

Modifications for Tribal, Incarcerated, and Interstate Cases

September 29, 2014

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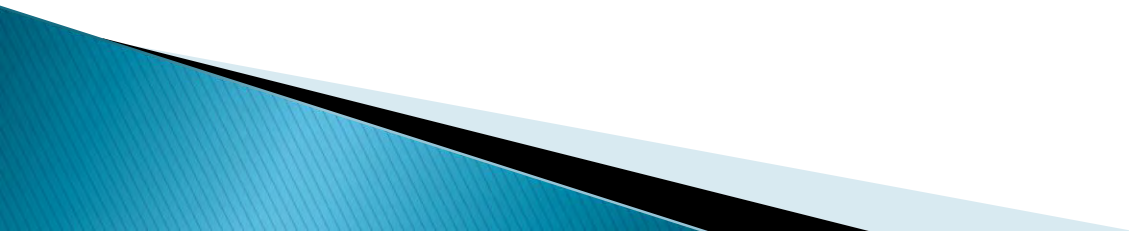
Chris Brazelton, Wright County

Tribal IV-D Basics

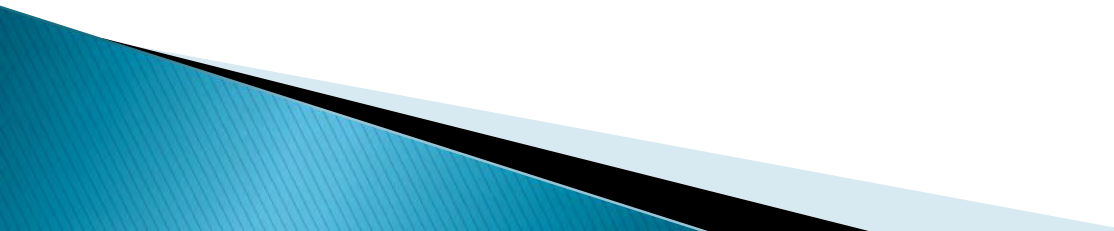
- ▶ In Minnesota, 4 tribes have a Tribal IV-D Program
 - Leech Lake Band of Ojibwe
 - Mille Lacs Band of Ojibwe
 - Red Lake Nation
 - White Earth Nation
- ▶ Cooperative agreements
- ▶ Child Support Division, Tribal Liaison

Matched Cases

When both the Tribal IV-D Agency and County Child Support Agency have a case with the same participants in the same roles.

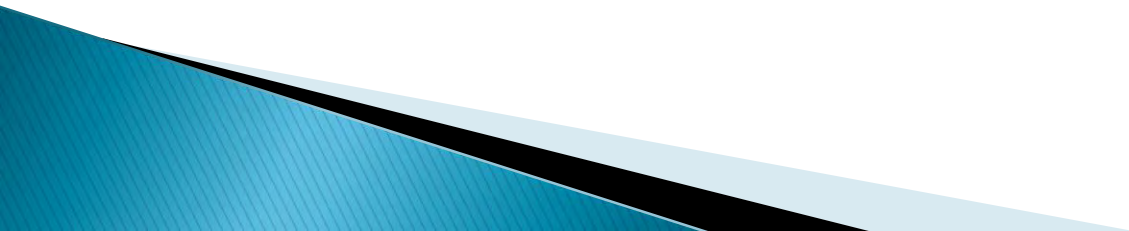


Shared Interest Cases

- ▶ Occurs when the custodial parent has assigned support to the State on a matched case.
 - ▶ The Tribal IV-D Agency is the primary case manager of shared interest cases.
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Jurisdiction

Legal authority a court has over a specific person, property, or case.



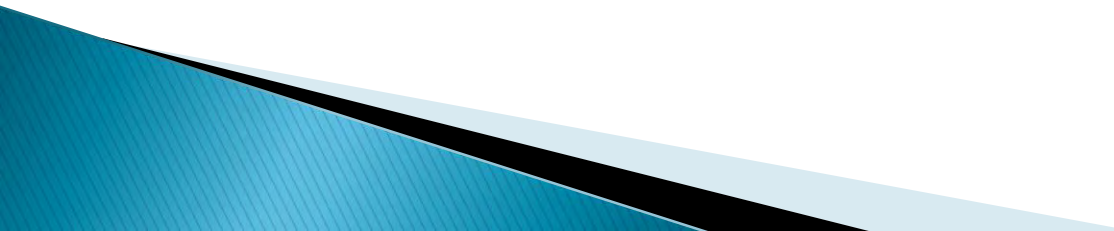
Tribal Requests for Service

- ▶ All of the following conditions must exist:
 - The Tribal IV-D Agency is located in Minnesota
 - The matched case is shared interest
 - Legal action is required in a Minnesota district court
- ▶ Tribal IV-D agency identifies the case as needing action in a Minnesota district court
- ▶ Tribal IV-D contacts CSD Tribal Liaison
- ▶ Tribal Liaison contacts County Child Support Agency

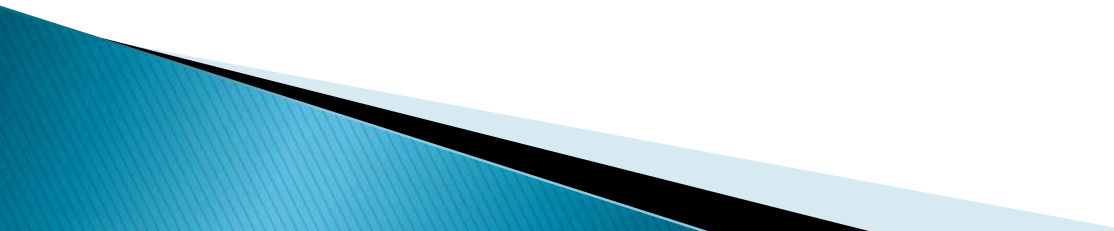
Tribal Request for Service

- ▶ Temporary Case Assignment to County Child Support Officer
 - Work limited to the specific legal action
 - CSD Tribal Liaison adds activity N1010-REQUEST FOR SERVICE FROM TRIBAL IVD AGENCY
 - CSD Tribal Liaison will provide county with necessary forms and contact information
- ▶ Tribal IV-D Agency continues to be primary case manager during the legal action.

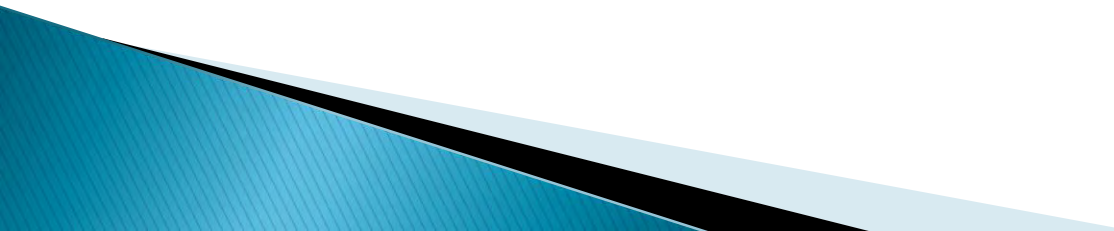
Modification Criteria

- ▶ Two Prongs
 - Substantial Change in Circumstances
 - Unreasonable and Unfair Order
 - ▶ Minnesota Statutes section 518A.39, subdivision 2
 - ▶ SIR MILO, Topic: Review and Modification, Section: Criteria for Modification
- 

Change in Circumstances-- 518A.39, subdivision 2(a)

- ▶ Substantially increased or decreased income of either parent;
 - ▶ The needs of either parent or the joint child(ren) have substantially increased or decreased.
 - ▶ Either parent, or the joint child(ren), receive public assistance.
 - ▶ The cost-of-living for either parent changed as measured by the Federal Bureau of Labor Statistics.
 - ▶ The joint child(ren) have incurred extraordinary medical expenses that were not provided for in the existing order.
 - ▶ Change in the availability of appropriate health care coverage or a substantial increase or decrease' in health care coverage costs.
 - ▶ Change in child care expenses.
 - ▶ A joint child has emancipated, and the existing order still covers at least one additional joint minor child.
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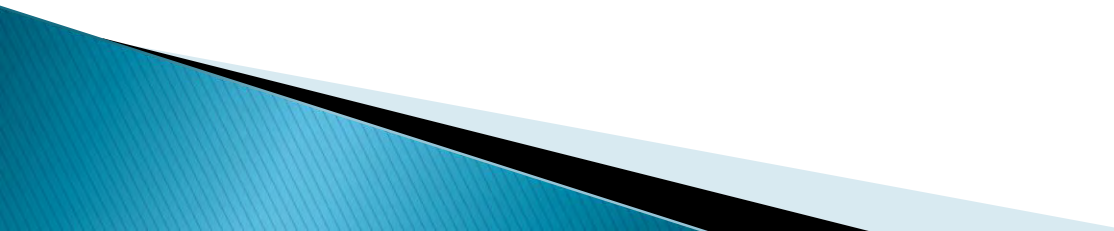
Unreasonable and Unfair Order-- 518A.39, subdivision 2(b)

- ▶ The new guidelines child support (total of Basic Support, Child Care Support, and Medical Support) is at least 20% *and* at least \$75.00 per month greater or less than the existing total support obligation.
 - ▶ The current child support obligation is less than \$75.00 per month *and* the new guidelines child support increases or decreases the total child support at least 20%.
 - ▶ Medical Support provisions of the existing order are not enforceable or the parent ordered to provide health care coverage for the child(ren) no longer has the health care coverage available.
 - ▶ The current child support order is a percentage order and does not set a specific dollar amount.
 - ▶ Either parent's gross income has decreased by at least 20% through no fault or choice of that parent.
 - ▶ The existing order deviated from guidelines support calculations because the child(ren) resided in a foreign county for more than one year with a substantially higher or lower cost of living than in the United States, and the child(ren) no longer reside in the foreign country.
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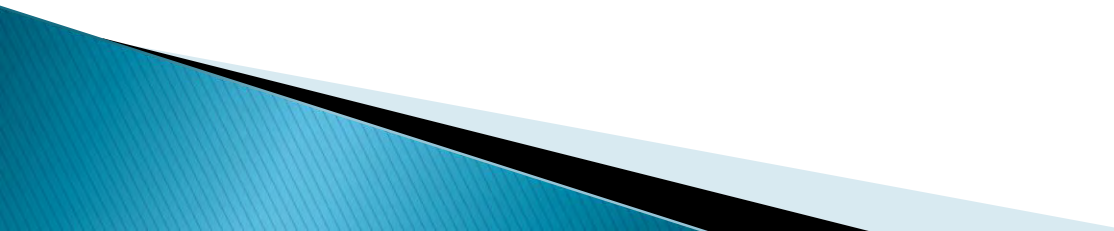
Questions to Ask

- ▶ Has a change in circumstances occurred under Minnesota Statute section 518A.39, subdivision 2(a)?
- ▶ If yes, proceed to determine if the order is unreasonable or unfair. Are any of the factors met in Minnesota Statute section 518A.39, subdivision 2(b)?
 - If yes, proceed with the modification
 - If no, deny the modification and explain the party's right to file his/her own modification motion
- ▶ If no, are any of the factors met in Minnesota Statute section 518A.39, subdivision 2(b)?
 - If yes, a change of circumstances is presumed and the county should proceed with the modification.
 - If no, deny the modification and explain the party's right to file his/her own modification motion.

What's Next?

- ▶ If the case meets modification criteria
 - Proceed with the legal action
 - Once an order is obtained, do not add it to PRISM
 - Send one copy and one certified copy of the order to the Tribal IV-D Agency
 - Send one copy of the order to the CSD Tribal Liaison
 - Assign case to CSD Tribal Liaison Worker ID
 - ▶ If the case does NOT meet modification criteria,
 - Notify the Tribal IV-D Agency and CSD Tribal Liaison that no action will be taken
 - Assign the case to the CSD Tribal Liaison Worker ID
- 

Non-Shared Interest Cases

- ▶ If the Tribal IV-D Agency and Minnesota do not have a shared interest case, the Tribal IV-D Agency may initiate a request to the State
 - ▶ Central Registry will assign the case to the appropriate county
 - ▶ The Child Support Officer should treat the case the same as any responding interstate case
- 

Modifications for Incarcerated Clients

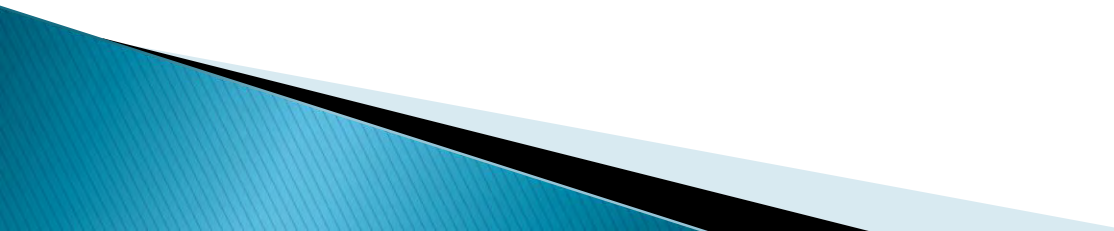


MODIFICATION OF AN EXISTING CHILD SUPPORT OBLIGATION

- ▶ Complete and return the Request for Agency Review of Child Support
- ▶ This form only **STARTS** the process
- ▶ You **MUST** complete and return to the best of your ability any information requested by the county child support office—if you don't know the answer to something, just answer "I don't know", get it signed and returned.



Offender Information

- ▶ Day 2 of incarceration at MCF St Cloud, information provided at orientation.
 - ▶ Fill out Request for assistance and agency review
 - ▶ Child Support Liaison contact information given.
- 

CHILD SUPPORT

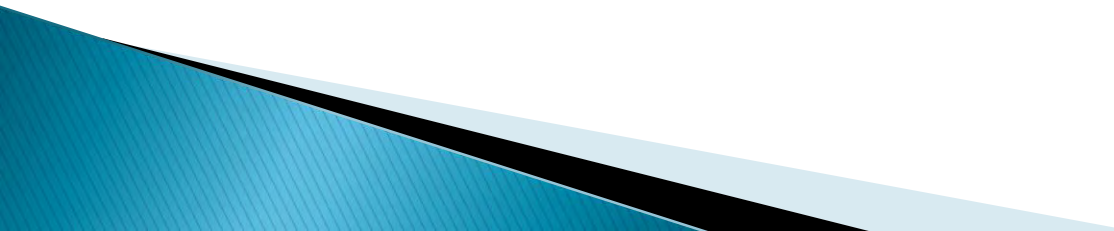


MODIFICATION PROCESS

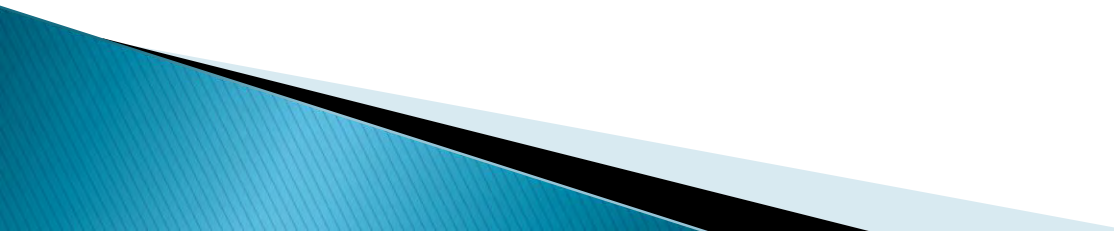
- ▶ A modification can no longer go retroactive, so begin the process as soon as possible
- ▶ If you do nothing, your child support will continue to add up while you are incarcerated.
- ▶ Not all child support obligations will qualify for a modification. Filling out the initial request will help you determine if your situation meets the criteria.



MODIFICATION PROCESS

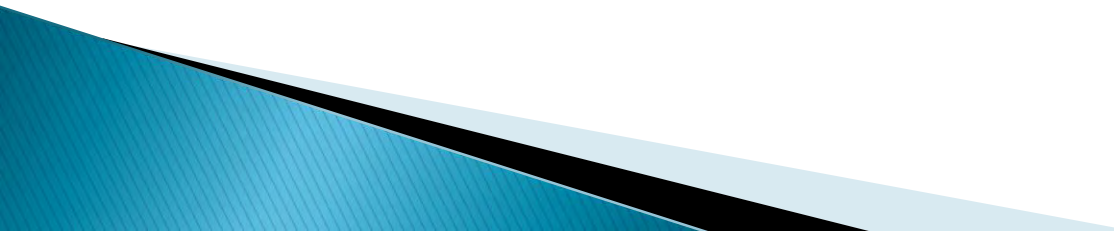
- ▶ Carefully go over all Motions served on you by the county child support office.
 - ▶ If you have a question, you can send a letter with your questions to “Child Support”.
 - ▶ Only request a hearing if you disagree with what is proposed in the Motion. If you agree, do nothing.
 - ▶ If a hearing is scheduled, contact your case worker asap to facilitate a phone hearing.
- 

OTHER ISSUES

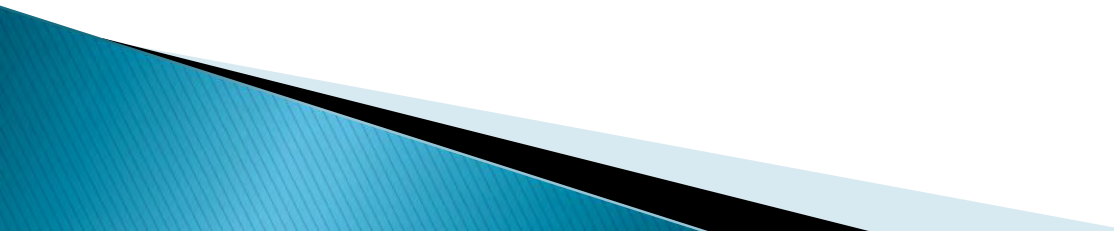
- ▶ Paternity Establishment
 - ▶ Signing a Recognition of Parentage
 - ▶ Out of state child support orders
 - ▶ Driver's license suspension
 - ▶ Warrants or holds for nonpayment of support
- 

CHILD SUPPORT QUESTIONS?

If you have any questions related to child support issues, please send a kite to “Child Support”.



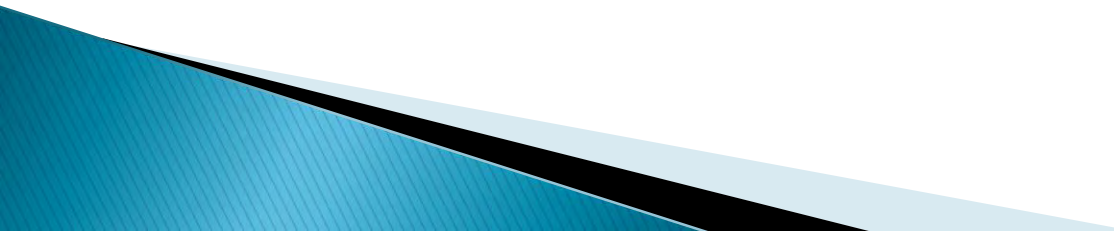
Automatic Interface

- ▶ As public authority, can take action upon learning that a party meets criteria to modify.
 - ▶ As we become more automated, this is a more efficient and timely way to accomplish incarcerated modifications.
 - ▶ DOLR/NCDE issues
- 

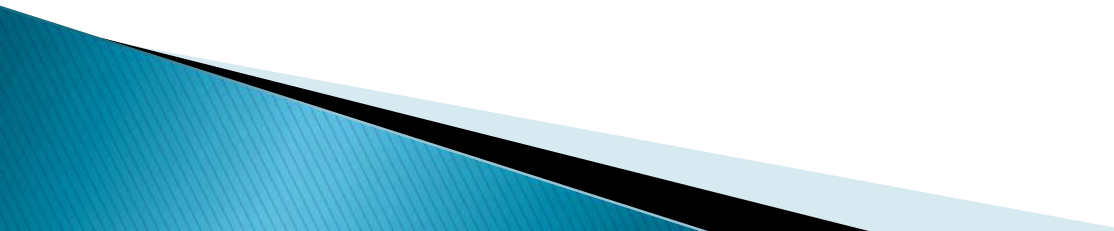
Barriers



Offender Issues to Consider

- ▶ No access to copy machine
 - ▶ Limited access to notary
 - ▶ Limited access for phone hearings
 - ▶ Mail issues
 - ▶ No access to internet/address information
 - ▶ Postage costs
 - ▶ Mental Health, Depression, Fear
- 

Child Support things to Consider

- ▶ SHLIF/AMPP while doing the modification for public assistance arrears that have accrued
 - ▶ Driver's license
 - ▶ Writs
 - ▶ Reinstatement Language
 - ▶ Setting Support obligations
 - ▶ Interstate requests
- 

Sesame Street Resource



My Contact

- ▶ Lori Lofrano lori.lofrano@state.mn.us

Intergovernmental Modifications



Title 28–Judiciary and Judicial Procedure



PART V--PROCEDURE

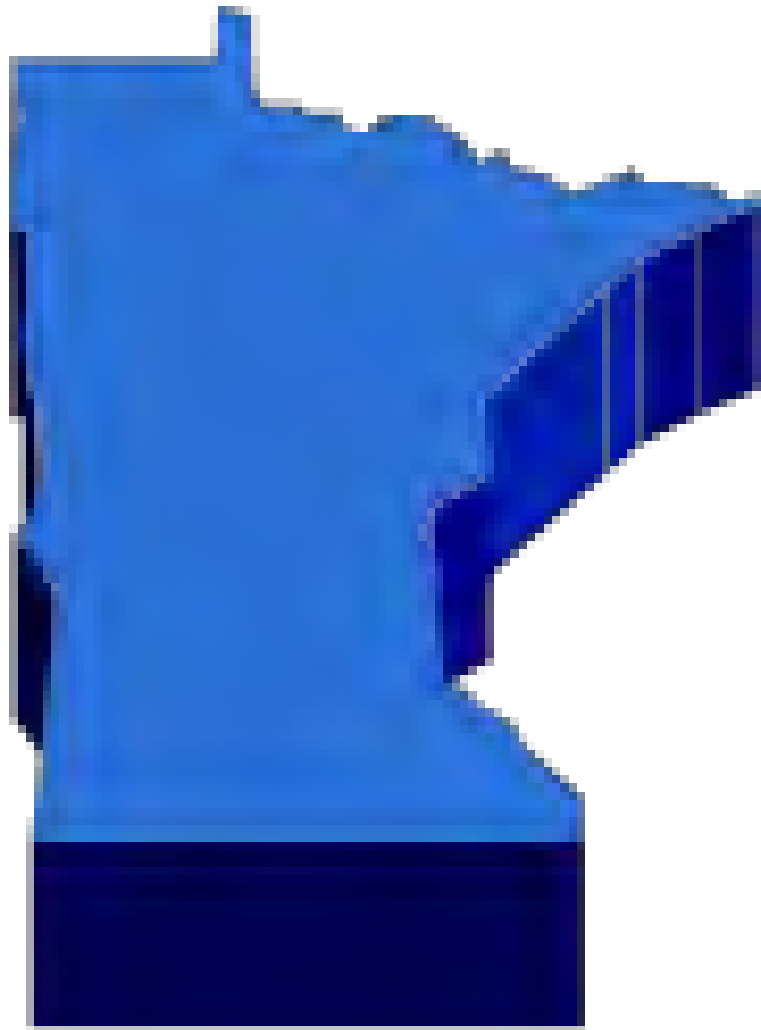
CHAPTER 115--EVIDENCE; DOCUMENTARY

Sec. 1738B. Full faith and credit for child support orders

(i) Registration for Modification.--If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.

From Intergovernmental 101 Workbook reference, the federal Office of Child Support Enforcement (OCSE)

Whose Order Is It?



IF the order is from another state, country, or non-Minnesota county jurisdiction

- ▶ Where do the parties reside?
 - If either party or the child(ren) reside in the state or jurisdiction that issued the order, that state or jurisdiction retains “Continuing Exclusive Jurisdiction” (CEJ) to modify the order

To modify that order

- ▶ Do not load REAM
- ▶ Code the case for Interstate Initiating on CAST and add the State Central Registry to the INCM screen for the state or jurisdiction that issued the order. Send the party in our state the Interstate modification documents to complete. Those include the General Testimony (F0206 for the CP or F0218 for the NCP) and the Uniform Support Petition (F0205). Send with cover letter F0221 and privacy rights statement (F0018) and Statement of Rights (F0022).
- ▶ If none of the parties (CP, NCP or child) reside in the state that issued the order, the order must be registered for modification in the non requesting party's state.

Refer to DHS-SIR>PRISM> Documentation>Training Materials



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Training Materials should reflect and enhance User Documentation but should not be used to replace User Documentation. For CSED User Documentation information, go to the appropriate eMILO or SIR-MILO topic.

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(from classroom courses)

Type	Name	Revised Date
⊕ Course	Account Review (4)	
⊕ Course	Case Management and Financial Basics (16)	
⊕ Course	Collect and Disburse (10)	
⊕ Course	Defusing Hostile Clients (1)	
⊕ Course	Enforcement Basics (1)	
⊕ Course	Enforcement Intermediate (9)	
⊕ Course	Getting Started (11)	
⊕ Course	Intake Basics (5)	
⊕ Course	Intergovernmental 101 Webinar (1)	
⊕ Course	Interstate Intermediate (19)	

Open the Course: Interstate Intermediate

See Chapter 6, pages 17–29 for instructions on Registration for Modification

Course : Interstate Intermediate (19)

	Appendix A CSENet-Interstate Worklists	8/15/2007
	Appendix B Forms Instructions	6/7/2010
	Appendix C – Interstate Terms	6/15/2009
	CEJ Flowchart	5/22/2009
	Chapter 01 - Introduction	5/1/2008
	Chapter 02 - Calculation of Arrears - exercise answers	8/1/2008
	Chapter 02 - CEJ and Controlling Order - exercise answers	1/15/2009
	Chapter 02 - Controlling Order- CEJ	1/15/2009
	Chapter 03 - CSENet and FCR	4/15/2009
	Chapter 03 - Where Do I Find - exercise answers	7/15/2009
	Chapter 04 - Interstate Establishment - exercise answers	2/1/2010
	Chapter 04 - Interstate Establishment	2/1/2010
	Chapter 05 - Enforcement	4/15/2009
	Chapter 06 - Registration and Modification	9/30/2009
	Chapter 06 Registration for Enforcement - exercise answers	9/30/2009
	Chapter 07 - Closing	5/1/2008
	Chapter 07 Post Test Answers	5/1/2008
	CONTROLLING ORDER-Multiple Orders	5/27/2009
	CONTROLLING ORDER-No Order-One Order	5/27/2009

Page 6-17

Registration for Modification

When is Registration for Modification necessary?

- One of the parties requests modification.
(In a PA case, the state can request modification.)
- and -
- There *is* a controlling order, *but* the state that issued it no longer has CEJ.

What can be Modified?

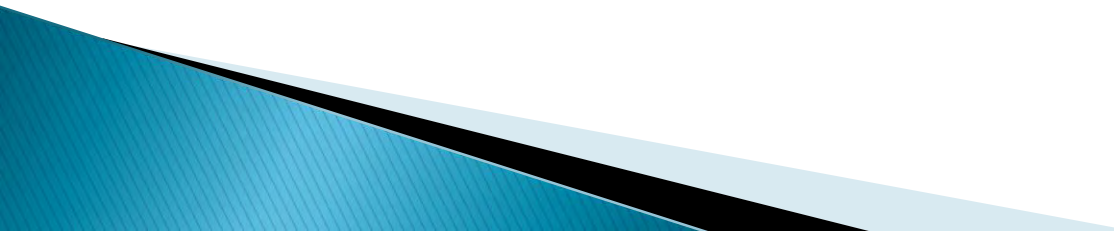
- Any aspect of the support obligations can be modified, based on the laws of the state issuing the modification.
- Examples of modifiable issues are:
 - Amount of support
 - Arrears collection remedies
 - Medical support provisions

Note: The age of emancipation is based on the provisions of the Controlling Order and *is not* modifiable.

Results of Registration for Modification:

- If the order is only registered, but is not modified, the registering tribunal *does not* gain CEJ.
- Once the modification is done, the new order is an order of the issuing state. The state that registered and modified the order gains CEJ and retains it as long as one of the parties or the child continues to reside there.
- As long as the issuing state retains CEJ, only that state can modify that order.
- A state that issued or registered any previous orders regarding the same parties and children must recognize the provisions of the new order.

IRG

- ▶ If you are not familiar with the guidelines or statutes of the state or jurisdiction that has jurisdiction over the order or whose assistance you seek in modifying the order, you may want to review them before you proceed.
 - ▶ On DHS-SIR>PRISM screen, see CSED Link on upper right corner to FPLS State Services Portal.
 - ▶ You will get a message that says “There is a problem with this website’s security certificate”
 - ▶ Click “Continue to this website”, click “Agree” to the authorized user statement, then click on the Intergovernmental Reference Guide (upper left).
- 



U.S. Department of Health and Human Services

FPLS State Services Portal

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FPLS Portal

Intergovernmental Reference Guide

Help Desk Availability

Monday - Friday:
9:00 A.M. - 5:00 P.M. ET

Welcome to FPLS State Services Portal

The Federal Parent Locator Service (FPLS) State Services Portal (SSP) enables States and authorized individuals to conduct child support business and submit information to the Office of Child Support Enforcement (OCSE).



Messages

The FPLS Portal will be unavailable on Friday, September 5, 2014, from 8 pm - 10 pm (ET) due to scheduled maintenance.

Office of Child Support Enforcement
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27 - Minnesota

GO

Minnesota



State Child Support Website

Profile

Contact

Program Category:

Updated On: 28 Apr 14

Certified On: 26 Aug 14

A. General/Program-At-A-Glance

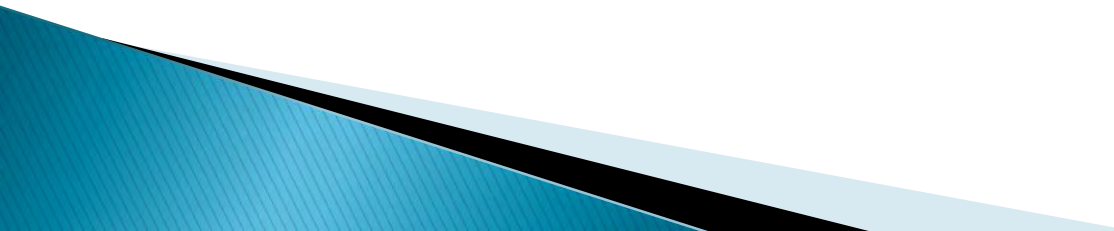
A1. How many local IV-D offices are in your state (excluding agencies with cooperative agreements)?

All counties have a cooperative agreement with either a county attorney's office or private attorney. Some counties have agreements with their Court Administrator or Sheriff's Department.


A2. Does your state have statutes that define the attorney-client relationship between the state's attorney and the agency only?

Yes

IRG

- ▶ Load the state or jurisdiction whose program you want to review.
 - ▶ Information on several helpful topics including Age of Majority (emancipation), Statutes of Limitations, Support details, such as whether or not that state charges interest on arrears, etc.
 - ▶ Under section K it addresses Modification and Review/Adjustment, including criteria and statutory references for guidelines.
- 

Points to Remember

- ▶ Emancipation is based on the statutes of the state or jurisdiction that issued the original order or terms of the order itself, even if other items in the order are later modified by another state.
 - ▶ Many states' statutes do not allow them to add CMS or CMI. Several states set limits on adding insurance requirement based on the cost of the insurance coverage. Check with the other state before initiating a modification to address medical support.
- 

Points to Remember

- ▶ Most states do not do COLA's.
- ▶ Some states require a certain amount of time to pass before they will allow a modification/review. Some states won't modify an order due to incarceration. Even if we send a completed General Testimony, some states still require the party to complete that state's own financial statement.
- ▶ NOTE: If you're responding to another state's request to enforce our order, if the order has CMS/PAO you should check to make sure that the other state's statutes allow the CMS to be assigned to the state. If not, stop charging CMS as it is not intended as a windfall for the CP while on MA or other publicly subsidized medical.

Questions?



Contact Information

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 - ▶ Lori Lofrano, 320-240-3032,
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 - ▶ Chris Brazelton, 763-682-7721,
chris.brazelton@co.wright.mn.us
- 