tes in the city of St. James, state of Minnesota, being duly 20 14, she served the attached Judgment by Operation of t, and Affidavit of Default and Affidavit of Identification atus on, the Defendant in this action, by orrect copy thereof, enclosed in an envelope, first class g same in the United States mail at St. James, Minnesota, the last known address of said Defendant.	Subscribed and swom to before me behalf of this day, of, 20 Notary Public	Signature Nancy Menssen Name Collections Department on Watonwan County

	Route the following documents to the court administrator, making certain that you send the original documents:
-	The signature (green) card from the certified mail if that was the method of delivery. I send a copy of the green signature card
-	The JOL overpayment notice.
-	The Affidavit of Service of the initial JOL notice. (<u>Affidavit of Service by Certified Mail (DHS-5290A)</u> , <u>Affidavit of Service by Personal Service (DHS-5290B)</u> , or <u>Affidavit of Personal Service (DHS-5290C)</u> .
-	The Combined Affidavit of JOL Entry and Default. (<u>Judgment by Operation of Law Notice of Entry of Judgment and Affidavit of Default and Affidavit of Identification Affidavit of Non-Military Status (DHS-5290E)</u>).
-	The Affidavit of Service for Combined Affidavit of JOL Entry and Default. (Affidavit of Service by Mail (DHS-5290D)).



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STATE OF MINNESOTA DISTRICT COURT COUNTY OF: WATONWAN DISTRICT	5 TH JUDICIAL		Signature Nancy Menssen
STATE OF MINNESOTA COUNTY OF WATONWAN 715 2 ND AVE SOUTH ST.JAMES, MN 56081 Plaintiff(s) vs.	AFFIDAVIT OF SERVICE BY CERTIFIED MAIL Court File No.	Subscribed and swom to before me behalf of this day of, 20	Name Collections Department on Watonwan County
STATE OF MINNESOTA COUNTY OF WATONWAN Nancy Menssen, being first duly swom, deposes and day of, the Defendant in this and correct copy thereof in an envelope, certified mail, first class po requested and by depositing same in the United States mail at St. Ja to said Defendant at, the last known add that time.	icer served the attached action, by placing a true stage prepaid, return receipt mes, Minnesota, directed		

Upon completing the JOL docketing,	the court administrator	should provide
notice to the agency that indicates:		



- The county where the judgment is docketed.
- The court file number.
- The docket number, if given.
- The docket date.
- The dollar amount docketed.

Fill in this information in CCOL/JGMT when you get docketing notification from your court admin.

		FMMCUAM1 - By Person and Claim (JGMT)	
Person SSN: 000 00	0000 Claim: 444444	CLIENT,JOE	
Prog St Typ Date	Period Claim From To Bala 13 06/12 12/12 93	•	
		emaining: Appeal Filed (Y/N): N	1
Docket Nbr: Joint Resp. (Y/N) N	Docket Do	File Nbr: 83-CV-13-000 t: 08 28 13 Amt Docket for Jgmt:\$ _ erest (Y/N): N Satisf.Dt: al Satisfaction Amt:0.00	<mark>936.00</mark>
Claim Co: Claim Enter-PF1PF2PI	Pw:	Month: 08 14 Command: User: X183533 6PF7PF8PF9PF10PF11- NEXT_EDIT_OOPS_TRBL_INFO	

N S E D



Sound complicated????

JOL abc'sand d

- A. Send notice Certified
- B. Wait 90 days
- C. Fill out 3 forms
- D. Send copies of 3 forms to Court Admin with certified receipt