



<b>Title of Proposed Rule:</b>	Child Support Services Application Fee		
<b>CDHS Tracking #:</b>	21-03-26-01		
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822	
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us	

**STATEMENT OF BASIS AND PURPOSE**

**Summary of the basis and purpose for new rule or rule change.**

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Division of Child Support Services (DCSS) is proposing a rule change to eliminate the collection of an application fee from customers applying for child support services. As an application fee is required by federal regulation, DCSS is proposing to reduce the fee from \$20.00 to \$0.10 and to pay the fee out of state funds. The state is required to reimburse the counties on fees collected. \$0.10 was chosen as the best application fee amount as it is an amount that can be divided easily among county and federal shares and it is an amount that the DCSS can budget for. This change will reduce barriers for applicants enabling more families to access the services provided. It will also streamline the online application process and align the program with other human services programs that do not charge customers to apply for services. This proposed rule change is consistent with the goal of DCSS to provide equitable services to families across the state of Colorado.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

**State Board Authority for Rule:**

Code	Description
26-1-107, C.R.S. (2020)	State Board to promulgate rules
26-1-109, C.R.S. (2020)	State department rules to coordinate with federal programs
24-4-103, C.R.S. (2020)	State Board to promulgate rules to implement 26-13-114, C.R.S.

**Program Authority for Rule:** *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
45 C.F.R. § 302.33	States must charge an application fee in an amount not to exceed \$25.00
26-13-114, C.R.S.	Family Support registry rules and legislative declaration

Does the rule incorporate material by reference?	Yes	X	No
Does this rule repeat language found in statute?	Yes	X	No
If yes, please explain.			

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## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule.

*Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?*

Parents and caregivers will receive full child support services for no cost regardless of their economic status and/or other program participation. Parents and caregivers will also benefit from the streamlined online application process as the county will not have to wait for the fee to be received before working the case. Additionally, families will no longer have to submit a payment before their application for services is reviewed.

County professionals will no longer have to allocate personnel resources to processing application fees. This may increase county personnel time available to dedicate to other case management functions.

The State Division of Child Support Services will streamline the online application process making it easier for families to apply for child support services online and further improve the timeliness for application processing.

### 2. Describe the qualitative and quantitative impact.

*How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?*

In the short and long-term, parents and caregivers will benefit through an increase in accessibility to applying for child support services.

In the short and long-term, county professionals will save time previously spent on accepting and processing application fees, following up on applications received without a fee, and determining hardship for a waiver of the application fee. While counties may see an increase in applications received, that increase is not determined to be impactful to the county. An increase in applications is a benefit to the program and for families.

In the short-term, the State Division of Child Support Services will benefit through being able to streamline and implement the online application process. The programming for technical staff would be simplified and assistance from outside vendors would not be required. This will allow more time for other prioritized projects.

### 3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because...”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is an anticipated fiscal impact to the state of approximately \$888.60 per year.

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8,886 (total applications received in 2019) x \$0.10 (proposed application fee) = \$888.60

DCSS is proposing \$.10 as this amount can be easily divided among county and federal shares.

County Fiscal Impact

As counties currently retain \$6.80 (34%) per application fee received, county revenue will be reduced by approximately \$60,122.68 per year.

8,886 (applications received in 2019) x \$20.00 (current fee) x 0.34 (county share) = \$60,424.80  
8,886 (estimated applications received per year) x \$0.10 (proposed fee) x 0.34 (county share) = \$302.12  
\$60,424.80 - \$302.12 = \$60,122.68

This estimate is based on the data that is available to the State Division of Child Support Services and it is likely that the true fiscal impact for counties will be much less. Counties have been provided an Excel spreadsheet to input county level data to calculate a more accurate estimated impact that considers information not available at the state level. The spreadsheet considers how many application fees are waived by the county. This is essential to determine the true fiscal impact because when a county waives the application fee, the county is responsible to reimburse the federal government 66% of the fee (\$13.20). Many counties who regularly waive application fees will likely experience a cost savings as a result of this proposed rule. The spreadsheet also considers the amount of time currently being spent by county professionals processing application fees, determining eligibility to waive the fee, and following up on applications received without the fee or information required by the county to waive the fee.

**Example:**

If a county receives 100 applications a year and waives 50% of application fees, the proposed rule would save the county \$4.20 per application and \$419.64 per year.

*(50 x -\$13.20 66% of current application fee owed to the federal government) + (-\$17.00\* hourly wage x 50 applications waived x 0.083 5 minutes to determine eligibility to waive the fee x 0.34 county share of operating costs) = -\$683.99*

*(\$6.80 34% of current application fee retained by county x 50 application fees paid) - (\$17.00\* hourly wage x 50 applications fees paid x 0.25 15 minutes to process application fee x 0.34 county share of operating costs) = +\$267.75*

**The cost effectiveness of the current rule:**

**-\$683.99 + \$267.75 = -\$416.24 per year or -\$4.16 per application**

**The cost effectiveness of the proposed rule and fiscal impact of the rule change:**

If the same number of applications were received under the proposed rule change, the county would be reimbursed \$0.034 per application for a total of \$3.40 per year. The proposed rule would save the county \$4.20 per application or an estimated \$419.64 per year.

\*\$17.00 per hour is an estimate

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Federal Fiscal Impact

The federal government will see an approximate \$116,708.72 reduction in reimbursement for their share of application fees received in Colorado.

8,886 (total applications received in 2019) x \$20.00 (current fee) x 0.66 (federal share) = \$117,295.20

8,886 (total applications received in 2019) x \$0.10(proposed fee) x 0.66 (federal share) = \$586.48

\$117,295.20 (current rule) - \$586.48 (proposed rule) = \$116,708.72

45 C.F.R. § 302.33(c) states that a state must charge a fee for services in an amount not to exceed \$25.00. State funds may be used to pay application fees.

This proposed change has been shared with the Office of Child Support Enforcement (OCSE), Region VIII Representative and no concerns have been expressed as other states are considering the same change.

Other Fiscal Impact (such as providers, local governments, etc.)

N/A

**4. Data Description**

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

No specific data or research was used for the proposal of the rule packet.

**5. Alternatives to this Rule-making**

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”*

In order to increase accessibility to the services provided by DCSS, a rule change is necessary to eliminate the collection of a fee from applicants. Rule-making defines the service expectation and allows for the state supervising agency to require a specific process or practice as it relates to the application process. DCSS is proposing \$.10 as this amount can be easily divided among county and federal shares.

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**OVERVIEW OF PROPOSED RULE**

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
6.002	DEFINITIONS				
	Amended Definition	“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and a fee is paid or waived on basis of hardship, and then paid by the county.	“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and <del>a</del> <b>AN APPLICATION</b> fee is <b>ASSESSED</b> <del>paid or waived on basis of hardship, and then paid by the county.</del>	To remove language that requires the applicant to pay the fee or the county to waive the fee	
6.002	New Definition	N/A	<b>“APPLICATION FEE” - A FEE ASSESSED UPON RECEIPT OF AN APPLICATION AS REQUIRED BY FEDERAL REGULATION, TO BE PAID OUT OF STATE FUNDS IN THE AMOUNT OF 10 CENTS (\$0.10).</b>	<b>Define "application fee"</b>	
6.201.2	Amended Rule	<b>6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]</b>  A. Continued Services Cases  1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application or fee unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.	<b>6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]</b>  A. Continued Services Cases  1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application <del>or fee</del> unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.	To remove language that refers to the applicant paying the fee and to update the name of notices	

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		<p>2. Form SMR-3, Notice to Recipient, will be generated and mailed to the recipient when they are discontinued from IV-A. The form will be sent to the recipient ten (10) days prior to the effective date of the discontinuation.</p> <p>3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.</p> <p>The Notice to Recipient (SMR-3) and the Notice of Social Service Action (SS-4) shall:</p> <p>a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;</p> <p>b. Specify the CSS services that are available;</p> <p>c. Inform the person that the quality of information provided will affect the category of the case;</p> <p>d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,</p> <p>e. Specify the household number;</p> <p>f. Specify the unique case identifiers;</p> <p>g. Require the signature of the person discontinued who wishes to terminate CSS services;</p> <p>h. Specify the CSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.</p>	<p>2. <del>Form SMR-3, Notice to Recipient,</del> THE NOTICE OF ACTION AND THE CSE 34 NOTICE ARE NOTICES THAT INFORM THE RECIPIENT OF PUBLIC ASSISTANCE, WHEN THEY HAVE DISCONTINUED TEMPORARY AID TO NEEDY FAMILIES (TANF), THAT THEIR CHILD SUPPORT CASE WILL REMAIN OPEN UNLESS THEY REQUEST THAT THE COUNTY CLOSE THEIR CASE. THESE NOTICES will be generated and mailed to the recipient <del>when they are discontinued from IV-A. The form will be sent to the recipient</del> ten (10) days prior to the effective date of the discontinuation.</p> <p>3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.</p> <p><del>The Notice to Recipient (SMR-3)</del> THE NOTICE OF ACTION, THE CSE 34 NOTICE, and the Notice of Social Service Action (SS-4) shall:</p> <p>a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;</p> <p>b. Specify the CSS services that are available;</p> <p>c. Inform the person that the quality of information provided will affect the category of the case;</p> <p>d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,</p>	
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	<p>i. Contain any other information deemed appropriate by the State Department.</p> <p>4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.</p> <p><b>B. Application Cases</b></p> <p>1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.</p> <p>2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of</p>	<p>e. Specify the household number;</p> <p>f. Specify the unique case identifiers;</p> <p>g. Require the signature of the person discontinued who wishes to terminate CSS services;</p> <p>h. Specify the CSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.</p> <p>i. Contain any other information deemed appropriate by the State Department.</p> <p>4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.</p> <p><b>B. Application Cases</b></p> <p>1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to</p>		
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	<p>children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.</p> <p>3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.</p> <p>4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.</p> <p>5. Requests for Application</p> <p>a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.</p> <p>b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.</p> <p>c. The application shall include the following information:</p> <ol style="list-style-type: none"> <li>1) available services.</li> <li>2) the individual's rights and responsibilities.</li> <li>3) fees, cost recovery and distribution policies.</li> <li>4) case categorization and the information necessary to change the category; and</li> <li>5) the lack of an attorney-client relationship.</li> </ol>	<p>Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.</p> <p>2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.</p> <p>3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.</p> <p>4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.</p> <p>5. Requests for Application</p> <p>a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.</p> <p>b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.</p> <p>c. The application shall include the following information:</p>		
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	<p>d. The CSS Unit must maintain a log of requests for services which includes the following information:</p> <ol style="list-style-type: none"> <li>1) name of person requesting an application.</li> <li>2) type of request (in person, phone, mail);</li> <li>3) date of request.</li> <li>4) date the application was mailed or provided.</li> <li>5) date the application is accepted.</li> </ol> <p>6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:</p> <ol style="list-style-type: none"> <li>a. The full name of the noncustodial parent;</li> <li>b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought;</li> <li>c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application.</li> </ol> <p>7. Acceptance of Applications</p> <ol style="list-style-type: none"> <li>a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county.</li> <li>b. An application shall be accepted on the day it and the application fee are received, if one or more of the children</li> </ol>	<ol style="list-style-type: none"> <li>1) available services.</li> <li>2) the individual's rights and responsibilities.</li> <li>3) fees, cost recovery and distribution policies.</li> <li>4) case categorization and the information necessary to change the category; and</li> <li>5) the lack of an attorney-client relationship.</li> </ol> <p>d. The CSS Unit must maintain a log of requests for services which includes the following information:</p> <ol style="list-style-type: none"> <li>1) name of person requesting an application.</li> <li>2) type of request (in person, phone, mail);</li> <li>3) date of request;</li> <li>4) date the application was mailed or provided.</li> <li>5) date the application is accepted.</li> </ol> <p>6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:</p> <ol style="list-style-type: none"> <li>a. The full name of the noncustodial parent;</li> <li>b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought;</li> <li>c. The signature, address, telephone number, date of birth and social security number of the applicant and date of</li> </ol>		
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		<p>associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.</p> <p>c. An application shall be accepted as filed on the date it is received in the CSS office if it includes the following information:</p> <ol style="list-style-type: none"> <li>1) applicant's name, address and social security number;</li> <li>2) the name of the noncustodial parent(s), if known;</li> <li>3) name, birth date, sex, place of birth and social security number, if available, for each child;</li> <li>4) applicant's signature.</li> </ol> <p>d. Acceptance of an application involves recording the date of receipt on the application.</p> <p>8. Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent. County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSS program expenditures.</p> <p>9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept and charged in addition to the twenty dollar (\$20) CSS application fee. The certification fee must be used to reduce CSS program expenditures.</p>	<p>application.</p> <p>7. Acceptance of Applications</p> <p>a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county.</p> <p><del>b. An application shall be accepted on the day it and the application fee are received, if one or more of the children associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.</del></p> <p><b>eb.</b> An application shall be accepted as filed on the date it is received in the CSS office, <b>IF ONE OR MORE OF THE CHILDREN ASSOCIATED WITH A SPECIFIC OBLIGEE AND OBLIGOR ARE NOT EMANCIPATED AS DEFINED IN THE CHILD SUPPORT ORDER AND THE LAWS OF THE STATE WHERE THE CHILD SUPPORT ORDER WAS ENTERED, AND</b> if it includes the following information:</p> <ol style="list-style-type: none"> <li>1) applicant's name, address and social security number;</li> <li>2) the name of the noncustodial parent(s), if known;</li> <li>3) name, birth date, sex, place of birth and social security number, if available, for each child;</li> <li>4) applicant's signature, <b>EITHER HANDWRITTEN OR ELECTRONIC.</b></li> </ol> <p><del>dc.</del> Acceptance of an application involves recording the date of receipt on the application. <b>THE APPLICATION MUST BE ENTERED INTO THE ACSES FOR THE APPLICATION FEE TO BE ASSESSED.</b></p>		
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		<p>If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.</p> <p>10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.</p> <p>The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.</p> <p>The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.</p> <p>C. Locate Only Cases</p> <p>Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.</p>	<p>8. <del>Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent.</del> County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSS program expenditures.</p> <p>9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept <del>and charged in addition to the twenty dollar (\$20) CSS application fee.</del> The certification fee must be used to reduce CSS program expenditures.</p> <p>If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.</p> <p>10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.</p> <p>The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.</p> <p>The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.</p>		
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			<p>C. Locate Only Cases</p> <p>Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.</p>		
6.201.3	Amended Rule	<p><b>6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]</b></p> <p>A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.</p> <p>B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.</p> <p>C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.</p>	<p><b>6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]</b></p> <p>A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.</p> <p>B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.</p> <p>C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. <del>A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.</del></p>	To remove language referring to the paying of an application fee	
6.205	Amended Rule	<p><b>6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]</b></p> <p>Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary</p>	<p><b>6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]</b></p> <p>Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for</p>	To remove language that refers to the applicant paying the fee	

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	<p>orders for support when an order exists.</p> <p>Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.</p> <p>A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.</p> <p>The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.</p> <p>B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.</p> <p>C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the</p>	<p>support when an order exists.</p> <p>Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.</p> <p>A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.</p> <p>The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.</p> <p>B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.</p> <p>C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of</p>		
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		<p>application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application, documents, and fee to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.</p> <p>D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.</p> <p>E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.</p>	<p>the new application or referral shall forward the application; <del>AND documents, and fee</del> to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.</p> <p>D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.</p> <p>E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.</p>		
6.260.5 2	Amended Rule	<p><b>6.260.52 Closure of Non-Public Assistance Cases</b></p> <p>Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.</p>	<p><b>6.260.52 Closure of Non-Public Assistance Cases</b></p> <p>Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.</p>		

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		<p>A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open or be reopened without payment of an additional application fee.</p> <p>B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.</p> <p>C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.</p> <p>D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.</p> <p>E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.</p> <p>F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health</p>	<p>A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open <del>or be reopened without payment of an additional application fee.</del></p> <p>B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.</p> <p>C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.</p> <p>D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.</p> <p>E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.</p> <p>F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health</p>		
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	<p>care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.</p> <p>G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.</p>	<p>care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.</p> <p>G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.</p>		
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**STAKEHOLDER COMMENT SUMMARY**

**Development**

*The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):*

N/A

**This Rule-Making Package**

*The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:*

The State of Colorado, Division of Child Support Services  
The State of Colorado, Office of Information and Technology - ACSES  
County Human Services Directors and Designees  
County Child Support Services IV-D Administrators  
The Office of Child Support Enforcement - Region 8 Representative  
IV-D Attorneys  
Colorado Judicial Department  
Colorado Legal Services  
Center on Fathering

**Other State Agencies**

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes     No

If yes, who was contacted and what was their input?

**Sub-PAC**

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes     No

Name of Sub-PAC	Economic Security Sub-PAC		
Date presented	7/8/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	15 (1 absent)		1
If not presented, explain why.			

**PAC**

Have these rules been approved by PAC?

Yes     No

Date presented	August 5, 2021
What issues were raised?	none

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Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	12		1
If not presented, explain why.			

**Other Comments**

Comments were received from stakeholders on the proposed rules:

Yes     No

*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

## (9 CCR 2504-1)

### 6.002 DEFINITIONS

“Abandoned Collections Account” - the state IV-D account into which undeliverable collections are transferred once a determination has been made that the payment cannot be disbursed. This account is used to reimburse state expenditures.

“ACSES” - the acronym for the Automated Child Support Enforcement System, a comprehensive statewide online computer system providing case management, financial management, reports, statistics and an extensive cross-reference system.

“Adjustment” or “Modification” - is a legal action to change the amount of the child support or foster care fee order, which can increase or decrease based upon application of the state's presumptive guideline; or to add a provision for medical support or to change the party ordered to provide medical support.

“Administrative Costs” - the amount of court ordered costs that must be repaid to the Child Support Services Unit such as genetic tests, service of process fees, or attorney's costs.

“Administrative Lien and Attachment” - a notice to withhold child support, child support arrearages, child support debt, or retroactive support due from a noncustodial parent's workers' compensation benefits that is issued to any person, insurance company, or agency providing such benefits.

“Administrative Process Action (APA)” - determination of paternity and/or support obligations through a non-judicial process.

“Administrative Review” - a county or state level review of the following four issues only: the payments made, the arrearage amounts, the distribution of amounts collected, or a mistake in the identity of the person who owes the child support.

“Alleged Parent” - a person who has been identified as the possible biological parent of a child and/or who may be the legal parent of a child.

“Allocation” - the process of apportionment of a collection to a specific noncustodial parent's obligation based on the legal order for support to satisfy the various classes of the noncustodial parent's receivables.

“APA – Petitioner” – The party who has applied or been mandatorily referred for Child Support Services.

“APA – Respondent” – The party that did not apply for Child Support Services and was not mandatorily referred for Child Support Services.

“APA Stipulated Order” – An order that is agreed to and signed by both the APA-Petitioner and the APA-Respondent or an order that is agreed to and signed by the APA-Respondent in the absence of the APA-Petitioner.

“APA Temporary Order” – An order that establishes a monthly support obligation only and that is entered when the APA-Petitioner and/or the APA-Respondent does not agree with the terms of the proposed stipulated order.

“APA Default Order” – An order that is entered when the APA-Respondent (1) fails to attend the currently scheduled negotiation conference, (2) fails to sign and deliver to the county delegate child support enforcement unit at or prior to the time of the currently scheduled negotiation conference the stipulated order, or (3) fails to appear for or cooperate with a genetic testing appointment.

“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and ~~a~~**AN APPLICATION** fee is **ASSESSED**~~paid or waived on basis of hardship, and then paid by the county.~~

**“APPLICATION FEE” - A FEE ASSESSED UPON RECEIPT OF AN APPLICATION AS REQUIRED BY FEDERAL REGULATION, TO BE PAID OUT OF STATE FUNDS IN THE AMOUNT OF 10 CENTS (\$0.10).**

“Arrearages” - the total amount of the court ordered support obligations that are past due and unpaid. Such amount is calculated by multiplying the amount of the support obligation (including any modification thereto) by the number of months that have elapsed since the inception of the order and subtracting from the product the amount of support paid by the noncustodial parent, through the court, directly to the obligee, Child Support Services Unit, or Family Support Registry (FSR).

“Assignment of Support Rights” - the determination that a family is eligible for IV-A benefits automatically invokes a state law (Section 26-2-111(3), C.R.S., as amended) that assigns to the State Department all rights that the applicant may have to support from any other person on his/her own behalf or on behalf of any other family member for whom application is made. The assignment is effective for both current support and support that accrues as arrears during the period that the family receives assistance. The assignment is limited by the total amount of IV-A assistance received. When a child is placed in foster care, all rights to current and accrued child support for the benefit of the child are assigned to the State Department pursuant to Section 26-13-113, C.R.S.

“Automated Child Support Enforcement System (ACSES)” - the statewide computer program used by Child Support Services for daily operations.

“Caretaker” - a person who is related to the dependent child by blood or by law, or who lives with the child and who exercises parental responsibility (care, control and supervision) of the child in the absence of the child's parent.

“Case Category” - category of a case identifies the type of IV-D case. Case categories must be maintained on the automated child support system as prescribed by the State Department.

“Cash Medical Support” - see definition of “specific dollar amount for medical purposes”.

“Challenge” - when either party disagrees in writing with the review results because the guideline calculation contained an alleged mathematical or factual error. The parties' right to challenge is included in the Post Review Notice or the Administrative Process, Notice of Financial Responsibility for Modification.

“Child Support Services (CSS) Unit” - the county unit administering or supervising the contract for another private or public entity to administer the Child Support Services (CSS) Program.

“Colorado Date of Receipt” (CDOR) - the date the child support payment is first received by the Child Support Services program, either the Family Support Registry or the Child Support Services Unit.

“Confidential” - privileged information of individuals which is private and not for release, disclosure, or distribution unless specifically authorized in statute, regulation, or rule.

“Consumer Credit Reporting Agency” - any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

“Continued Services Cases” – non-public assistance Child Support Services cases in which the Child Support Services Unit continues to provide services after IV-A financial or IV-E foster care eligibility ceases unless notified by the custodial party that continued services are not desired.

“Cost Effectiveness Ratio” - the ratio of total child support collections to total administrative costs.

“County Department” - a county department of social services, human services, housing and human services, or health and human services. “C.R.S.” - Colorado Revised Statutes.

“CSS Case” - a child support case in which services are provided to establish, modify, and enforce support and medical obligations pursuant to the state IV-D plan.

“Currently Scheduled Negotiation Conference” – The date and time of the APA negotiation conference as scheduled in the notice of financial responsibility or the date and time of a continued negotiation conference whichever date is later.

“Custodial Party” - the legally responsible parent, blood relative, adoptive relative, adult who exercises responsibility for a dependent child(ren), or agency. Also known as the caretaker relative, custodial relative, custodian, government agency (for foster care cases) or, on ACSES, as the recipient/applicant and abbreviated as R/A.

“Date of Withholding” - the date the employer withheld the child support from the employee's wages.

“Deliver” – Delivery of a document or documents includes delivery by hand (in person), by first-class mail, or by electronic means if mutually agreed upon.

“Discharge From Custody” - As defined in title 17 of the Colorado Revised Statutes.17-22.5-402(1)

“Disbursement” - processing of the payable to payees other than the Department of Human Services.

“DISH” –The acronym for the Data Information Sharing System of the Colorado Judicial Department. It is also the process of electronically transmitting information on a case or data on an order by and between the county CSS unit and the court clerk.

“Disposition” - the date on which a support order is officially established and/or recorded or the action is dismissed.

“Distribution” - application of the allocated collection to the IV-D retained and/or payable accounts according to federal regulations based on assignment of rights to support, continued services, and application for services.

“EFPLS” - Expanded Federal Parent Locator Service

“Electronic Benefits Transfer (EBT) Notice” - the notice that is sent to the IV-A recipient at the beginning of each month informing him/her of how much public assistance money was deposited into his/her account. The notice also contains information about how much child support was paid by the noncustodial parent during that month.

“Enforcing County” - Colorado county responsible for processing the case and providing Child Support Services.

“Erroneous Disbursement” - see “Unfunded Disbursement”.

“Excess Pass Through Amount” – means an assigned child support collection (applied to current support) that the state elects to pay to the family rather than retain to reimburse for assistance provided to the family over the Pass Through Amount.

“Expedited Processes” - administrative or expedited judicial processes or both which increase effectiveness and meet specified processing time frames and under which the presiding officer is not a judge of the court. Actions to establish or enforce support obligations in IV-D cases must be completed within the time frames specified in federal regulations.

“Family Support Registry (FSR)” - the contracted fiscal agent responsible for processing all child support payments.

“FFP” - Federal Financial Participation.

“Federal Tax Information (FTI)” - any information contained in, or derived from, a federal tax return.

“Financial Institution Data Match (FIDM)” - Federal mandate requiring the state to do a periodic match of noncustodial parents who owe arrearages to accounts maintained at financial institutions.

“Financial Institution Data Match Lien and Levy” - a notice generated by the Colorado Department of Human Services, Division of Child Support Services, to freeze and seize assets contained in financial accounts. The notice is issued to any financial institution or state entity maintaining accounts for obligors with child support arrearages, child support debt or retroactive support.

“FIPS” - Federal Information Processing Standard - a code number assigned to each state and county within the United States.

“Former Arrears Due (FAD) Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance but no longer receives CSS services and where there are still assigned arrears due.

“Former Assistance Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance.

“Foster Care Fee Debt” - the amount of support due in a foster care case from the placing parent for the time period between the date the child was placed in out-of-home placement to the date the fee order was established.

“Foster Care Fee Order” - a monthly amount assessed by application of the Colorado Child Support guidelines, which are found under 14-10-115(7), C.R.S., to the legally responsible person(s) whose child(ren) are receiving substitute care through a foster care placement as ordered by a court or through administrative process by a county Child Support Services Unit.

“FPLS” - Federal Parent Locator Service.

“Genetic Testing” - a scientific test that shows the probability of biological parentage of a child which can lead to the establishment of paternity.

“Health Care Coverage/Health Insurance” – Fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

“HHS” - the U.S. Department of Health and Human Services.

“High Volume Automated Administrative Enforcement in Interstate Cases” - the use of automated data processing on interstate cases to search various state databases and seize identified assets of delinquent obligors, using the same techniques as used in intrastate cases upon request of another state.

“Income Assignment” - the process whereby a noncustodial parent's child support payments are taken directly from his/her income and forwarded to the FSR through a notice to the employer, trustee, or other payor of funds.

“Initial Date of Receipt” (IDOR) - the date on which the support collection is initially received by the Title IV-D agency or the legal entity of any state or political subdivision actually making the collection or, if made via income assignment, the date of withholding, whichever is earliest.\

“Initiating State/Jurisdiction” -

A. The state/jurisdiction which requests CSS services from the state/jurisdiction where the noncustodial parent resides, has property, or derives income; or,

B. The state where the custodial party resides if a modification has been requested and it is appropriate for that state to review the order.

“Inmate” - As defined in title 17 of the Colorado Revised Statutes.17-1-102(6.5)

“Intergovernmental Case” - a CSS services case which involves more than one state, country or tribe.

“Interstate Central Registry” - the Interstate Network unit within the Colorado Division of Child Support Services (CSS) which receives and distributes responding cases and has oversight responsibility for intergovernmental IV-D cases.

“Interstate Network” - the unit in the Colorado Division of Child Support Services which has responsibility for interstate central registry functions.

“In-State Case” - a case being worked in Colorado with no other jurisdiction involved.

“IV-A Cash Assistance” - payments paid to or on behalf of families with children pursuant to Title IV-A of the Social Security Act.

“IV-A Case” - a case referred from the IV-A Unit to the CSS office for child support services when the family has been approved for IV-A financial benefits and/or medical benefits.

“IV-A Unit” - the county unit administering the IV-A cash assistance program.

“IV-D Program” - Child Support Services Program pursuant to Title IV-D of the Social Security Act.

“IV-E Foster Care Case” - a case with a child(ren) who qualifies for public assistance under Title IV-E of the Social Security Act. These cases are mandatory referrals to the CSS Unit.

“IV-E Payment” - payment made on behalf of a child for his/her foster care maintenance in accordance with Title IV-E of the Social Security Act.

“Judgment” - by operation of law, a child support payment becomes a final money judgment when it is due and not paid. A missed payment, or a series of missed payments, may also be reduced into a single judgment by the court.

“Legal Father” - see “Paternity”.

“Locate” - information concerning the physical whereabouts of the noncustodial parent or the noncustodial parent's employer(s), other sources of income, or assets, as appropriate, which is sufficient to take the next appropriate action in a case.

“Medicaid Referral Cases” - cases in which families, with a noncustodial parent, receive Medicaid and are referred to CSS from a Medicaid agency for CSS services if the Medicaid recipient voluntarily wants CSS services.



“Medical Coverage” - any health coverage provided for a child(ren), including: 1) private health insurance; 2) publicly-funded health coverage; 3) cash medical support; or 4) payment of medical bills, including dental or vision.

“Medical Support” - a subset of medical coverage which includes health coverage provided for a child(ren) in a IV-D case in which there is a medical support order. This includes: 1) private health insurance; 2) publicly-funded health coverage, if a parent is ordered by a court or administrative process to provide cash medical support payments to help pay the cost of Medicaid or State Child Health Insurance Program (SCHIP); 3) cash medical support, including payment of health insurance premiums; and 4) payment of medical bills, including dental or vision. Indian health service and Tricare are acceptable forms of medical support.

“Modification” - see “Adjustment”.

“Monthly Amount Due” - the monthly amount the obligor is expected to pay toward the arrearages.

“Monthly Payment Due” - the monthly amount that the obligor is expected to pay each month; the amount includes the court ordered current support and the monthly amount due towards any arrears.

“Monthly Support Obligation (MSO)” - the monthly obligation amount ordered by a court or through administrative process by a county Child Support Services Unit to be paid on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“National Medical Support Notice (NMSN)” - a federally mandated notice sent to employers by the delegate CSS Units. The NMSN requires an employer to enroll a child(ren) in the employer’s health insurance plan if it is available, the employee is eligible, and it is reasonable in cost.

“Non-IV-E Foster Care Case” - a case with a child(ren) receiving Title IV-B foster care services who does not qualify for IV-E public assistance. These cases are classified by the State CSS Division on the automated child support system as a Non-PA case, but are treated like public assistance cases because they originate within Child Welfare Services and, pursuant to statute, contain an automatic assignment of support.

“Non-Public Assistance (Non-PA) Case” - a IV-D case in which the family currently does not receive public assistance. Non-PA cases include Medicaid referral cases.

“Noncustodial Parent (NCP)” - the legally responsible parent, adoptive parent, or alleged parent who is not living with the dependent children. Also known on ACSES as the absent parent and abbreviated as “A/P”.

“Not in Child's Best Interest” - order would not be reviewed based on a good cause determination in cases with an assignment of rights as defined in Section 6.230.1.

“Notice of Collection” - a periodic report of Child Support collection information which is sent by the Child Support Services Unit to current and former Colorado Works Program recipients who have assigned their rights to support.

“Obligee” - the party to whom an obligation of support is owed.

“Obligor” - the party bound by a court or administrative order to provide support.

“OCSE” - Office of Child Support Enforcement. The Health and Human Services agency responsible for the supervision of state child support enforcement programs pursuant to Title IV-D of the Social Security Act.

“Original Order” - means the first support order that orders a parent to pay support for a child.

“Parole” - As defined in title 17 of the Colorado Revised Statutes.17-2-207(3)

“Parties to the Action” - those individuals or entities named in a petition, motion, or administrative process notice of financial responsibility and joined, or to be joined, in a legal action.

“Pass Through Amount” – means an assigned child support collection (applied to current support) that the state elects to pay to the family rather than retain to reimburse for assistance provided to the family. In current-assistance cases, the federal share will be waived for up to \$100 per month for TANF families with one child and up to \$200 per month for families with two or more children, as long as both the federal and state share of the Pass Through are paid to the family and are disregarded in determining the TANF Basic Cash amount of assistance provided to the family.

“Paternity” - is the legal establishment of parentage, maternity or paternity, for a child, either by court determination, administrative process, or voluntary acknowledgment.

“Permanently Assigned Arrears” - arrears which accrued under a court or administrative order and were assigned prior to October 1, 1997, plus all arrears which accrue while a family is receiving public assistance after October 1, 1997.

“Placing Parent” - the legally responsible parent who the child(ren) was living with prior to foster care placement.

“Post Assistance Arrears” - the arrears that accrue under a court or administrative order on a continued services case after the obligee discontinues IV-A services.

“Pre-Assistance Arrears” - the arrears that accrued from October 1, 1997, forward, under a court or administrative order before the obligee started receiving IV-A assistance.

“Pre-Offset Notice” - a notice generated yearly by the state Office of Child Support Services notifying noncustodial parents of the enforcement remedies that may be applied to their cases and advising of their right(s) to request an administrative review.

“Pre-Review Screening” - an assessment of the IV-D case to determine the appropriateness for review.

“Presumed Father” - a man who is more likely than not to be the legal father of a child because certain facts exist.

“Primary Contact County” - the county that the obligee will contact to resolve issues concerning an unfunded disbursement balance.

“Procedure” - processes developed by county Child Support Services Units and/or the State Department to implement state policy and rules.

“Public Assistance” - assistance payments provided to or on behalf of eligible recipients through programs administered or supervised by the State Department under Titles IV-A or IV-E of the Social Security Act or under Child Welfare Services.

“Public Assistance (PA) Case” - a case that has met established criteria by the IV-A or IV-E divisions to be referred to the CSS Unit for child support services.

“Responding State/Jurisdiction” - the state/jurisdiction where the obligor resides, has property, or derives income, which provides Child Support Services Unit services upon request from another state/ jurisdiction.

“Retroactive Support Due” - the amount of support due for a time period prior to the entry of an order establishing paternity and/or support.

“Review” - an evaluation of the parties’ income information to determine the child support order amount and whether a medical support provision needs to be added to the child support order or if the party ordered to provide medical support needs to change.

“Sentence” - Means the post-conviction stage of the criminal justice process, in which the defendant is brought before the court for the imposition of a penalty. Sentences can vary in the way they are implemented or carried out. A sentence can be concurrent, meaning it is served at the same time as any other sentences imposed; or, consecutive meaning there is a conviction on several counts and the sentences are added to each other so each sentence begins immediately upon the expiration of the previous one. In the case of the conviction of a sexual offense, Colorado may also impose an indeterminate sentence of “not more than” or “not less than” a certain period of time.

“Service Fee” – the annual fee charged to an obligee who has never received cash public assistance.

“Specific Dollar Amount for Medical Purposes or Cash Medical Support” - an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another party through employment or otherwise, or for other medical costs not covered by insurance.

“SPLS” - the State Parent Locator Service.

“State Department” - the Colorado Department of Human Services.

“State Plan” - the comprehensive statement submitted by the State Department to the Department of Health and Human Services describing the nature and scope of its Child Support Services Program and giving assurance that it will be administered in conformity with the specific requirements stipulated in Title IV-D of the Social Security Act and other official issuances of Health and Human Services.

“Support” - a medical support order and/or financial amount ordered by a court or through administrative process by a county Child Support Services Unit on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“Termination of Review and Adjustment” - the review/adjustment activity ceases based on specific criteria which are set forth in Section 6.261.5.

“Total Program Expenditures” - the total amount of costs associated with the Child Support Services program billed to the federal government for reimbursement.

“UIFSA” - Uniform Interstate Family Support Act, Title 14, Article 5, Colorado Revised Statutes (C.R.S.) which governs interstate case processing.

“UMP” - Unreimbursed Maintenance Payments. The amount of IV-E foster care maintenance payments which have not been reimbursed by child support collections or other recoveries.

“Unassigned Arrears” - any arrears that are not assigned to the state, either because the obligee never received public assistance or because, for an obligee who is or was receiving public assistance, the arrears accrued during a time period when the obligee was not receiving public assistance.

“Unfunded Disbursement” - a disbursement that is paid but subsequently found to contain an error or found to have insufficient funds to pay the disbursement.

“UPA” - Unreimbursed Public Assistance. The amount of IV-A payments which have not been reimbursed by child and spousal support collections or reduced by IV-A established recoveries.

“URESAs” or “RURESAs” - The Revised Uniform Reciprocal Enforcement of Support Act, Title 14, Article 5, C.R.S., as amended. Repealed in Colorado on January 1, 1995, the effective date of Uniform Interstate Family Support Act.

“Unenforceable” - A case is determined unenforceable when there is no collection on a case for two years and all administrative or legal remedies have been attempted and determined to be ineffective. Ineffective has three elements: 1. The obligor is unable to pay, 2. The obligor has no known income or assets, 3. There is no reasonable prospect that the obligor will be able to pay in the foreseeable future; or, there is nothing to enforce on the case as benefits were paid but uncollectable due to the fact the recipient does not have custody of the children or there is shared custody.

“Unsworn Declaration” - A statement or document that is not notarized but is made under the penalty of perjury under the law of Colorado that it is true and correct. An unsworn declaration may be used in lieu of an affidavit 4.609.1 GENERAL ELIGIBILITY GUIDELINES [Rev. eff. 2/5/16]

## **6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]**

### **A. Continued Services Cases**

1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application ~~or fee~~ unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.

2. ~~Form SMR-3, Notice to Recipient,~~ **THE NOTICE OF ACTION AND THE CSE 34 NOTICE ARE NOTICES THAT INFORM THE RECIPIENT OF PUBLIC ASSISTANCE, WHEN THEY HAVE DISCONTINUED TEMPORARY AID TO NEEDY FAMILIES (TANF), THAT THEIR CHILD SUPPORT CASE WILL REMAIN OPEN UNLESS THEY REQUEST THAT THE COUNTY CLOSE THEIR CASE. THESE NOTICES** will be generated and mailed to the recipient ~~when they are discontinued from IV-A. The form will be sent to the recipient~~ ten (10) days prior to the effective date of the discontinuation.

3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.

~~The Notice to Recipient (SMR-3)~~ **THE NOTICE OF ACTION, THE CSE 34 NOTICE,** and the Notice of Social Service Action (SS-4) shall:

- a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;
- b. Specify the CSS services that are available;
- c. Inform the person that the quality of information provided will affect the category of the case;
- d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,
- e. Specify the household number;
- f. Specify the unique case identifiers;
- g. Require the signature of the person discontinued who wishes to terminate CSS services;
- h. Specify the CSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.
- i. Contain any other information deemed appropriate by the State Department.

4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.

#### B. Application Cases

1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.

2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.

3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.

4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.

#### 5. Requests for Application

a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.

b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.

c. The application shall include the following information:

- 1) available services;
- 2) the individual's rights and responsibilities;
- 3) fees, cost recovery and distribution policies;
- 4) case categorization and the information necessary to change the category; and
- 5) the lack of an attorney-client relationship.

d. The CSS Unit must maintain a log of requests for services which includes the following information:

- 1) name of person requesting an application;

- 2) type of request (in person, phone, mail);
- 3) date of request;
- 4) date the application was mailed or provided;
- 5) date the application is accepted.

6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:

- a. The full name of the noncustodial parent;
- b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought;
- c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application.

7. Acceptance of Applications

a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county.

~~b. An application shall be accepted on the day it and the application fee are received, if one or more of the children associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.~~

~~eb.~~ An application shall be accepted as filed on the date it is received in the CSS office, **IF ONE OR MORE OF THE CHILDREN ASSOCIATED WITH A SPECIFIC OBLIGEE AND OBLIGOR ARE NOT EMANCIPATED AS DEFINED IN THE CHILD SUPPORT ORDER AND THE LAWS OF THE STATE WHERE THE CHILD SUPPORT ORDER WAS ENTERED, AND** it includes the following information:

- 1) applicant's name, address and social security number;
- 2) the name of the noncustodial parent(s), if known;
- 3) name, birth date, sex, place of birth and social security number, if available, for each child;
- 4) applicant's signature, **EITHER HANDWRITTEN OR ELECTRONIC.**

~~ec.~~ Acceptance of an application involves recording the date of receipt on the application. **THE APPLICATION MUST BE ENTERED INTO THE ACSES FOR THE APPLICATION FEE TO BE ASSESSED.**

~~8. Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent.~~ County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSS program expenditures.

9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund

intercept ~~and charged in addition to the twenty dollar (\$20) CSS application fee~~. The certification fee must be used to reduce CSS program expenditures.

If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.

10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.

The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.

The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.

#### C. Locate Only Cases

Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.

### **6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]**

A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.

B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.

C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. ~~A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.~~

### **6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]**

Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for support when an order exists.

Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.

A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.

The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate in-state action for CSS services. If the noncustodial

parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.

B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.

C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application, ~~AND~~ documents, ~~and fee~~ to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.

D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.

E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.

#### **6.260.52 Closure of Non-Public Assistance Cases**

Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.

A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open ~~or be reopened without payment of an additional application fee.~~

B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.

C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.



D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.

E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.

F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.

G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.