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Employees' Manual
Title 11
Chapter U

APPEALS BASED ON DATE OF COLLECTION



Iowa Department
of Human Services

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Overview

This chapter covers:

- ◆ The determination of the date of collection of support payments.
- ◆ How that determination affects the distribution of support payments.
- ◆ The appeals process when a payee does not receive a support payment or receives only part of a support payment because of the Child Support Recovery's (Unit) determination of the date of collection.

The date of collection of a support payment is determined by a number of factors. These factors include the source of the payment and, in some cases, whether or not that source provided a date of withholding. This determination is explained more fully in this chapter under [Date of Collection](#).

The distribution of support payments to payees is based on the date of collection of support payments. Payees who believe that payments have not been properly distributed to them due to the Unit's use of the date of collection may appeal the distribution. The appeals process starts with an informal resolution procedure.

If the payee disagrees with the outcome of the informal procedure, the payee may file an appeal for a hearing before an administrative law judge of the Department of Inspections and Appeals (DIA). A payee must go through the information resolution procedure before filing an appeal with the DIA.

Date of Collection

Legal reference: 441 IAC 95.3(252B)

The date of collection of a support payment determines the month that payment is credited. This determination can affect whether a payee receives all or part of a particular support payment, or if that payment is distributed in full or in part towards amounts owed to the state. The date of collection appears on the Iowa Collections and Reporting System (ICAR) on the CERTIFIED PAYMENT RECORD (PAYREC), CERTIFIED PAYMENT RECORD (VPAYREC), CASE PAYMENT HISTORY (PAYHIST), VIEW PAYMENT HISTORY (VPAYHIST), and PAYMENT RECORD (PAYVOL) screens in the receipt credited field.

D479HR08	IOWA COLLECTION AND REPORTING SYSTEM CERTIFIED PAYMENT RECORD	DATE: 09/08/14 TIME: 15:57:00 PAGE: 1
CASE NUMBER.....:	PAYOR NAME:	
START DATE.....:	PAYEE NAME:	
ICIS CASE.....:		
COURT ORDER #:		
COUNTY NAME..:		
RECEIPT CSC	PAYMENT	DISTR. BATCH SQ RECEIPT
CREDITED RECEIVED	AMOUNT TYPE OF PAYMENT	DATE DATE NO NBR S
11/25/13 12/03/13	100.00 INC. WITHHOLDING	12/04/13 12/03/13 8 000239
12/03/13 12/03/13	50.00 REG CAH REMITT	12/04/13 12/03/13 11 100366
F5=INQUIRE, F7=BACKWARD, F8=FORWARD F9=PRINT YEAR:	BATCH:	PRT ID:
NEXT SCREEN:	NOTES:	

Determination of the Date of Collection

Legal reference: 441 IAC 95.3(1), 45 CFR 303.100

The date of collection is the day that a payment is irrevocably withheld from the payor's paycheck or received by a clerk of court, Collection Services Center (CSC), a local Department of Human Services (DHS) office, DHS Central Office, an agency in another state, or a clerk of court in another state, whichever is earliest.

Collections From Income Withholding

Legal reference: Iowa Code Section 252D.17(6), 45 CFR 303.100,
441 IAC 95.3(1)"a"

If a payment is sent to CSC, a clerk of court, or another state by an employer or other income provider, the date of collection is based on the date of withholding. If there is no date of withholding, the date of collection is based on the date of the check. When an employer withholds amounts from vacation or severance pay, CSC credits those amounts to the months indicated by the employer.

1. An employer sends a payment for an income withholding order. The employer indicated that the date of withholding is December 3. The date of collection is December 3. CSC credits the account with a payment in December.
2. An income provider sends a payment for an income withholding order, but the income provider does not include a date of withholding. The date on the check is December 3. The date of collection is December 3. CSC credits the account with a payment in December.

Collections Received Directly From the Payor

Legal reference: 441 IAC 95.3(1)"c"

If a payment is sent to CSC by the payor, the date of collection is based on the date the payment is received by CSC. If the payment is received in a local office, then the date of collection is the date of receipt by the local office.

A payor sends a support payment by personal check. The date on the check is November 30. CSC receives the check on December 3. The date of collection is December 3. CSC credits the account with a payment in December.

If the payor sends an additional payment in the same month and the current support obligation is paid in full, the additional payment may be credited as payment for the next month if all of the following conditions are met:

- ◆ Support for the current month is **fully** paid.
- ◆ CSC receives the payment within five calendar days before the end of the current month.
- ◆ CSC is made aware that the payor intends the payment to pay the support for the following month.

A payor sends a support payment which is received by CSC on November 2. The monthly obligation is \$100. The amount of the payment is \$100, so the monthly obligation is fully paid. The payor still owes past-due support.

The payor sends a second payment by personal check which is received by CSC on November 28. In the memo line on the check, the payor writes "For December's Child Support." CSC credits the account with a payment in December.

Collections From a Clerk of Court or Another State

Legal reference: 441 IAC 95.3(1)"b"

If the payment is sent to CSC by a clerk of court, by another state or by a political subdivision of another state, the date of collection for the payment is the date the clerk of court or other state received the payment. If the date of receipt is not provided, the date of collection is the date of the check.

If the payment is sent by an income provider to a clerk of court or other state, the date of collection is the income provider's date of withholding. For further information about collections sent by income providers, see [Collections From Income Withholding](#).

A clerk of court receives a support payment on November 23. The clerk of court sends the payment to CSC. CSC receives the payment December 1. The date of collection is November 23. CSC credits the account with a payment in November.

A child support agency in another state receives a support payment on November 22. The other state sends the payment to CSC. CSC receives the payment on December 3. The date of collection is November 22. CSC credits the account with a payment in November.

Distribution of Support

Legal reference: 441 IAC 95.3(252B)

The date of collection determines whether a payment is credited to the current support due in a month or arrears due from previous months. This crediting of support affects the distribution of the payment.

The support payment is distributed to the state, in full or in part, when any of the following conditions are met:

- ◆ The payment is credited to a month and support for that same month is assigned to the state.
- ◆ The case is a current assistance case and arrears are due the state.
- ◆ The case is a former assistance and all arrearages are owed to the state.

1. The payor's employer makes a payment for September and the support is assigned to the state. CSC credits the payment in September. The payment is sent to the state.

2. The payor makes a payment in September and the support is assigned to the state. CSC credits the payment in September. The payment is sent to the state.

The payor makes a second payment in September. CSC credits the payment in September. Current support is paid in full, the state retains the payment for arrearages due the state.

3. The payor makes a payment in September and the support is payable to the family. CSC credits the payment in September. The payment is sent to the family.

The payor makes a second payment in September. CSC credits the payment in September. Current support is paid in full, the state retains the payment for arrearages due the state.

The support payment is distributed to the family, in full or in part, when any of the following conditions are met:

- ◆ The payment is credited to a month and the family was never on assistance.
- ◆ The payment is credited to a month and support is owed to the family who previously received assistance.
- ◆ The case is currently an assistance case and the only arrears are due to the family.

1. The family has never been on assistance. The payor makes a payment in October which is equal to the amount of current support due. CSC credits the payment to October. The payee receives the payment for October.

The payor makes a second payment in October. CSC credits the account with another payment in October. The payee receives the support payment.

2. The family leaves public assistance at the end of October, and arrearages are owed to the state. The payor makes a support payment on November 2 which covers November's current support. CSC credits the account with a payment in November. The payee receives a support payment for November.

The payor makes a second payment November 22. CSC credits the account with a payment in November. Since the November current support is paid, the payment distributes to the state's arrearages. The payor does not make a payment in December. The payee does not receive a support payment in December but arrears are now due to the family

3. The family leaves public assistance at the end of October and arrears are owed to the family. The payor makes a support payment on November 2 which covers November's current support. CSC credits the account with a payment in November. The payee receives a support payment for November.

The payor makes a payment on November 28. CSC credits the account with a payment in November, since the current support is paid, the payment distributes to the family's arrearages since the case is former assistance. The payee receives an additional payment in November.

Addressing Questions About Payments

When a support payment is distributed to the state because of the date of collection, the payee may not understand why, or may believe that the distribution is wrong. The payee may feel entitled to the support from the payment.

It may be possible to answer the payee's questions when the payee initially contacts the Unit or CSC about a support payment which was not distributed to the payee. If a payee contacts you about not receiving a support payment, explain that the state retained the payment in question because of the date of collection. If the payee accepts your explanation, narrate the outcome of your contact with the payee.

When you simply answer a payee's question, this does not initiate the informal resolution procedure.

However, when the payee does not accept the explanation regarding the date of collection, you must refer the payee to CSC to begin the informal resolution procedure. CSC staff assist the payee with the informal resolution procedure.

CSC Informal Resolution Procedure

Legal reference: 441 IAC 95.13(1)

CSC handles payees' claims for support payments using the informal resolution procedure. The payee may contact CSC in writing or over the telephone to initiate this procedure. The informal resolution procedure for payment claims is explained in the following sections.

Claim for Support Payment

Legal reference: 441 IAC 95.13(1)

When a payee contacts a CSC worker with a claim for a support payment, the CSC worker has the responsibility for:

- ◆ Acknowledging the claim.
- ◆ Determining the merits of the claim.
- ◆ Notifying the payee of the disposition of the claim.

The CSC worker acknowledges the contact by sending the payee form 470-3394, *Acknowledgment of Claim Concerning Support*. To generate this form, access it through the DIST process on the FORMLIST screen or the form number on the FORMVIEW screen.

CSC then determines if the following is correct for the support payment:

- ◆ The date of withholding.
- ◆ The distribution based on the date of collection.

Once a determination is made, the CSC worker sends a notice to inform the payee of the outcome. Issue form 470-3360, *Notice of Decision: Support Payment*, to the payee within 30 days of the initial contact. To generate this form, access it through the DIST process on the FORMLIST screen or the form number on the FORMVIEW screen.

Right of Appeal

Legal reference: 441 IAC 7.5(217), 95.13(13)

A payee has the right to appeal the decision from the informal resolution procedure under the following conditions:

- ◆ A written decision from the informal procedure is not issued within 30 days of the payee's contact with CSC about the support payment.
- ◆ The payee disagrees with the decision from the informal resolution procedure.

Appeals from the informal resolution process are limited to the non-receipt of support payments, in full or in part, based upon the date of collection of the support payment.

The payee may request a hearing in writing or in person with Unit staff. If the payee states in person an intent to file an appeal, provide the payee with form 470-0487, *Appeal and Request for Hearing*. Unlike the informal procedure, this appeal must be in writing.

If the payee requests a hearing over the telephone, give the payee the option of making the request in writing, or receiving form 470-0487, *Appeal and Request for Hearing*, in the mail to fill out and send back to CSC. It is important that the request for a hearing is signed by the payee.

CSC staff forwards form 470-0487, *Appeal and Request for Hearing*, to the DHS Appeals Section as described under [Responsibilities of the CSC Customer Service Representative](#).

The hearing is conducted by an administrative law judge for DIA.

NOTE: Instructions for locating and completing form 470-0487 are in Employees' Manual, [I-E-Appendix, Appeals and Hearings](#).

Time Limit for Filing

Legal reference: 441 IAC 7.5(4)

Appeals are limited to claims on support payments received by the Unit during the nine-month period before the month in which the appeal is filed. If an appeal is based on CSC's failure to issue a written opinion within 30 days of the payee's contact with CSC, the appeal may be filed after the 30 days have passed and before a written decision is issued.

When the payee asks for a hearing within 30 days after the date of the notice, a hearing is granted.

When the payee asks for a hearing more than 30 days, but less than 90 days, after the date of the notice, a hearing may be held, depending on the reason for the delay. In these instances, the Director of DHS determines whether a hearing will be held. If 90 days have passed, a hearing is not granted.

The time limit for filing an appeal is not extended by the informal resolution procedure. Although, the length of time taken for CSC to complete a review may be a factor in the Director's decision whether to grant a hearing.

Responsibilities of the CSC Customer Service Representative

Legal reference: 441 IAC 7.8(17A)

You must:

- ◆ Provide information to the payee about the appeals process.
- ◆ Take action as necessary to expedite the timely handling of appeals.
- ◆ Participate in hearings as a representative of the Unit.

When a payee inquires about the appeals process or expresses an intent to request an appeal, CSC staff:

- ◆ Answer the payee's questions about the procedures to follow in requesting a hearing and the time frames involved.
- ◆ Explain more fully to the payee why CSC is taking the disputed action.

- ◆ Upon request, provide the payee with copies of relevant documents in order to assist the payee in determining whether to request a hearing or to prepare for a hearing.
 - ◆ Accept the payee's written request for a hearing, or, if the request is verbal, provide form 470-0487, *Appeal and Request for Hearing*, to the payee.
 - ◆ When providing form 470-0487, *Appeal and Request for Hearing*, to the payee, complete Part II of the form, and forward the form to the DHS Appeals Section, Division of Policy Coordination, Hoover Building.
- Include a copy of form 470-3394, *Acknowledgment of Claim Concerning Support Payment*, and form 470-3360, *Notice of Decision: Support Payment*.
- ◆ Within 10 days of receipt of a copy of form 470-3394, *Acknowledgment of Claim Concerning Support Payment*, provide to the Appeals Section and the payee (and to the payee's attorney, if the payee is represented) an appeal packet containing:
 - A summary of facts upon which the appeals decision was based.
 - Copies of support materials, including printed copies of the support payment history.
 - Work with field and central office staff to complete the appeal packet and load the packet to the Appeal Information System (AIS).

The CSC customer service representative attends the hearing and offers testimony about the distribution of support and the process to reach a decision in the informal procedure. After the hearing, DIA issues a written decision to CSC and the payee.

If this decision requires the Unit to modify payment distributions, the CSC supervisor contacts the CSC accounting staff to make the necessary adjustments. If the decision changes the payment distribution, the accounting staff contact the case worker assigned to the case to advise them of the change.

If the payee requests the appeal be withdrawn before the hearing is held, notify the DHS Appeals Section. Ask the payee to sign form 470-0492, *Request for Withdrawal of Appeal*, or to submit a letter of withdrawal to CSC or DHS Appeals. If the withdrawal request is received at CSC, forward it to the Appeals Section. The written acknowledgment of the withdrawal from either DIA or DHS Appeals is posted in the Appeals Imaging system. Plan on attending any scheduled hearing unless you receive formal notice of a cancellation from DIA or the Appeals Section.

NOTE: Instructions for the completion of forms 470-0487, *Appeal and Request for Hearing*, or 470-0492, *Request for Withdrawal of Appeal*, are in Employees' Manual, [I-E-Appendix](#).