

Memorandum of Agreement
Between
The Divisions of Family Services & Management Support Services
Of the Department of Services for Children, Youth and Their Families
(DSCYF)
And
The Division of Child Support Enforcement (DCSE)
Of the Department of Health and Social Services

Cari DeSantis, Secretary of
the Department of Services
for Children, Youth and Their
Families

Vincent P. Meconi, Secretary of
the Department of Health and
Social Services

Carlyse Giddins, Director of
the Division of Family Services

Charles E. Hayward, Director of
the Division of Child Support
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Henry Smith, Director of
the Division of Management
Support Services

Valencia Beaty, Director of the
Division of Management Services

Effective Date: _____

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I. Purpose

- A. This Memorandum of Agreement (MOA) between the Department of Services for Children, Youth, & Their Families (DSCYF) and the Department of Health & Social Services (DHSS), Division of Child Support Enforcement (DCSE) has been jointly developed for the purpose of timely and efficient administration of child support activities.
- B. The federal regulations governing this agreement are covered in the United States Code and the Code of Federal Regulations (CFR). 45 USC 654 & 657 describe the requirements for both the IV-E and IV-D state plans. 45 C.F.R. Sec. 302.52 (b) describes the distribution rules for child support collected on behalf of children for whom the State is making foster care maintenance payments. The provisions of both the Code and the CFR are incorporated into this document by reference.
- C. Title 13, Chapter 22 outlines the State law governing the roles and responsibilities of the Division of Child Support Enforcement. Section 2202 includes entering into agreements with federal, state and other entities for the purposes of carrying out IV-D responsibilities. Title 29, Chapter 90 governs the work of the Department of Services for Children, Youth and Their Families. Section 9005 addresses the work with other state agencies to mutually address the needs of children and families. Title 29, Chapter 9019 addresses the recovery of funds to support children in Department's care.

II. Roles and Responsibilities

- A. The Division of Family Services as the state agency serving Delaware's foster children is obligated to take all necessary steps, including cooperative efforts with the state agencies administering the plans approved under A and D of the Social Security Act section 471 (a) 17 to secure an assignment to the state of any rights to support on behalf of each child receiving foster care maintenance payments.

- B. The Division of Child Support Enforcement as the State's title IV-D child support agency has as its mission to promote family independence by reducing dependency of single parent households through the collection of monetary child support payments and medical support from non-custodial parents.

III. Operating Policies

- A. DFS will make referrals to DCSE to pursue child support orders for children in foster care.
- B. DCSE will petition the court to obtain child support obligations for each DSCYF foster child.
- C. Each Division will mutually support a data inter-change system meeting federal requirements to efficiently and effectively manage child support resources.
- D. The child support collected for children in State foster care will be distributed pursuant to the federal distribution rules as outlined in 42 U.S.C. § 657 and as provided in 29 Del. C. § 9019.
- E. Upon proper notification by DSCYF, the DCSE agrees to promptly initiate proceedings to adjust the legal status of children so that current support stops being sent to DSCYF.

IV. Operating Procedures

A. DFS Foster Care Case Procedures

The Division of Family Services will refer cases to DCSE within ten (10) days of a child being placed in out of home care. This is accomplished by completing the Substitute Care Support Application. The caseworker shall include as much detail in the application as possible to help inform the DCSE staff. Detailed information shall include at a minimum: dates of marriage and divorce if applicable, name and address of non-custodial parent, names and addresses of parent's employers.

The DFS caseworker will inform all parents and guardians of the obligation to support their children when they are placed in out of home care and that the DFS will be advising the Division of Child Support Enforcement about the child's placement. The caseworker shall inform the parent or guardian that they may receive notice about a court hearing pertaining to their financial obligation to support their child while in out of home care.

Through a data exchange outlined in Appendix A, the DSCYF will inform the Division of Child Support Enforcement of any changes affecting the support agreement.

There may be instances whereby DFS will not pursue child support for a specific child. These exceptions will be approved by the respective agency's policy points of contact outlined in Section V. Administration of the MOA. These exception reasons will be documented in the case record.

The DFS case worker will enter all child placement changes in FACTS in a timely fashion, or within 48 hours as outlined in Division policy expectations. This will allow Child Support enforcement to be advised timely of new entries, changes and exits from care.

DSCYF data interface will report status changes to DCSE via Electronic Child Support Update File from FACTS to DHSS.

Child Support funds received by the DSCYF from DCSE will be used to offset the cost of care and services of foster care clients.

B. DCSE Foster Care Case Procedures

A foster care case means the state is making foster care maintenance payments to provide care and services to a child who is placed outside the home of his/her parent or guardian. In these cases, DCSE will petition the Family Court to establish support obligations against both parents based on the information provided by DSCYF.

For every case the Division of Family Services refers, there are two Foster Care component cases created by the Child Support Specialist (CSS), one with each parent as the Non custodial parent (NCP).

Step 1: DCSE initiates the case in DACSES

Step 2: DCSE coordinates genetic testing, if necessary for any foster care case. DCSE can establish paternity of foster children when it has not previously established.

Step 3: DCSE will generate appropriate petitions.

If there is an existing order and all of the children in the case are placed in foster care, DCSE will file a motion for change of payee on that case and file a new support petition against the former custodial parent.

If there is no order in place or not all of the children on the order are in foster care, DCSE will file new support petitions against both parents on behalf of the child (ren) now in foster care.

Step 4: The DCSE will work directly with Family Court to:

- Obtain initial court orders to direct collections to DSCYF
- Notify the court to stop collections to DSCYF via modified language to be supplied by DCSE
- Modify court orders as needed, in order to accurately reflect the children for whom collections are made.

Step 5: Foster Care cases are processed for closure once the child's Foster Care placement terminates, unless the case immediately activates the IV-A program (TANF) .

Step 6: DCSE will promptly review the information and process appropriate court ordered action in order to ensure timely termination or reduction of child support funds from appropriate parties.

C. Fiscal Accountability

DCSE will provide the DASCES generated Agency Account Report to DSCYF Client Payments monthly. DCSE will provide additional information as needed to explain any adjustments transactions reflected on the report or to clarify payment history.

Each agency has identified single points of contact to address the resolution of fiscal related details. This includes current funds being issued to DSCYF for eligible children as well as the resolution of outstanding funds.

Routine monthly data exchanges will alert each agency of issues and concerns. If DSCYF is unable to reconcile DACSES information with FACTS records, then DMSS will immediately notify DCSE of exceptions via a foster care e-mail resource account, DHSS_DCSE_FosterCare@state.de.us, as provided by DCSE. The DCSE will identify the appropriate staff member to address the incoming notification.

Monthly progress reports will be prepared and exchanged to assess the resolution of the outstanding child support cases whose funds reside with the DSCYF. However, for the purposes of addressing the outstanding child support cases in which the funds reside with DSCYF, this applies to any child who entered foster care, before 10/1/03.

For the purposes of this MOA, new cases are considered any child who entered care after 10/1/03.

The DCSE will send current child support monies to DSCYF correlating to foster care child placements indicated on the application file.

If a child exits care, then DCSE will collect on arrears to reimburse for expenditures prior to exit.

If DCSE collects more money than DSCYF spends, then residual amounts should be addressed as follows according to child support regulatory guidelines:

- Returned to obligor
- Banked and passed on to the child
- Use it for other client related costs while in the Division's care

Monthly distribution of arrears shall occur to the appropriate reimbursement source based on the DCSE case.

D. Data Interfaces

Attachment A of this MOA details the current data interchange requirements and responsibilities of both agencies related to this agreement. This document lists and describes the applicable interfaces and reports that fulfill the mutual requirements. Any modifications to the data interface requirements will be made in Attachment A as agreed by both parties. These modifications will be covered by the terms of the MOA.

V. Administration of the Memorandum

A. Each agency has identified single points of contact to address interagency issues.

i. DFS – Keith Zirkle
1825 Faulkland Road
Wilmington, DE 19805
(302) 633- 2709
(Policy & Program)

ii. DMSS - Harry Roberts
1825 Faulkland Road
Wilmington, DE 19805
(302) 892-4534
(Fiscal)

Chris Kraft
Senior Fiscal Officer
1825 Faulkland Road
Wilmington, DE 19805
(302) 892-4548
(Fiscal Accounting)

Harold Miller
Manager of Application
Support
1825 Faulkland Road
Wilmington, DE 19805
(302) 633-2635
(Technical)

Sally Cohen
Trust Accountant
1825 Faulkland Road
Wilmington, DE 19805
(302) 892-4537

ii. DCSE – Midge Holland
Chief of Administration
Suite 84-A
Christiana Road
Churchmans Corp. Center
New Castle, DE 19720
(302) 395-6698
(Policy)

Viola Frisby
CSE Specialist
Suite 84-A
Christiana Road
Churchmans Corp. Center
New Castle, DE 19720
(302) 395-6500
(Case processing)

Eric Pusey
Manager of Computer and
Application Support
Suite 84-A
Christiana Road
Churchmans Corp. Center
New Castle, DE 19720
(302) 395- 6663
(Technical)

Dan Minnick
Sr. Social Service Adm.
Suite 84-A
Christiana Road
Churchman’s Corp. Center
New Castle, DE 19720
(302) 395-6608
(Accounting)

The respective agency contacts will make sure that their agency has an updated list of staff contacts to facilitate communication and to resolve issues.

Each agency agrees to assign appropriate staff to serve as the single point of contact in support of the administration of the MOA should any personnel changes occur.

Information system operational issues and specification changes will be directed to the designated agency technical contacts for review and resolution.

- B. Both agencies will commit to routine meetings in order to ensure the administration of activities as described herein. Monthly meetings will occur between the designated fiscal accounting contacts to resolve individual case issues associated with the reconciliation of new and backlogged cases.

Quarterly meetings will be used to assess MOA progress for the first six months. Twice a year meetings will occur thereafter to ensure continued success. Either agency can request a mandatory meeting at any time to address issues.

MOA management oversight will occur more frequently as needed to fully execute the intended interest contained within this agreement.

VI. Terms and Conditions

Terms and conditions of this MOA will continue as mutually agreed by both parties. Changes shall include 60 day written notification. To the extent that policy and procedures associated with the MOA are created, annual MOA updates shall occur.

VII. Dispute Resolution

If agreement cannot be reached through the points of contact established in Section V, Administration of the Memorandum, then each respective agency agrees to seek guidance at the next level.

Attachment A Data Interfaces

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Each agency will have the following data interfaces to meet the intended purpose of routine data exchanges.

DSCYF

Application file from SACWIS (FACTS or successor system) to Child Support Information System (DACSES or successor system) containing child support application data on children removed from the home by DFS.

Update file from SACWIS (FACTS or successor system) to DCSE reporting when children return to the home, IV-E determination or re-determination, or TPR petition granted.

New file from FACTS to DCSE to report back the child's cost of care. This file is to contain the child's MCI number, social security number, child support case number (if available), payments to foster care and other service providers on behalf of the child derived from the FACTS foster care and purchase of care board generators.

The DSCYF agrees to generate a monthly error report for review by DCSE.

DCSE

Currently a DACSES generated transmittal document with the list of children is sent by DCSE to DSCYF fiscal staff which accompanies the sum amount check. The parties agree to replace this with an electronic monthly file (Agency Account Report) sent to DSCYF detailing collections (current & arrears) by amount per individual child in DFS/DSCYF foster care custody that matches the monthly child support remittance to DSCYF. The work to move to the electronic file is in progress.

A new file from DCSE to FACTS to report back the child's MCI number, social security number, child support case number (or case numbers), start and end date of each support order, and amount by type of child support fund (i.e., current support and/or arrears support) to establish a linkage of the child

support case number on the FACTS placement once a child support case is opened or an existing case is associated to DSCYF for payments.

DCSE agrees to have a defined process for monthly review and resolution of the error report.

SYSTEM DEVELOPMENT & ENHANCEMENTS

DSCYF will arrange State funding for the initial development or modifications to the existing computer systems for the file transfers. Each agency will manage staff and contractor availabilities per agreed-to schedules during the development phase.

Once the development phase is complete and the systems are in production, the agency requesting system enhancements or changes will arrange State funding for all systems affected by the change to ensure timely implementation.

The Agency responsible for the respective system being modified will seek appropriate Federal Funding/Funds Participation for both initial development and subsequent modification/operations.

For the initial development or modification a schedule of work will be agreed upon and followed by the respective agencies.

ONGOING OPERATION

DSCYF and DHSS technical management will designate primary and alternate staff contact personnel assigned to resolve or manage the resolution of operational issues.

DSCYF and DHSS technical management will notify their counterparts of planned system modifications or changes in operational schedules in a timely manner. This will help ensure smooth operations in both agencies.