

Managing Intrastate Cases

Presenter

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Agenda



Review of IFSA basics

Entire case transfer vs. registration

Relocation of the parties

Additional Information

Communication



Statewide Jurisdiction



Venue



DRS Memorandum 2017-6



Relocation of Parties



Transfers and Registrations

Relocation of Parties



CP no longer resides
in initiating county

NTANF CP requests services
from a new county

TANF referral received in a
new county



NCP moves out of
state

No action is required

Potential need to transfer
case to initiating county

Filing the UIFSA action

Entire Case Transfer



Process of handing
over control from one
county to another

Discretionary in nature
Legally valid reason



New county assumes complete control



Transfer of intergovernmental cases

Case Examples



Entire Case Transfer

A support order was issued by Mifflin County at which time both parties were residing in Mifflin County.

The obligee moves to Lancaster County a few years later and soon after the obligor also moves to Lancaster County.

Mifflin County would have the authority to transfer the entire support case to Lancaster County.

Initiating County Transfer

At the time the support order was established in Erie County, the obligee and obligor were residing in Erie County.

The obligee moves to Chester County and requests services from Chester County.

At the obligee's request, the obligee's portion of the case is transferred to Chester County. The obligor's portion remains with Erie County.



Formal filing or recording of an order in a new county



New county enforces and/or modifies the order and assumes complete control of the support case

Occurs only in the following instances:

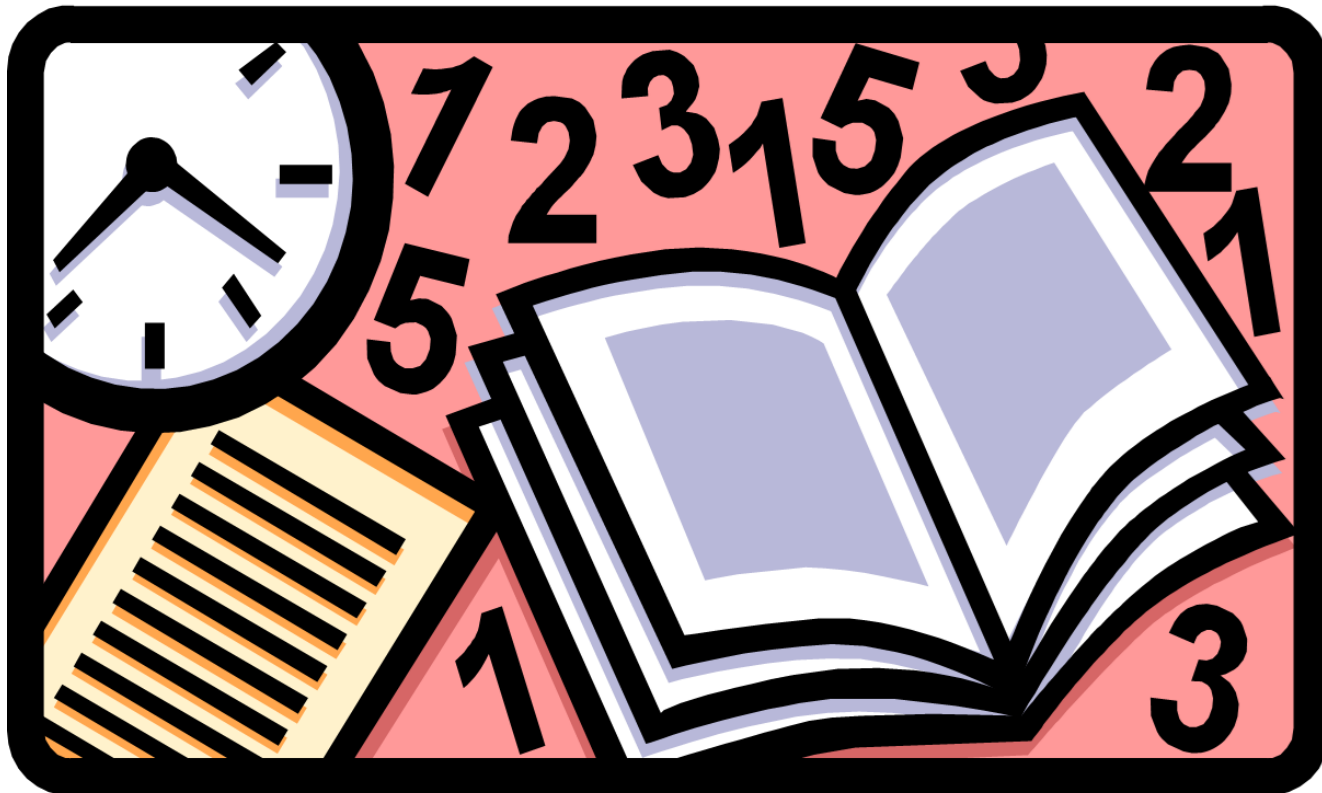
- The county holding the order is no longer able to enforce the order; or
- Consolidation of multiple cases involving the same NCP if modification or enforcement of the order is an issue; or
- If requested by the CP.

Obtain the consent of NTANF CP

Case Scenarios



pennsylvania
DEPARTMENT OF HUMAN SERVICES



What Would You Do?



Case Facts:

- June 23, 2014 – Centre County entered an order as both parties resided there
- Obligor moves to Clearfield County in November 2015 and obligee moves there in July 2016
- Both parties contact Centre County requesting the case be moved to Clearfield County

What is the best action?

- A. Entire case transfer to Clearfield County
- B. IFSA registration to Clearfield County
- C. Initiating county change by Clearfield County
- D. Responding county transfer to Clearfield County

What Would You Do?



Case Facts:

- Both parties in Northampton County when order issued
- Obligor moves to Chester County
 - Now self-employed
 - Discontinues support payments
- Northampton's attempts to enforce are unsuccessful

What is the best action?

- A. Entire case transfer to Chester County
- B. IFSA registration to Chester County
- C. Initiating county change by Chester County
- D. Responding county transfer to Chester County

What Would You Do?



Case Facts:

- Intergovernmental case
- Erie County registers OH order for enforcement only
- Obligee & child continue to reside in OH
- Obligor moves to Tioga County
 - Discontinues support payments
- Erie County's attempts to enforce are unsuccessful

What is the best action?

- A. Entire case transfer to Tioga County
- B. IFSA registration to Tioga County
- C. Initiating county change by Tioga County
- D. Responding county transfer to Tioga County

What Would You Do?



Case Facts:

- Both parties in Berks County when order issued
- Obligee moves to Dauphin County
 - Obligee begins to receive TANF in Dauphin County
- Regular payment occurring on the case

What is the best action?

- A. Entire case transfer to Dauphin County
- B. IFSA registration to Dauphin County
- C. Initiating county change by Dauphin County
- D. Responding county transfer to Dauphin County

What Would You Do?



Case Facts:

- IFSA case, Delaware County issued an order
 - Obligee in Bucks County
 - Obligor in Delaware County
- Obligor moves to MD
 - Discontinues support payments
 - Delaware County's attempts to enforce are unsuccessful

What is the best action?

- A. Entire case transfer to Bucks County
- B. IFSA registration to Bucks County
- C. Responding county transfer to Bucks County
- D. UIFSA registration to MD by Delaware County

Additional Information



Responding county **cannot** reject a case due to the inability to locate a defendant

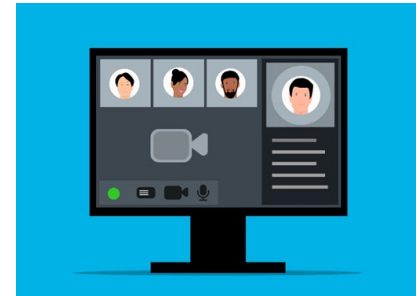
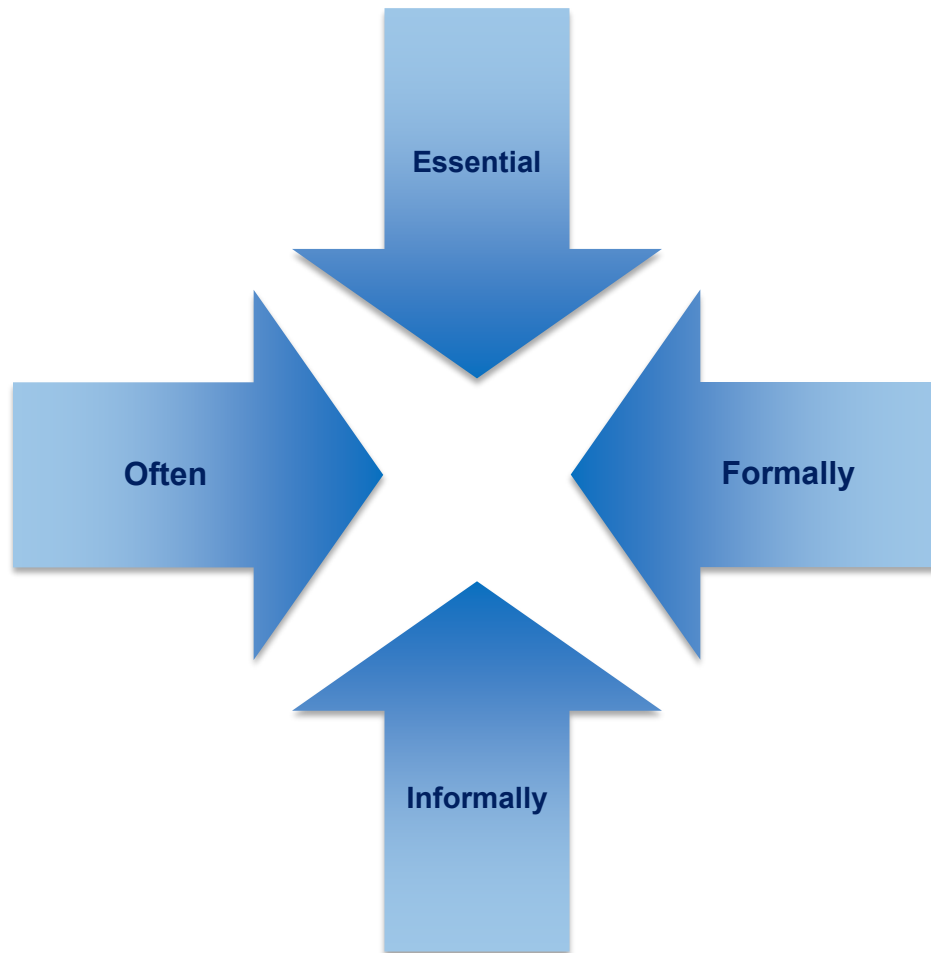


14-day time frame for the responding county to acknowledge and process a request



Paying cases should remain with the DRS where the case currently resides

Communication



Recap



IFSA Basics



Transfer



Registration



Additional information



COMMUNICATION! COMMUNICATION! COMMUNICATION!

IFSA Transfers and Registrations Job Aid

Basis for Transfers

A transfer of the support order from one county to another may occur only in the following instances:

- The court, upon good cause shown, orders the transfer to another county in which there is a divorce or custody action pending between the parties at the time of filing of the support action (Pennsylvania Rules of Civil Procedure (Pa.R.Civ.P.) 1910.2(c));
- The court, for the convenience of the parties or witnesses, including when both parties to an Intrastate Family Support Act (IFSA) support action relocate to the same new county, orders the transfer to another county in which the support action could have been brought at the time of the transfer (see Chapter 9, Section II.A. Determining Proper Authority/Venue for more information) (Pa.R.Civ.P. 1910.2(d));
- The plaintiff's new county in a Uniform Interstate Family Support Act (UIFSA) case, where Pennsylvania is the initiating state, should accept transfer of the support case and assume the initiating role in a UIFSA action upon:
 - The inability to enforce or modify the order;
 - The plaintiff's request; or
 - The receipt of a Temporary Assistance for Needy Families (TANF) referral.
- The plaintiff's county of residence in an IFSA support case should accept transfer of the support case from the responding county that issued the support order if the noncustodial parent (NCP) has moved out of state and an intergovernmental action becomes necessary for effective enforcement of the support order; and
- The defendant's new county of residence in a UIFSA case, where Pennsylvania is the responding state and has previously registered another state's order for enforcement only under UIFSA, upon receipt of a request from the current responding county DRS, should accept transfer of the support case and assume the responding role in a UIFSA action if enforcement of the out-of-state order becomes an issue.
 - *Note: Once a Pennsylvania county registers an out-of-state order, it does not need registered again if the defendant moves to another county within Pennsylvania.*
- *Note: Postal verifications are not required when transferring a case to another county, with two exceptions:*
 - *If there is a question as to a party's address, verification should be obtained; and*
 - *When the transfer occurs so the plaintiff's county can file a UIFSA petition to another state, the transferring county must include a postal verification of the defendant's address.*

Note: If a case is being transferred to another county and the controlling order in the support case is an out-of-state order, the transferring county should maintain the original certified copy and provide it to the new county upon request. If the new county needs an original certified copy of the order and the former county no longer has one, the new county of ownership should contact the issuing state. (DRS Memorandum 2017-6)

IFSA Transfers and Registrations Job Aid

Basis for Registration (Pa.R.Civ.P. 1910.2-1(c))

Registration of a support order from one county to another may only occur in the following instances:

- The county holding the order is no longer able to enforce the order; or
- Consolidation of multiple cases involving the same NCP if modification or enforcement of the order is an issue; or
- If requested by the custodial parent (CP). (DRS Memorandum 2017-6)

Required Documentation/Information (Title 23 of the Pennsylvania Consolidated Statutes (Pa.C.S.) §8402) - To register a support order, the initiating DRS images the following documents and information to the PACSES case file and emails notification of the registration request to the responding/receiving DRS's IFSA contact(s):

- A Pennsylvania Child Support Enforcement Transmittal – IFSA (IF-014) form requesting registration of support order(s);
- A certified image of the support order;
- A Registration Statement (IF-002) form;
- A Certification of Arrearage (EN-003) form; and
- Postal verification of the NCP's address, which shall be less than 45 days old and not in care of a third party, or an alternate address verification agreed to by the responding DRS.
 - *Note: Alternate forms of address verification include but are not limited to:*
 - *An address of record on the NCP's active Department of Human Services (DHS) account;*
 - *The address on a current utility bill for active service in the NCP's current rental lease with the NCP as the lessee or occupant; and*
 - *Verification that the NCP is on active probation or parole in the registering county. (DRS Memorandum 2017-6)*

Collection of Court Costs and Fees in Intrastate Cases

The county/DRS to which a support case is being transferred or registered shall accept the initiating county's court costs and fees and should make all reasonable efforts to collect the same. The court costs and fees should remain on PACSES until collected or until case closure is completed. A county is not required to accept a case unless it has a charging order for support or arrears (i.e., an order for cost or fees exclusively may not be sent to another county for collection purposes). The receiving/responding county may close a case that contains another county's court costs and fees in accord with its own policy regarding the collection of said fees. (DRS Memorandum 2017-6)

Note: Effective January 1, 2019, Pa.R.Civ.P.1910.4 limits allowable fees in support cases to only those authorized by applicable rule, regulation and statute – currently the judicial computer fee (JCF) and genetic testing fee (GTF). Administration fee debts created in PACSES prior to January 1, 2019 remain part of support case balances and DRSs may continue to collect on these balances. (Pa. R.Civ.P. 1910.4) (DRS Memorandum 2019-1)

IFSA Transfers and Registrations Job Aid

IFSA Dispute Resolution Process

If a DRS director believes that they have been asked to accept a transfer or registration inappropriately (i.e., not in conformity with statute, rule or DRS Memorandum 2017-6), the DRS director should contact the initiating county DRS director to discuss the issue of which DRS is the most appropriate based on the principles and case examples included in DRS Memorandum 2017-6. If the directors cannot agree upon a resolution, then follow the dispute resolution procedures outlined in DRS Memorandum 2017-6.

Miscellaneous

Image one copy of the completed, signed petition and accompanying documents to the PACSES Imaging case file using the IFSA tag. Image a certified copy of any support order(s) if the responding county requires it. Scan each document individually. Send an email notification of the IFSA filing to the responding county's IFSA contact(s) (23 Pa.C.S. §8303).

- *Note: With the implementation of a statewide imaging system, the initiating county no longer needs to forward hard copies of the complaint and related documents. The responding county retrieves the complaint and related documents via PACSES Imaging.*
- While the use of PACSES Imaging is preferable, the initiating county must provide a hard copy of the documents within ten days if the responding DRS requires it.
- DRSs must provide and maintain IFSA contacts on their respective ePACSES DRS At-A-Glance pages. (DRS Memorandum 2017-6)