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Administrative Directive

Section 1

Transmittal: 09-ADM-02
To: Local District Commissioners
Issuing: Center for Child Well-Being
Division/Office: Division of Child Support Enforcement
Date: January 28, 2009
Subject: Income Execution Process
Suggested: Child Support Enforcement Coordinators
Distribution: Support Collection Unit Supervisors
IV-D Attorneys
Contact: Division of Child Support Enforcement at 1-800-343-8859
Person(s): Office of Legal Affairs – Brian S. Wootan at 1-518-473-6188
Attachment A: Income Execution Forms and Notices

Attachment Available On – ☒ Yes
Line:

Filing References

Previous ADM/INF	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
	Dear Colleague Letters dated: April 19, 1993 August 18, 1993 November 5, 1993 June 20, 2001	18 NYCRR 347.9	FCA §440 DRL §240 CPLR §5241 SSL §137-a		

I. Summary

This Administrative Directive (ADM) provides information related to the revised income execution process (hereinafter referred to as “IEX Process”).

II. Purpose

This Administrative Directive provides local districts with information related to the changes required by amendments to New York State Civil Practice Law and Rules (CPLR) §5241 “Income execution for support enforcement,” and to Title 18 of the New York Codes, Rules and Regulations (NYCRR) §347.9.

III. Background

“Income execution for support enforcement,” CPLR §5241, provides the statutory authority for the IEX Process, including issuance of the *Income Withholding for Support* (IEX NOTICE) (Attachment A, p.2). Family Court Act (FCA) §440(1)(b)(1), authorizes the immediate issuance of an income execution upon entry of an order of support. Parallel authority for supreme court orders is found at Domestic Relations Law (DRL) §240(2)(b)(1).

Since enactment in 1985 of income execution based on default, the IEX Process has been child support’s most effective collection tool. In 1990, the law was amended to provide for immediate issuance of the IEX NOTICE and shifted the use of income executions from an enforcement tool to the primary method of paying support. In 2006, CPLR §5241(g)(2)(D) was amended to clarify that penalties assessed against employers are to be paid to the creditor.

The April 12, 2006, amendments to 18 NYCRR §347.9(e) “Calculation of the amount of additional deduction for income execution” set forth new rules for calculating the additional amount to liquidate arrears/past-due support for cases with current obligations and arrears and for cases with arrears where no current obligation exists or ever existed. The amendment also addressed withholding from income for periodic or lump sum payments; clarified the grounds for a reduction in or elimination of the additional amount; and clarified the types of documentary proof to support the noncustodial parent’s request to reduce the additional amount.

Throughout this Administrative Directive the term “noncustodial parent” is substituted for “employee/obligor,” and “employer” will be substituted for “employer/income withholder” as listed on the IEX NOTICE, as they are terms familiar to Support Collection Unit (SCU) staff.

IV. Program Implications

This Administrative Directive specifies the changes that have occurred as a result of the amendments to CPLR §5241 and 18 NYCRR §347.9. The regulatory amendments implemented Section 314 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) and the provisions of Chapter 398 of the Laws of 1997 that amended section 5241 of the Civil Practice Law and Rules (sections 20 through 28). The federal and State laws implemented by these amendments concern the process for issuing income execution notices in child support cases and the penalties to be imposed on employers for failing to comply with such notices.

The amendments also added provisions affecting the method for calculating the amount of the additional deductions to be withheld from a noncustodial parent's income if he or she owes child support arrears/past-due child support. These provisions will enable child support arrears/past-due support to be collected faster than is currently the case. The amendments also clarified the amount to be deducted from lump sum payments. The amendments also gave persons owing arrears the opportunity to present proof that the amount of the additional deductions should be reduced or eliminated due to a change in custody or because the noncustodial parent's income would be reduced below the self-support reserve (SSR).

This Administrative Directive focuses on the changes affecting the calculation of the additional amount.

V. Required Action

In addition to actions required under the current statutory and regulatory requirements, changes and actions resulting from the amendments to CPLR §5241 and 18 NYCRR §347.9 are set forth herein.

A. Revisions to the Additional Amount Calculations

Prior to 18 NYCRR §347.9(e) being amended, the additional amount was \$50 a week or one-half (50%) of the total court-ordered obligation amount at the same frequency, whichever was greater. For cases in which no obligation amount was due and arrears/past-due support existed on the case, the additional amount was \$50 a week. If the income source was unemployment insurance benefits (UIB), the additional amount was \$10 per week.

The revisions to the additional amount calculations require that:

1. If there is a current obligation amount, the additional amount is one-half (50%) of the current obligation at the same frequency;
2. If there is no current obligation amount, the additional amount is one and one-half (150%) of the most recent current obligation greater than zero;
3. If there was never a current obligation amount, the arrears/past-due support, if greater than \$300, are divided by twelve and payable monthly;
4. If the arrears are minimal and if there never was, or no longer is, a current obligation amount, and the total arrears/past-due support owed is:
 - a. \$100 to \$300, the additional amount is \$25 a month until the arrears/past-due support are paid in full;
 - b. less than \$100, the case will not be included in the IEX Process and the IEX NOTICE will not be generated.
5. The additional amount for UIB is the same as described for employer withholding. As UIB is payable weekly, obligation amounts that are other than a weekly amount will be calculated to be a weekly amount and passed to UIB.

B. Revisions to Withholding of Additional Amounts

The regulation also repealed the 40% cap on employer withholding of the additional amount from disposable earnings. Withholding limitations are now based on the Consumer Credit Protection Act (CCPA) (CPLR § 5241[g]).

Prior to the revisions to the IEX Process, the Department of Labor (DOL) did not apply the CCPA limitations to UIB withholdings. DOL will now be applying the lower CCPA limit, 50%, to all UIB withholdings with the release of this Administrative Directive.

C. Additional Amount Review

The IEX NOTICE provides the noncustodial parent with the right to challenge an error in the execution. A default IEX NOTICE issues on default (as defined in CPLR 5241[a][7]) if the support order was: 1) entered before November 1, 1990; 2) if entered after that date, the court found good cause not to issue an immediate execution; or 3) if issued after that date and the children were not in receipt of public assistance, if the parties agreed that an immediate IEX NOTICE would not be issued and made an alternate arrangement. In all other cases, an immediate IEX NOTICE must be issued (FCA 440[1][b][1]). If the noncustodial parent believes the default IEX NOTICE was issued in error, he or she may claim a mistake of fact (CPLR 5241[a][8], [e]). If the noncustodial parent believes there is an error in an immediate IEX NOTICE, the parent must contact the SCU and notify it of the claimed error. The SCU has thirty (30) days to correct any errors. Noncustodial parents may also request a reduction or elimination of the additional amount to pay arrears/past-due support if the additional amount reduces his or her income below the SSR or if he or she has obtained physical custody of the children. These rights are explained under "Notice to employee/obligor" on page 3 of the IEX NOTICE.

1. Circumstances Permitting a Review of the Additional Amount

The noncustodial parent may request a reduction of the additional amount when:

- a. They have physical custody of the child(ren) that is/are the subject(s) of the order, there is no current obligation amount on this case, and the additional amount financially impacts their ability to support the child(ren); and/or
- b. Their income is below the SSR amount or falls below the SSR as a result of the additional amount.

The amended regulation requires documentary proof to support these requests (18 NYCRR 347.9[e][2] and [3]).

2. Requesting a Review

The IEX NOTICE provides information to the noncustodial parent of their right to request a review of the additional amount by contacting the Child Support Helpline (CSH) and obtaining the appropriate forms. If a noncustodial parent calls to advise that they cannot pay the additional amount, he or she should be provided a copy of the

appropriate forms and advised that the forms must be completed and returned to the SCU, at the address provided.

3. Documentary Proof for Custody Issues

- a. If the request is based on a change in custody, documentary proof must demonstrate that:
 - i. the noncustodial parent has physical custody of the minor child(ren) who is/are the subject(s) of the support order;
 - ii. there is no current obligation amount; and
 - iii. income withholding of the additional amount impairs the noncustodial parent's ability to financially support the child(ren) living in the household.
- b. Documentary proof that the noncustodial parent has physical custody of the minor child(ren) who is/are the subject(s) of the support order includes:
 - i. court order directing a change in physical custody; or
 - ii. court finding that a change in physical custody has occurred; or
 - iii. school or other governmental records indicating the child(ren)'s residence.
- c. Documentary proof that there is no current obligation amount is a copy of the court order terminating his or her current support obligation.
- d. The impact of the additional amount on the noncustodial parent's ability to financially support the child(ren) will be based on a comparison of income and expenses. Examples of documentary proof of the noncustodial parent's income include:
 - i. a copy of the noncustodial parent's most recently filed state and federal tax return and W-2 statement;
 - ii. a signed letter from their employer, or a current paycheck stub stating their current annual income; and/or
 - iii. proof of any benefits received such as Social Security Disability Insurance (SSDA) or UIB.
- e. Documentary proof of the parent's expenses is the completed *Statement of Income and Expenses* form (Attachment A, p. 20).

4. Documentary Proof for SSR Issues

The noncustodial parent must provide the same documentary proof of his or her income as required under V.C.3.d.

5. SCU's Receipt and Review of Request for Review

- a. Upon receipt by the SCU of the *Request for Review of the Additional Amount on the Income Withholding for Support* form (Attachment A, p. 18), hereafter referred to as "Request for Review" form, and *Statement of Income and Expenses* form (Attachment A, p. 20) if it is a custody issue, and any other documentary proof, the SCU must set the appropriate status and reason code.
- b. The SCU must conduct the review within thirty (30) days from the date the noncustodial parent's Request for Review was received.
- c. The SCU must review the Request for Review form and supporting documentation to determine the validity of the request for either custody or SSR issues.

- d. The SCU must review the account to verify whether the noncustodial parent has multiple employers, is self-employed, or whether the court imputed income to the noncustodial parent in setting the amount of child support, and consider these items in the review process.
6. SCU Calculation of an Alternate Additional Amount
- a. If the noncustodial parent includes multiple case IDs for multiple counties on the Request for Review form, the SCU will need to review ASSETS to obtain the obligation amount and additional amount of the account(s) in the other county.
 - b. The SCU can use the *Alternate Additional Amount Calculation for Custody Issues* (Attachment A, p. 21) or *Alternate Additional Amount Calculation for Self-Support Reserve Issues* (Attachment A, p. 22) to calculate the appropriate additional amount.
 - c. If the SCU determines that the additional amount reduces the noncustodial parent's annual remaining income below the SSR, the SCU must eliminate or reduce the additional amount so that the noncustodial parent's remaining income does not fall below the SSR. The alternate additional amount adjustment will be calculated on the *Alternate Additional Amount Calculation for Self-Support Reserve Issues*.
 - d. If the SCU determines that the noncustodial parent has physical custody of the child(ren) who is/are the subject(s) of the order, the current obligation amount is zero and the additional amount impairs the noncustodial parent's ability to support the child(ren), the additional amount must be adjusted to the amount calculated on the *Alternate Additional Amount Calculation for Custody Issues*.
7. Denial of Request for Reduction of Additional Amount
- a. If the noncustodial parent did not include the required documentary proof with the Request for Review form, the request must be denied. The SCU must complete and mail the *Support Collection Unit Determination of Your Request for Review of the Additional Amount on the Income Withholding for Support* letter (Attachment A, p. 24).
 - b. If the noncustodial parent has not demonstrated that a reduction is appropriate, the request must be denied. The SCU must complete and mail the *Support Collection Unit Determination of Your Request for a Review of the Additional Amount on the Income Withholding for Support* letter.
 - c. The SCU must set the appropriate status and reason code reflecting the denial of the request for review.
8. Approval of Request for Reduction of Additional Amount
- a. To notify the noncustodial parent that the request has been granted, the SCU must locally complete and mail the *Support Collection Unit Determination of Your Request for Review of the Additional Amount on the Income Withholding for Support* letter.
 - b. The SCU must set the appropriate status and reason code reflecting that the request for review has been granted.

- c. The SCU should review the status annually to determine whether the noncustodial parent's custody or financial situation has changed, whether the alternate additional amount still either impairs the noncustodial parent's ability to financially support the child(ren) living in the household, or reduces the noncustodial parent's remaining income below the SSR. The SCU should also determine whether a change in circumstances allows the alternate additional amount to be increased to reduce the arrears more quickly.

If the noncustodial parent claims that he or she cannot comply with the court ordered current support obligation, advise the parent that the SCU must enforce the court ordered amount. Only the court can modify the court order and noncustodial parent must file a modification petition.

D. Effect of New Hire or Workers' Compensation Leads on Accounts with an Alternate Additional Amount

If, after an alternate additional amount adjustment has been made, a federal or state new hire report is received for a new employer or a workers' compensation lead is received, and a new employer record is created, the alternate additional amount will be cleared and the new IEX NOTICE will include an additional amount calculated according to the regulation.

After an IEX NOTICE is sent to the new employer, the noncustodial parent may again request a reduced additional amount, the noncustodial parent may request a review of the additional amount and the SCU must follow the procedures as discussed in V.C.

E. Effect of Modified Orders and Cost of Living Adjustments (COLA) on Accounts with an Alternate Additional Amount

An existing account with an alternate additional amount must be reviewed upon modification (including administrative adjustments and court orders made as part of a COLA) of the noncustodial parent's financial obligation. An amended IEX NOTICE reflecting the modified current support obligation, and an additional amount based on the new regulations, will not be issued to noncustodial parent's current employer unless the local district clears the alternate additional amount.

In most cases, the alternate additional amount should be cleared so an amended IEX NOTICE with a new additional amount based on the modified current support obligation can be issued. When clearing alternate additional amounts, local districts should search all other cases between the parties on the same order and clear the alternate additional amounts for all such accounts in their county.

If complete and current income information is received from court with the modified order, and it appears that the additional amount will reduce the noncustodial parent's income below the SSR, the alternate additional amount should be calculated and the account updated. To determine the appropriate calculations for the alternate additional amount, the SCU can use the *Alternate Additional Amount Calculation for Self-Support Reserve Issues* worksheet.

Process	If there is an alternate additional amount on CSMS, the amount:	Worker Action
New Orders	Not applicable	None
Modifications and COLA* Adjustments	Will not be cleared absent review by the local district worker	Review the account and clear or update the alternate additional amount as identified above
New Hire and Workers' Compensation	Will be cleared	None

* Review the Monthly Automated COLA Variable Data Report for types: PA COLA Notice and Order; and, NPA COLA Notice and Order – Family Court and Supreme Court.

The noncustodial parent will receive a copy of the amended IEX NOTICE which includes the right to challenge the additional amount to pay arrears/past-due support based on the SSR or changes in custody of the children. These rights are explained under "Notice to Employee/Obligor" on page 3 of IEX NOTICE.

F. Issuance of the IEX NOTICE with a DMV Payment Agreement in Place

Social Service Law (SSL) §111-b(12) provides for the Department of Motor Vehicle (DMV) administrative license suspension process. SSL §111-b(12)(e)(2)(iv) provides that a noncustodial parent may avoid suspension of his or her driving privileges by making full payment of all arrears/past-due support or by making a satisfactory payment arrangement. Making a satisfactory payment arrangement includes making payments of support to the SCU by income execution (including an amount sufficient to ensure compliance with the order of support and an additional amount to reduce arrears/past-due support) or by paying arrears/past-due support, and any current support in an amount which is consistent with that which would have been made under an execution. As such, if the noncustodial parent has a DMV payment agreement when the immediate IEX NOTICE is served, and an IEX NOTICE is generated with the newly calculated additional amount that is different than the amount of the DMV payment agreement, the IEX NOTICE, and the subsequent new additional amount, will take precedence over the DMV payment agreement.

G. Withholding from Lump Sums

The new regulation clarifies the additional amount to be withheld from lump sum payments. Lump sum payments are separated into two groups for purposes of this calculation. "Aggregate periodic payments" are periodic payments combined and paid at one time (i.e., back pay). "Lump sum payments" are not periodic or recurring (i.e., a year-end bonus, worker's compensation or a permanent disability payment). If the payment is compensation for personal services, the CCPA limitations apply.

1. Aggregated Periodic Payments

Employers must treat each periodic payment separately and must calculate the amount of support arrears which can be withheld from each payment. If the income is

compensation for personal services the CCPA limitations must be applied to each payment individually.

2. Lump Sum Payments

The employer must withhold the full amount of the arrears due. If the income is compensation for personal services the CCPA limitations must be applied to the total payment.

H. Compliance

Both the noncustodial parent and the employer are provided direction on the IEX NOTICE of their respective responsibilities. The "General Remittance Information" section instructs the employer that it must begin to withhold the amount of child support indicated on the IEX NOTICE no later than the first pay period which occurs fourteen (14) days after service of the IEX NOTICE and that they must remit the payments within seven (7) business days of the pay date. Employers are also advised on page 2, item 6 ("Liability") of the penalties for failure to withhold and remit the required amount indicated on the IEX NOTICE.

Under the "Notice to Employee/Obligor" section on page 3 of the IEX NOTICE, the noncustodial parent is instructed: **"You must begin and continue to make support payments by money order or cashier's check directly to the NYS Child Support Processing Center until you have determined that withholdings from your paycheck or other income source have started. Send payments only to the NYS Child Support Processing Center (CSPC)."**

To ensure compliance, the SCU must monitor the IEX Process. The delinquency switches must be reviewed and appropriate actions must be taken that support all account activity. Key delinquency switches to monitor payments are identified below.

1. No Payment from Employer

The Daily Action Listing identifies employer nonpayment in the following manner:

Delinquency Switch	Automated Activity	Worker Action
DLNT=09	Set 45 days after IEX NOTICE mailed. The <i>Support Withholding Non-Compliance Notice</i> is issued when DLNT 09 is set.	Contact noncustodial parent and employer (see sections 1.a and b.)
DLNT=10	Set End of Month if no IEX payment received on previously paying IEX account. The <i>Support Withholding Non-Compliance Notice</i> mailed 30 days after DLNT 10 set.	Contact noncustodial parent and employer (see sections 1.a and b.)
DLNT=13	Set End of Month if no employer payment received during month on previously paying IEX account under CCPA limits (DLNT=12). The <i>Support Withholding Non-Compliance Notice</i> mailed 30 days after DLNT 13 set.	Contact noncustodial parent and employer (see sections 1.a and b.)

a. Employer Contact

When a *Support Withholding Non-Compliance Notice* (Attachment A, p. 5) is sent, the SCU should check the system for receipt of payment. If no payment has been received, the worker must contact the employer to ascertain the status of the IEX NOTICE:

- i. If the employer states that they did not receive the IEX NOTICE, confirm the employer's address for receipt of the IEX NOTICE. If the address is different than that on the employer record, update the record with the new address. The IEX NOTICE must be resent by the SCU contacting the CSPC to make that request. The employer should be advised that a copy of the original IEX NOTICE will be resent.
- ii. If the employer has received the IEX NOTICE, and the noncustodial parent is employed or receiving benefits, the SCU should advise the employer of the requirements to submit the payment(s) and provide details on how to submit the required payments. The worker should ascertain the date that the payment will be mailed to the CSPC. The employer should be advised of the liability for failure to remit payments in accordance with the IEX NOTICE and that a violation may be filed against them to ensure compliance (CPLR § 5241). The worker must review the account for payments in relation to when the employer indicated payments will be mailed. If the employer fails to withhold or remit payments, use the *Petition-Employer Violation-Income Execution for Support Enforcement* (Attachment A, p. 28) to file a violation against them. The SCU must set the appropriate status and reason code.
- iii. If the employer states that the noncustodial parent is no longer employed or receiving benefits, advise the employer to complete the information required in item 11, "Notification of Termination of Employment/Income," on the IEX NOTICE, and return to the address provided on the IEX NOTICE. If the employer states that they no longer have the IEX NOTICE, the SCU should update the employer record. The SCU must then contact the noncustodial parent.

b. Noncustodial Parent Contact

- i. In instances where the employer has not withheld or submitted payments, the SCU should contact the noncustodial parent to inform them that no payments have been received from the employer of record, remind them of the court ordered obligation amount due, and reinforce their responsibility to make payments until such time that the employer begins to remit payments. The SCU should provide the noncustodial parent with instructions for making payments. The SCU should advise that continued noncompliance will result in the SCU filing a violation petition of a support order in court against both the employer and the noncustodial parent.
- ii. If the noncustodial parent identifies a new employer update the system with the new employer information.
- iii. If the noncustodial parent claims to have experienced a substantial change in circumstances which may make him or her eligible for a modification of the order, advise that payments must be made until the court modifies the support order. The noncustodial parent should be advised to file a modification petition. However, if the change in circumstances reduces the parent's income below the

SSR, advise them of the right to request a reduction in the additional amount as set forth in V.C above.

2. Appearance of the Parties in Court

If the employer or noncustodial parent fails to remit the required payments in the full amount due, including additional amounts, taking CCPA limits into consideration, violation petitions should be filed against either or both as appropriate. When filing employer violation petitions, local child support staff should consult with their child support attorneys. If filing violation petitions against both the noncustodial parent and the employer, a request should be made to the court to calendar the petitions for the same date and time. The SCU should request that the noncustodial parent and the employer appear in family court at the same time and that the violation proceedings be heard at the same hearing. In all cases, the custodial parent must be sent notice of the date and time of all court appearances.

Prior to going to court, the local district must build an account through which any penalties collected will be processed. A separate ledger on an existing client account is not a viable option due to the accounting requirements for penalties; a new administrative account must be built. When at court the employer should be provided the account number for the penalty account so that the penalty money collected is appropriately processed.

3. Post-Court Actions

Review for Payment Compliance

- a. If the payments for the required withholding amount (both support withholding and employer penalty as appropriate) have been received, no further action is required.
- b. If any of the anticipated payments have not been received, contact your child support attorney to review the next course of action.

VI. Systems Implications

Beginning on the implementation date, the new rules for calculating additional amounts will be applied to all immediate IEX NOTICES for new and modified orders, and new hire reporting leads when a new employer record is created. There are exceptions for accounts with an alternate additional amount as identified in V.D. and V.E. above. Amended IEX NOTICES will be issued for existing cases on a staggered schedule.

A. Implementation of the New IEX Process

1. Outreach to Employers

During the start-up phase of the new IEX NOTICE process, a *Special Notice Revisions to the Income Withholding for Support* (Attachment, p. 1) will be included with all amended IEX NOTICES that are issued to employers and noncustodial parents, notifying them of the new calculation of the additional amount. The insert explains the changes that are occurring due to the regulation change. This information should help to reduce employer and noncustodial parent questions regarding why the amount of the withholding for child support has changed. Prior to implementation, a letter will be sent to certain employers

that employ a large number of noncustodial parents to advise them of the change in the IEX NOTICE calculation of the additional amount.

2. Implementation

Upon release of this administrative directive, new original or amended IEX NOTICES will be sent out on accounts that meet the following requirements:

- a. New orders or accounts: The new IEX NOTICE, including the new additional amount calculation, will be used.
- b. Modified Orders (including COLA): If an amended IEX NOTICE is sent, the revised IEX NOTICE, including the new additional amount calculation, will be used. An amended IEX NOTICE will be issued if the obligation amount was modified or if the new additional amount calculation would be different. Please note the effects of modifications on accounts with an alternate additional amount as identified in V. E. above.
- c. New Employer Records: When a new employer record is built for a new hire reporting lead, the new IEX NOTICE, including the new additional amount calculation, will be used. Please note the effects of new hire reporting leads on accounts with an alternate additional amount as identified in V. D. above.
- d. Existing Accounts: All other accounts that have an IEX NOTICE in effect will receive an amended IEX NOTICE based on a staggered implementation schedule. For the purpose of this rollout, “eligible” accounts are those which, based on the recalculation of the additional amount, require an adjustment either to increase or decrease the additional amount. Accounts that after recalculation would require no adjustment to the additional amount will not be issued an amended IEX NOTICE.

B. IEX NOTICES and Supporting Forms

1. *Income Withholding for Support* - Immediate IEX (Attachment A, pp. 2 - 4)
 - a. The revised IEX NOTICE:
 - i. conforms with the Federal *Income Withholding for Support*, and the amendments to CPLR §5241 and 18 NYCRR 347.9.
 - ii. has enhanced functionality to accommodate the three IEX conditions: original, amended, and terminated. As such, a termination letter will no longer be sent when an IEX NOTICE is terminated. Instead, a Terminated IEX NOTICE will be sent to the employer.
 - iii. replaces any existing template and local district equivalent forms. There are no acceptable local district equivalent forms that can be used in place of the IEX NOTICE.
2. *Income Withholding for Support* - Default IEX (Attachment A, pp. 2, 3, and 5)
3. Cover Letters to Noncustodial Parents (Attachment A, pp. 6 - 7)
4. Cover Letters to Employers (Attachment A, pp. 8 - 10)
5. Noncustodial Parent Payment Coupons (Attachment A, p. 11)

6. *Support Withholding Billing Notice* (Attachment A, pp. 12) and *Employer Payment Coupons* (Attachment A, p. 13), sent to employers monthly who have five (5) or less noncustodial parents.
7. *Support Withholding Billing Notice* (Attachment A, p. 14 - 15), sent to employers monthly who have six (6) or more noncustodial parents.
8. *Withholding Limitations Worksheet for Support and Medical Support* (Attachment A, p. 16-17)
 - a. Combines and replaces the current *Child Support Withholding Limitations Worksheet*, and *Health Insurance Premium Withholding Limitations Worksheet*.
 - b. Advises the employer of the availability of an on-line calculator on the child support website at **newyorkchildsupport.com**.
9. *Request for Review of the Additional Amount on the Income Withholding for Support* (Attachment A, p. 18-19)
10. *Statement of Income and Expenses* (Attachment A, p. 20)
11. *Alternate Additional Amount Calculation for Custody Issues* (Attachment A, p. 21)
12. *Alternate Additional Amount Calculation for Self-Support Reserve Issues* (Attachment A, p. 22-23)
13. *Support Collection Unit Determination of Your Request for Review of the Additional Amount on the Income Withholding for Support* (Attachment A, p. 24)
14. *Special Notice Revisions to the Income Withholding for Support* (Attachment A, p. 1)
15. *Support Withholding Non-Compliance Notice* (Attachment A, p. 25)
16. *Child Support Enforcement Transmittal #2 – Subsequent Actions* (Attachment A, p. 26-27)
17. *Petition-Employer Violation-Income Execution for Support Enforcement* (Attachment A, p. 28-29)

VII. Additional Information

A. Interstate “One-State” Cases

An interstate case is a case in which the noncustodial parent and the custodial parent are in different states. An interstate case can be a “one-state case.” In a one-state case, the order is enforced in New York in the same manner as if the noncustodial parent resided in New York. The IEX Process remains the same for interstate cases that are one-state cases except:

1. If there is a judicial challenge to the IEX NOTICE in another state, the IEX NOTICE should be terminated and the order registered for enforcement in the appropriate state.

2. If there is a need for judicial proceedings in the state where the noncustodial parent resides (e.g., enforcement against an employer or noncustodial parent), the order should be registered for enforcement in the appropriate state.

B. Interstate “Two-State” Cases

If the order must be registered for enforcement in another state, it becomes a “two-state case.” In a two-state case, there is an initiating state and a responding state. The initiating state is the state of the agency registering the order and requesting some relief. The responding state is the state where the order is registered that responds to the request for relief.

1. New York as the Responding State

If an order is issued by or registered in New York for enforcement, it is subject to New York procedures. The IEX Process, when New York State is the responding state, is the same as if both parties were residing in New York State.

2. New York as the Initiating State

- a. If New York registers an order for enforcement in another state, or asks another state to enforce its own order, New York does not issue an IEX NOTICE. The FIPS codes for these accounts would contain a first position equal to “1” with the second and third positions other than “36.”
- b. After another state has begun enforcement, if the SCU identifies employer information not known to the enforcing state, the SCU must follow interstate protocol and contact the other state as follows:
 - i. Carefully review the case record to determine whether the respondent employer record is current.
 - ii. Provide employment and/or address information to the other by state by sending the other state enforcing the order a *Child Support Enforcement Transmittal #2 - Subsequent Actions* (Attachment A, p. 26). Transmittal #2 is available on ASSETS as a template. When completing Transmittal #2 request the responding state to:
“Process an Income Withholding for Support, including an amount to address past-due support, or, if a source of income is unknown, process and enforce the order pursuant to UIFSA, or other legal processes as required by 45 Code of Federal Regulations (CFR) §303.7(c)(7)(iii).”
 - iii. Monitor that the responding state takes all appropriate actions to enforce the order as required under 45 CFR §303.7(c)(7)(iii), including the issuance of an IEX NOTICE.
 - iv. Note on the remarks screen if the other state responds that an income withholding IEX NOTICE has been served, or that any other action required under 45 Code of Federal Regulations (CFR) §303.7(c)(7)(iii) has been taken.
 - v. Monitor the CSENet Information Report for responses from the other state which may be received as an Enforcement (ENF) or Managing State Cases (MSC) transaction. The CSENet Information Report is a BICS report and it is also available on COLD as CSENETINFOREPORT.
 - vi. If the responding state does not reply to these requests for information and payments are not being made, the SCU should contact the responding state by telephone to assess what actions have been or can be taken.

VIII. Effective Date

This administrative directive is effective February 6, 2009.

Issued By

Name: Scott E. Cade
Title: Deputy Commissioner and Director
Division/Office: Center for Child Well-Being
Division of Child Support Enforcement