

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

SUPERSEDES

CS 508.1 Collection by State Offset, August 24, 2022

REFERENCES

42 USCS § 666 (a)(3); 45 CFR § 303.102; MCA §17-4-105; and ARM 37.62.1501 through 1505

Policy

Enforcement by State Offset

The CSSD is authorized by section 17-4-105, MCA to transfer debts owed to the CSSD, or being collected by the CSSD, to the Montana Department of Revenue (Revenue) for collection by offset. Revenue offsets a State of Montana payment to the debtor by intercepting the payment and retaining the amount needed to satisfy the debt. Payments subject to offset include state tax refunds and other state payments to individuals. After 30 days Revenue forwards the retained amount, less a fee for collection assistance, to the CSSD. Collections obtained by state offset are applied to the debtor's accounts according to the CSSD's regular distribution algorithm, including current support where applicable.

If the CSSD and another agency both submit debts for the same debtor, by state law Revenue must apply the payment first "to debts owed by reason of the nonpayment of child support."

Due Process Components

When Revenue intercepts a payment to a CSSD debtor it sends the debtor a notice advising him or her of the opportunity for hearing. If the debtor requests a hearing within 30 days after the date of the notice, Revenue forwards the request to the Office of Administrative Hearings (OAH). OAH schedules and holds the hearing and issues a final agency order. Under ARM 37.62.909(1) a CSSD state offset hearing is a contested case hearing.

Automated Submission to Revenue

Once a month SEARCHS identifies and submits to Revenue the names, social security numbers, and debt amounts of CSSD participants whose accounts have outstanding balances. Current support accounts, accounts suppressed for state offset, and debts below the \$10 threshold are excluded from the automated submission.

Debts Subject to Offset

The CSSD may use the state offset remedy to collect any debt that is being enforced or collected under Title IV-D of the Social Security Act. These debts include amounts owed for past-due support (adjudicated or unadjudicated); fees or fines assessed against the obligor or obligee in connection with IV-D services; Voluntary Repayment Agreements (VPAs) for child support retained by the obligee while receiving TANF benefits; obligor receivables (money refunded in error); obligee receivables (amounts sent to the non-assistance obligee to which the obligee is not entitled, such as miss posted amounts, joint federal offsets later reduced for injured spouse claims, payments associated with insufficient obligor funds, etc.); and, in rare cases, amounts owed by employers.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Employer Debts

The CSSD submits employer debts for state offset only when the employer is a sole proprietor under his or her own name or a business name (not a partnership or a corporation), and the debt amount has been reduced to a judgment--for example, a fine imposed by a CSSD contempt order. Note that submission of an employer debt for state offset, and distribution of any collection received is sent to SEARCHS and coordinated by the CSSD Employer Relations Specialist.

Mechanism for Suppressing State Offset

The mechanism for preventing submission of all or part of a participant's debt for state offset is suppression of the remedy on the SEARCHS CAS, AC2, or MPI screen. The correct screen depends on the accounts being suppressed (see table below). Suppression is available on the account level (for individual obligor or obligee accounts) or the case level (for all arrears and fines accounts in an obligor's case).

Table 1. State and Federal Offset Suppression

Account	Account type*	Valid values**	Screen	Updatable by:	Account auto-suppressed when suppression indicator set on CAS screen?
Entire case	n/a	F, S, B, blank	CAS	caseworker	n/a
NCP arrears, non-I/R	Detail	F, S, B, blank	AC2	c/w or adjuster	yes
NCP fines, non-I/R	Detail	F, S, B, blank	AC2	c/w or adjuster	yes
NCP arrears, I/R	Detail	S, blank	AC2	c/w or adjuster	yes
NCP fines, I/R	Detail	S, blank	AC2	c/w or adjuster	yes
CP VPA	Detail	S, blank	AC2	c/w or adjuster***	no
NCP receivable	Totals	S, blank	MPI	adjuster	no
NCP fees	Totals	S, blank	MPI	adjuster	no
CP receivable	Totals	S, blank	MPI	adjuster	no
CP fees	Totals	S, blank	MPI	adjuster	no

All suppressions entered on the AC2 screen will also display on the MPI screen.

* Detail accounts are case-specific; Totals accounts include all of a participant's cases

**F = suppress federal offset

*** These accounts are usually handled exclusively by adjusters

S = suppress state offset

B = suppress both federal and state offset

Blank = No suppression, available for federal and state offsets as applicable.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Conditions for Suppressing State Offset

CSSD policy limits the use of the suppression mechanism to the situations listed in (1) through (6) below. Note that the word "suppression" here means suppression for state offset. A case or account can also be suppressed for federal offset; see suppression conditions in section CS 508.3, Collection by Federal Offset.

- 1) The debt has occurred **solely** as the result of annualization for income withholding. SUPPRESSION REQUIRED FOR AFFECTED ARREARS ACCOUNTS.
- 2) There is a stay on collection of the participant's assets based on bankruptcy or other judicial order. SUPPRESSION REQUIRED FOR ALL OF THE PARTICIPANT'S ACCOUNTS. (*Note: Changes in federal bankruptcy law will be effective October 17, 2005, and could affect the CSSD's policy in this area.*)
- 3) The participant's debt amount is not reasonably certain, and is likely to be reduced at a later time. (Suppression would be appropriate for the "uncertain" accounts only.)
- 4) The participant is incarcerated, so submission for state offset is not available (see section CS 201.4, Temporarily Unworkable Cases). SUPPRESSION REQUIRED FOR ALL OF THE PARTICIPANT'S ACCOUNTS.
- 5) In the case of an obligee receivable created by insufficient funds on an obligor's check, the debt has been legally transferred to another entity (such as a collection agency) but the receivable balance is being maintained on SEARCHS because of system accounting limitations. (SUPPRESSION REQUIRED FOR THE RECEIVABLE ACCOUNT.)
- 6) In highly unusual situations, submission of the debt would impair the CSSD's ability to provide IV-D services, as in the following examples:

EXAMPLE 1: The obligor receives state payments that would be subject to offset (see Payment Types Subject to Offset below), and the payments are needed to directly sustain the obligor's income-earning ability. (In this situation suppression would apply to all of the obligor's accounts.)

Note: In making a determination under this example the CSSD must carefully weigh the benefits of suppression against the costs of losing other potential collections in the case, such as offsets of state tax refunds.

EXAMPLE 2: The obligee has signed an agreement allowing the CSSD to intercept a portion of any child support collections it receives in the obligee's case; the intercepted amounts will be applied to the obligee's receivable. The agreement states the CSSD will also offset the debt against any payments due the obligee by the state. However, during the negotiations prior to the agreement the obligee was assured, or it was implied, that the signed agreement would satisfy the need for repayment as long as regular child support collections continued in the case. Any execution of the state offset remedy would create an impression that the CSSD had negotiated in bad faith. (In this situation suppression would be appropriate for the receivable account only.)

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Regular Payments Not a Reason for Suppression

The existence of regular payments on a participant's debt is **not** a sufficient reason for suppression of the offset remedy against that participant. Specifically, in the case of the obligor, regular support payments in the case (from income withholding, a license suspension payment plan, or some other arrangement) are not a basis for suppressing state offset.

Likewise in the case of the obligee, active recoupment of a receivable via the "10% letters" authorized by ARM 37.62.501(5) is not, in itself, a basis for suppression. Generally, state offset applies regardless of the status of the recoupment process. (Note that the CSSD may retain from the offset collection only the amount of the receivable still owed.) EXCEPTION: In a very special situation, such as that described in Example 2 under condition (6) above, suppression **may** be appropriate in connection with an ongoing recoupment.

Payment Types Subject to Offset

Generally, all payments made by the State of Montana to an individual are subject to offset for debt owed to the CSSD **except** (1) State of Montana wages or retirement income, (2) payments based on the payee's financial condition, (3) workers' compensation benefits, including uninsured employers' fund payments, (4) state travel advances and reimbursements, (5) medical payments, (6) Native American reservation money, and (7) other payments where offset for a child support debt would conflict with the purpose of the payment (e.g., scholarships, diesel tax reimbursement). Revenue does not offset CSSD child support payments to the obligee. Other payment types may be unsuitable for offset depending on the timing, or on the facts of the case.

Fees Charged for State Offset

Under authority of MCA 17-4-103(3) Revenue retains a percentage of collected proceeds to pay for the cost of assistance with the offset process. The percentage, or "fee," is subject to change by Revenue at any time. The fee currently in effect is given in the SEARCHS SOF table. *NOTE: At the time of this writing and effective July 1, 2005 Revenue had elected not to retain amounts for fees on CSSD offsets, but to forward the full amount of the offset to the CSSD. If this policy changes in the future, the CSSD will account for amounts retained by Revenue as explained in the following paragraphs.*

When the CSSD receives a state offset collection from Revenue, money to cover the fee retained by Revenue is transferred from a Montana Department of Public Health and Human Services (DPHHS) account to a CSSD account. The CSSD credits the debtor's account(s) with the full amount of the offset (before the fee is deducted).

In the case of distribution to an unassigned (non-public assistance) current support or arrears account, the CSSD disburses the **actual amount received** from Revenue (the offset less the fee) to the non-assistance obligee. Because the obligee has received a decreased amount, the obligee has in effect "paid" the fee. There is a \$25 cap on the amount of the fee that may be paid by the non-assistance obligee for a single offset. The CSSD must send to the obligee the amount received from Revenue, plus any portion of the fee exceeding \$25. (The portion of the fee paid by the obligee is transferred back to the DPHHS account.) Participants in CSSD cases are notified at case opening that fees may be charged for collection by state offset, and that updated fee amounts are available from the CSSD.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Upon distribution to an assigned (public assistance) current support or arrears account, the CSSD transfers the net amount received from Revenue, plus an amount equal to the fee retained by Revenue, to the DPHHS account. This allows the public assistance agency to receive the full amount of the collection from the DPHHS account.

Upon distribution to a fees or fines account, the CSSD transfers the net amount received from Revenue, plus an amount equal to the fee retained by Revenue, to the DPHHS account.

Upon distribution to a receivable account, the CSSD retains the net amount received from Revenue **and** the amount transferred from the DPHHS account, to reduce the deficit in the CSSD's cash balance caused by the receivable.

Revenue Inquiries

In situations where an offset has occurred the Revenue collection specialist may suspect the debt provided by the CSSD has not been updated for a previous offset because of timing issues. (Examples include offsets for a regular payment type, such as a payment to a landlord to supplement a low-income rental; or, an obligor debt that is relatively small, and may be solely the result of annualization for income withholding.) On these occasions the collection specialist contacts the CSSD Offset Specialist to inquire. If a change in the debt amount is appropriate, the Offset Specialist advises the collection specialist who re-issues some or all of the intercepted amount to the payee.

Procedures

The following procedures include some actions taken by the Montana Department of Revenue. These actions represent only the CSSD's general understanding of Department of Revenue operations and are not intended to prescribe specific steps or policies for that agency.

Procedures for Caseworker or Adjuster

1. Identifying cases or accounts not appropriate for state offset. In the course of ordinary casework identifies obligor cases or individual obligor or obligee accounts where collection of the debt by state offset would not be appropriate (see POLICY, Conditions for Suppressing State Offset). Enters a SEARCHS case note describing the situation.

CAUTION: Suppression of an account in this step does not protect the account from having collections automatically posted to it. If the CSSD submits the debtor for state offset based on another (unsuppressed) account, and a collection is received, SEARCHS will post the collection to accounts as in step 8, regardless of which accounts were included in the original debt to Revenue. If a "hold" on the account is needed to prevent money being disbursed, it must be placed separately, according to regular SEARCHS accounting procedures.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Caseworker

- a. Obligor case. To suppress offsets for all of the obligor's arrears and fines accounts in a case, sets the offset suppression indicator on the SEARCHS CAS screen, and monitors for any change in status.
- b. Individual accounts (caseworker). To suppress offset for only certain of the obligor's arrears or fines accounts in a case, or to suppress offset for any other obligor or obligee accounts, proceeds as follows:
 - i. For arrears, fines, or VPA account, sets the offset suppression indicator on the SEARCHS AC2 screen. (Note that obligee VPA accounts are usually suppressed by the adjuster in step 1c, however, suppression is available to the caseworker as well. The caseworker must notify the adjuster if he or she is considering VPA suppression.)
 - ii. For a receivable or fees account, contacts the CSSD adjuster to request suppression.

Adjuster

- c. Individual accounts (adjuster). To suppress offset for individual receivable or fees accounts (upon identifying a condition for suppression or at the request of the caseworker), sets the offset suppression indicator on the SEARCHS MPI screen. To suppress offset for VPA accounts, sets the offset suppression indicator on the SEARCHS AC2 screen.

Procedures for SEARCHS

2. Monthly extract. Monthly identifies obligors who owe arrears, fees, fines, or receivables, and obligees who owe fees or receivables, in accounts exceeding the \$10 threshold, or not suppressed for state offset. Calculates the total identified debt (all accounts, all cases) for each participant, and extracts the required personal data from the SEARCHS data base. (Note that a participant may be both an obligor and an obligee if he or she is attached to two or more cases. For purposes of the monthly extract SEARCHS will combine identified debts for all cases in which the debtor is a participant, regardless of role.)
3. Transmitting file to Revenue. Using the data extracted in step 2, creates a batch file listing the name and social security number (SSN) of each individual debtor and the total amount owed; assigns a debt code to each entry identifying it as a debt owed to the CSSD. Transmits the file to the Montana Department of Revenue (Revenue) by that night's batch processing.

Procedures for Montana Department of Revenue

Department of revenue procedures as currently understood by the CSSD.

4. Entering debts. Upon receipt of the CSSD monthly batch file of debtors (step 3), replaces or updates the previous month's file.
5. Debt match. For each payment issued by the State of Montana and available for CSSD offset (see POLICY, Payment Types Subject to Offset), automatically compares the payee's SSN to the SSNs of CSSD debtors. If a match is found, proceeds for that payment in 5a through 5d below.
 - a. Interception. Intercepts the payment. If the payment amount exceeds the CSSD debt amount, issues the balance remaining to the debtor.
 - b. Notice to debtor. Sends to the debtor the Department of Revenue form, Notice of Offset and Opportunity for Hearing, notifying the debtor that the payment has been intercepted and providing information for requesting a hearing.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

- c. Inquiry re: debt. Upon identifying an offset that is questionable—based on a call from the debtor, or on the amount, timing, or payment type of the offset (see POLICY, Revenue Inquiries)—contacts the CSSD Offset Specialist to determine whether the offset is still correct (see step 13). If not, returns the appropriate portion of the intercepted amount to the debtor.
 - d. 30-day hold. Holds the intercepted amount for 30 days from the date of the Notice of Offset, then proceeds to step 6. (Note that a request for hearing does not extend the length of time for which Revenue holds the funds.)
6. Transfer of funds. Twice monthly creates an electronic file identifying payments intercepted at least 30 days ago on behalf of the CSSD. For each offset amount, calculates and includes in the file the gross amount offset, the amount to be retained by Revenue as a fee (see POLICY, Fees Charged for State Offset), and the net amount to be transferred to the CSSD. Initiates the journal transaction necessary to transfer the total net collection to the CSSD. Prepares and sends to the CSSD a fax containing the names of the individual debtors, the gross amounts collected, and the fees assessed.

CSSD Fiscal Section

7. Funds received. Upon receipt of the fax from Revenue listing the offset amounts and debtors (step 6), completes the journal transaction necessary to transfer the total net collection from the Revenue fund to the appropriate CSSD fund. Assigns a cashier number and a batch number to the Revenue file created in step 6, and sends a special request to the CSSD system contractor to run the file in the next nightly batch processing.

Procedure for Technical Accounting & Payment Processing (TAPP)

8. Posting and disbursement. Upon upload of the file of offsets on the day following the nightly batch run, checks the totals and releases the batch for posting to the proper SEARCHS accounts according to the pay source and posting algorithm. The posted amounts will then be available for the caseworker to view by the next day.

Current support, arrears, fines, fees, and VPAs are included in the algorithm and will be posted automatically. After these accounts are satisfied, any amounts remaining will be applied to obligor or obligee receivables, as applicable. Any amounts remaining after this step will be moved to the SEARCHS exceptions list. Note that this order of payment is specific to state offset; other, non-state offset pay sources may pay receivables first before the algorithm.

For any posting to an unassigned arrears account, the amount disbursed to the obligee is the amount posted less the fee charged by Revenue, up to \$25. See POLICY, Fees Charged for State Offset.

Offsets for employer debts are not posted on SEARCHS; any funds received are handled off-SEARCHS by the CSSD Employer Relations Specialist and the CSSD Offset Specialist.

Procedure for Caseworker

9. Offset amounts to be released to debtor. Upon being contacted by a participant concerning an offset in a case or for an account for which the offset is not appropriate, or upon becoming aware of such an offset, immediately contacts the CSSD Offset Specialist; the Offset Specialist must contact Revenue to have the money re-issued to the debtor. (If Revenue has already released the funds to the CSSD (step 6), contacts TAPP to request a refund to the participant.)

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Procedures for CSSD Offset Collection Specialist

10. Hearing request received. For any timely requested offset hearing contacts, the CSSD Offset Specialist and proceeds according to the Offset Specialist's response. For any amount confirmed in 10a or 10b, transfers the amount to the CSSD according to the 30-day time frame given in step 5d (does not hold the offset amount pending the hearing).
 - a. If the Offset Specialist responds that the amount submitted for offset is still correct (or would now be higher), proceeds in step 11.
 - b. If the Offset Specialist responds that the amount now available for offset is lower than the submitted amount, issues the amount of the difference to the debtor and proceeds in step 11.
 - c. If the Offset Specialist responds that the payee is no longer subject to offset, issues the full amount of the offset to the payee; attaches a note to the hearing request stating the entire amount of the offset has been returned to the payee, and proceeds to step 11.
11. Hearing request forwarded to OAH. Upon confirming the correct amount of the offset (and returning any excess amount to the debtor) in step 10, forwards the debtor's written request for an offset hearing to the OAH.

Procedure for Caseworker

12. Hearing request received in regional office. Upon receiving a written request for a state offset hearing directly from the debtor, determines whether the request is timely. If it is not, forwards the request to the OAH with a note listing the date of the Notice of Offset and Opportunity for Hearing and the date of receipt of the request in the regional office. If the request is timely, places a hold on the affected SEARCHS accounts, checks the current amount of the debt, and proceeds below.
 - a. If the amount of the offset is less than or equal to the correct debt amount, forwards the hearing request to the OAH, enters a SEARCHS case note for the request received, and proceeds to step 19.
 - b. If the amount of the offset is greater than the correct debt amount, notifies the Offset Specialist of the discrepancy, then proceeds as in step 12a. (The Offset Specialist will contact Revenue to have the excess amount issued to the debtor--see steps 10 and 14.) If the debt is now \$0, attaches a note to the OAH stating the debt has been reduced to \$0 and the entire offset amount returned to the debtor.

Procedures for CSSD Offset Specialist

13. Revenue inquiry re: offset. Upon being contacted by the Revenue collection specialist concerning a particular offset before the 30-day period has elapsed, determines whether the debt submitted is still correct; consults with the caseworker if necessary. Advises the collection specialist of the determination and enters a SEARCHS case note documenting the inquiry and outcome. The caseworker will submit a request to TAPP for any required changes to SEARCHS accounting.

The collection specialist may inquire about the debt in certain situations, based on debt size, timing issues, or payment type—see POLICY, Revenue Inquiries.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

Note:

In the case of a collection involving an obligor, obligee receivable or a VPA, the Offset Specialist should consult with the TAPP adjuster, if necessary, before advising Revenue in this step. The adjuster will enter any required changes to SEARCHS accounting.

14. Revenue inquiry re: hearing request. Upon being contacted by the Revenue collection specialist concerning a timely request for hearing, investigates the debt on SEARCHS and contacts the appropriate worker(s) in 14a and 14b below to confirm the correct debt amount (if necessary) and to alert the worker to the hearing request. Informs Revenue of the results; enters a SEARCHS case note for the hearing request, giving the results of the investigation. Adapts the procedures in this step as necessary for a hearing request received directly by the caseworker in step 12.
 - a. In the case of a collection involving an obligor or obligee receivable, or a VPA, contacts the appropriate adjuster. The adjuster will enter any required changes to SEARCHS accounting and proceed to step 21 for the hearing.
 - b. In the case of a collection involving any debt other than an obligor or obligee receivable or VPA, contacts the caseworker. The caseworker will submit a request to TAPP for any required changes to SEARCHS accounting and proceed to step 19 for the hearing.
15. Contact from debtor. Upon being contacted by the debtor at any time before an offset is received and distributed by the CSSD, investigates the debt on SEARCHS, contacts the caseworker if necessary, and informs the debtor of the results. Enters a SEARCHS case note for the contact and resolution. The caseworker will submit a request to TAPP for any required changes to SEARCHS accounting. Notifies Revenue if investigation shows the debt amount should be decreased. If contacted by the debtor after the offset has been received and distributed, refers the debtor to the caseworker.

Note:

In the case of a collection involving an obligor, obligee receivable or a VPA, the Offset Specialist should consult with the TAPP adjuster, if necessary, before informing the debtor or notifying Revenue in this step. The adjuster will enter any required changes to SEARCHS accounting.

Office of Administrative Hearings

16. Hearing request received from Revenue. Upon receipt of a timely submitted request for hearing on a Notice of Offset, follows regular OAH procedures for scheduling the hearing and setting exhibit and discovery due dates.

Identifies the appropriate CSSD worker for the hearing as follows (the worker will receive hearing documents, submit exhibits, and participate in the hearing):

- If the collection being contested involves only an obligor or obligee receivable, or a VPA, the appropriate worker is the adjuster.
- If the collection being contested involves any debt other than an obligor or obligee receivable or VPA, the appropriate worker is the caseworker.
- If the collection being contested involves both an obligor or obligee receivable or VPA, and some other type of debt, the adjuster and caseworker must both participate.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

If Revenue has attached a note to the request stating the debt has been reduced to \$0 and the entire offset amount returned to the debtor, notifies the debtor of the opportunity to withdraw his or her request for hearing. If the debtor does not wish to withdraw, proceeds with the hearing.

(The procedures in this step apply as well to a hearing request received directly by the caseworker and forwarded in step 12.)

Procedures for Administrative Law Judge (ALJ) & Office of Administrative Hearings

ALJ

17. State offset hearing. Conducts the offset hearing and issues a proposed decision and order. Matters that may be contested at hearing, in addition to the basic elements of the CSSD's prima facie case, include the amount of the debt, whether the payment type is available for offset, and whether the payment represents property that is exempt from execution.

(The elements of the prima facie case are the identity of the debtor, the existence of a support order, service of the notice, and personal and subject matter jurisdiction.)

OAH

18. Proposed and final decision and order. According to regular OAH procedures mails the proposed decision and order; monitors for a request for review and, if necessary, arranges for a review by the ALJ. Obtains the signature of the ALJ on the final decision and order and mails copies to the parties. Monitors for any request for judicial review and takes no further action in this section.

Procedure for Caseworker

19. Hearing and results. Upon becoming aware of a timely submitted request for hearing on a Notice of Offset, proceeds in 19a through 19c below.

NOTE:

Worker Responsibility for Hearings Involving Receivables. If the offset collection will be applied solely to an obligor or obligee receivable or VPA account, it is the responsibility of the TAPP adjuster, not the caseworker, to prepare for and participate in the hearing as in step 21; the caseworker need take no further action in this section. If the affected accounts include but are not limited to an obligor or obligee receivable or VPA, the caseworker and adjuster must coordinate hearing responsibilities in this step (19) and step 21.

- a. Places a hold (or if applicable asks TAPP to place a hold) on the participant's accounts, and proceeds in steps 19b and 19c below.

NOTE:

Hold Required. Revenue will transfer offset funds to the CSSD in step 6 regardless of any hearing request. The hold is required to prevent disbursement of the collection until after the hearing is held.

- b. Prepares CSSD testimony for the hearing. Assembles exhibits, identifies witnesses, and mails a list of witnesses and exhibits to the OAH and the parties according to usual CSSD procedures. Informs the regional legal unit of the hearing, if necessary, consults with the legal unit concerning any unusual features of the case. Appears at the hearing and testifies as a witness.

ENFORCING A SUPPORT ORDER

Collection by State Offset

CS 508.1

- c. Upon receiving a copy of the final decision and order from the hearing, releases the hold, or if applicable asks TAPP to release the hold on the accounts. Takes any steps necessary to ensure proper distribution of the offset according to the results of the hearing. If any amount is due the debtor, arranges for a direct refund. The refund must be for the entire gross amount due. Revenue will retain the original fee even if the debt is reduced, or the entire offset is refunded.
20. Informing responding state. Upon identifying a state offset payment posted to current support or arrears in an interstate initiating case, within 10 working days of the posting informs the responding state of the amount and the source.

Procedure for Adjuster

21. Hearing and results—obligor/obligee receivable or VPA account. Upon becoming aware of a timely submitted request for hearing where the offset collection will be applied solely to an obligor or obligee receivable or VPA account, prepares for, participates in, and processes the results of the hearing as in steps 19b and 19c.

If necessary, asks the caseworker or the CSSD Offset Specialist, as applicable, to assist with information presented at the hearing. (For example, if the receivable was created by a change in the monthly obligation that was not entered on SEARCHS until after a payment or refund was disbursed, the caseworker may be better able to explain the basis for the debt. Or, in the case of a receivable created by a federal adjustment, see section CS 508.3, Collection by Federal Offset, the Offset Specialist may be more familiar with the facts of the case.

If the offset will be applied to an obligor or obligee receivable or VPA account and other SEARCHS accounts, coordinates hearing responsibilities with the caseworker as applicable.