

INSTRUCTIONS FOR CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 INITIAL REQUEST

PURPOSE OF THE FORM:

The CSE Transmittal #1-Initial Request form is a “cover letter” required to refer IV-D interstate cases to any responding State’s central registry. The form can also be used in non-IV-D cases. It contains basic case information and space for indicating which services are requested. The form can be used to request administrative or legal action, including establishment of paternity and/or support obligation, modification, or enforcement. It does not take the place of, and therefore must be accompanied by, the appropriate standard interstate forms (e.g. Uniform Support Petition, General Testimony, etc.) and supporting documentation. A registration statement is needed for each order that the initiating State is requesting be registered by the responding State. Transmittal #1 may be sent electronically using the appropriate CSENet transaction.

Italicized text that appears within a “box” refers to policy or provides additional information.

HEADING/CAPTION (Pages 1 & 2):

The initiating jurisdiction determines the heading. Note that the heading appears on both page 1 of the **Child Support Enforcement Transmittal #1** and on page 3, the **Acknowledgment** page.

- Identify the **petitioner** and **respondent** by name (first, middle, last), Social Security Number, and, if applicable, include the name of the tribe in which the petitioner or respondent is associated.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D.

TANF means the obligee’s family receives IV-A cash payments. A Medicaid only case is a case where the obligee’s family receives Medicaid but does not receive TANF (IV-A cash payments).

- In the space marked “To:”, list the name and address (street, city, State, and zip code) of the court or agency where you are sending the CSE Transmittal #1. **NOTE: This information should be entered into the space marked “From:” on page 3**

Once an initial referral in a IV-D case has been made to the responding State’s central registry (using CSE Transmittal #1), subsequent communication can occur with the local agency/court/jurisdiction that is actually working the case (using CSE Transmittal #2).

- In the appropriate spaces, if applicable and if known, enter the Responding jurisdiction’s FIPS code, State, IV-D case number, and Tribunal number.

Under “IV-D case number”, enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under “tribunal number”, you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known. The Responding jurisdiction is the jurisdiction that is working the case at the request of the initiating jurisdiction.

- In the space marked “From:”, list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), FAX number, and E-Mail address. **NOTE: This information should be entered into the space marked “To:” on page 3**
- In the appropriate spaces, enter the Initiating jurisdiction’s FIPS code, State, and IV-D case number, and tribunal number.

Under “IV-D case number”, enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under “tribunal number”, you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case. The initiating jurisdiction is the jurisdiction that referred the case to the responding jurisdiction for services.

- In the space marked “Send Payments To:” enter the address to which payments should be sent, if the address is different from the agency address provided on the form in the space above.
- In the appropriate spaces, enter the FIPS code and State where payments should be sent.
- If funds can be transmitted electronically via Electronic Funds Transfer (EFT), enter the bank account number under “Bank Account” and the bank routing code under “Routing Code”

SECTION I (page 1), ACTION:

Check the appropriate box(es) to indicate which actions are requested. Multiple actions may be requested, as appropriate.

In IV-D cases, the responding jurisdiction should provide the full range of appropriate services. For example, even if the initiating IV-D agency only checks box 1 “Establishment of Paternity”, the responding jurisdiction should establish paternity, establish a support order, and enforce the support order.

- Check **item 1** “Establishment of Paternity” where paternity has not been determined. In a IV-D case, ask another State to establish paternity only if use of long-arm jurisdiction is not available or not appropriate. Be sure to attach an “Affidavit in Support of Establishing Paternity” for each child whose paternity is at issue.
- Check **item 2** “Establishment of Order for” to request that an order be established. Indicate the type of order by checking the appropriate box.
 - Check **item 2A** “Current Child Support, including Medical Support” to request the initial establishment of a new child support order.

*If an order governing the same obligor, obligee, and child(ren) already exists, you should only request establishment of a new order if: (1) there is more than one existing order, (2) the obligor, obligee, and child have all moved out of the issuing States, and (3) the parties have **not** filed written consent allowing an issuing State to assert jurisdiction*

- Check **item 2B** “Retroactive Child Support” if seeking support for a prior period.

States may establish child support awards covering a prior period, but such awards must be based on guidelines and take into consideration either the current earnings and income at the time the order is set or the obligor’s earnings and income during the prior period. The award of back support is not required under Federal rules, but may be appropriate in accordance with State law. Not all States have authority to establish support orders for prior periods. Medical support must be requested in all IV-D establishment cases.

- Check **item 2C** “Medical Support Only” in a Medicaid case where a child support order does not exist and is not sought. If seeking to add medical support to an existing child support order, check item 4, “Modification of Responding Tribunal Order.”
- Check **item 2D** “Spousal Support” to request establishment of a spousal support order. Do not check this item in a IV-D case; establishment of spousal support is not a IV-D function. When requesting establishment of spousal support, contact the support enforcement agency for the appropriate procedure.
- Check **item 2E** “Costs and Fees” to request an order for costs and fees such as: costs of the delivery of the child, other medical costs not covered by insurance, genetic testing, and attorney’s fees. Describe the costs in section VII “Additional Case Information”.
- Check **item 3** “Enforcement of Responding Tribunal Order” to request enforcement of an existing order that was issued by the responding tribunal.

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask the responding State to prospectively enforce (or modify) an order unless that order is the “controlling order” that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist. Under these rules:

- 1. The order issued by a tribunal with continuing, exclusive jurisdiction (CEJ) has priority. An issuing tribunal retains CEJ as long as the issuing State remains the residence of the obligor, obligee, or child, or until all parties file written consent with the tribunal allowing another State to assume CEJ.*
- 2. If more than one issuing tribunal would have CEJ, the order issued by the child’s current home State has priority. “Child Home State” is the State where the child has lived for the prior consecutive 6 months before filing the UIFSA action or, if the child is under 6 months of age, since birth.*

3. *If more than one tribunal would have CEJ but there is no order in the child's current home State, the most recently issued order has priority.*
4. *If no tribunal would have CEJ, the responding State may issue a new support order and it becomes the controlling order.*

- Check **item 4** "Modification of Responding Tribunal Order" to request modification (or review and adjustment) of an existing order that was issued by the responding tribunal.

Do not request the responding State to modify its own order if the obligor, obligee, and child(ren) have all moved out of that State, or if the parties have filed written consent with the issuing tribunal in that State allowing another State to modify the order.

If multiple orders exist, do not ask a responding State to modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, you need to attach a completed General Testimony.

- Check **item 5** "Change IV-D Payee of Responding Tribunal Order" to request a change of IV-D payee. Describe your request in Section VII "Additional Case Information".

This is an administrative action used when the person or agency entitled to receive funds has changed. It may occur with a change in public assistance or foster care status or if there is a change in custody. In some States, court action, such as a modification, may be required if there is a change in custody or foster care status.

- **Item 6** "Redirect Payment to Obligee State" is an administrative action used when the custodian has moved.

In some States a court action may be required if the custodian's move compels transfer of documents or funds to another jurisdiction.

- Check **item 7** "Registration of Foreign Support Order(s)" to request registration of one or more support orders. Orders from one State may be registered in another State. Also check item 7A "For Enforcement Only", item 7B "For Modification and Enforcement", or item 7C "For Modification Only". Check either item 7B or 7C if you are requesting review and adjustment of a foreign order. Check item 7D "For Tribunal Determination of Controlling Order Including Arrears Reconciliation" if you are requesting a determination of controlling order and an arrears reconciliation. Check the appropriate box to indicate whether registration is requested by the obligor, obligee, or state enforcement agency.

To modify another State's order, a responding State must first register the order. To enforce another State's order, a responding State may have to register the order; UIFSA allows for administrative enforcement without registration (but requires registration for other enforcement actions).

To request registration of an order you must include:

- *A letter of transmittal to the tribunal requesting registration for enforcement and/or modification. The CSE Transmittal #1 serves this function. Check the appropriate boxes in item 7 of section I to indicate the action requested.*
- *Unless a controlling order determination has been made by a tribunal, a certified copy of all orders to be registered, including any modification of an order.*
- *A registration statement for each order that the initiating State is requesting to be registered by the responding State.*
- *A sworn statement by the party seeking registration or a certified statement by the custodian of records showing the amount of any arrearage. At State option, page 6a of the General Testimony may be used for this purpose. In section VIII "Attachments", check the first box ("Arrears Statement/Payment History") to indicate that a sworn statement of arrears is attached.*
- *The name of the obligor and, if known: the obligor's address and Social Security Number; the name and address of the obligor's employer and any other source of income of the obligor; and a description and the location of property of the obligor in the responding State not exempt from execution. Space for most of this information is provided on the CSE Transmittal #1. If you have information about the obligor's other sources*

of income or property, include the information in section VII or an attachment. In section VIII, check the box labelled "Description of Real/Personal Property" if a description is attached.

- *The name and address of the obligee. Space for this information is provided on the CSE Transmittal #1.*
- *If applicable, the agency or person to whom support payments are to be remitted. Space for this information is included in the heading of the CSE Transmittal #1.*

In addition, to allow the responding State to establish a IV-D case, you will probably need to complete all other information on the CSE Transmittal #1, particularly information regarding the children.

Furthermore, when requesting registration for modification, you generally need to attach a completed Uniform Support Petition and General Testimony.

Do not ask a responding State to modify another State's order unless:

- *(1) the child(ren), individual obligee, and obligor do not live in the State that issued the order;*
- *(2) the party seeking modification does not live in the responding State; and (3) the responding State has personal jurisdiction over the party not requesting modification.*

OR

- *The responding State has personal jurisdiction over the obligor, individual obligee, or child(ren), and the obligor and obligee have filed written consent in the tribunal that issued the order providing that the responding State may modify the support order and assume continuing, exclusive jurisdiction over the order.*

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask a responding State to prospectively enforce or modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, the CSE Transmittal #1 is used to send initial case referrals and the CSE Transmittal #2 is used to send/request additional information or action after the initial referral.

However, since the CSE Transmittal #2 does not contain the necessary information needed to request registration of a foreign order, you may use the CSE Transmittal #1 to request registration even in a case that has previously been referred to the responding jurisdiction. If you are requesting registration in a case that has previously been referred to the responding jurisdiction, you may send the request directly to the responding entity working the case rather than to the responding central registry.

- Check **item 8** "Collection of Arrears Only" to request collection of arrears only. You should request enforcement of arrears under all known orders.
- Check **item 9** "Income Withholding" to request interstate income withholding.
- Check **item 10** "Administrative Review for Federal Tax Offset" to request an administrative review
- in the responding State if a Federal income tax refund offset has been challenged.
- Check **item 11** "Other" if you are requesting a service other than those listed, such as a lien or levy or an administrative remedy, such as license revocation. Describe the service on the blank line.

SECTION II (page 1), CASE SUMMARY:

- If you know that a tribunal has already determined the controlling order, only enter information about the controlling order and check "Tribunal-Determined Controlling Order".
 - Otherwise, where multiple orders exist, provide complete information for all court/administrative actions regarding support for dependents. If there are more than three orders, use additional page(s) or Section VII.
- For "Period of Computation", enter the month, day, and year for both the beginning and ending dates. The information in this section will be used to aid in verifying calculated arrearages or reconciling arrears under multiple order and to assist in determining/verifying which order is controlling and which State has continuing exclusive jurisdiction.
- If you believe a particular order is controlling but there is no tribunal-determined controlling order, check the box beside "Presumed Controlling Order"; otherwise leave the box blank.

Under UIFSA, a State that issues a child support order maintains CEJ as long as the obligor, individual obligee, or child(ren) reside in that State, or until each party files written consent in that State allowing another State to assume CEJ. If there are multiple orders governing the same obligor, obligee, and child(ren), UIFSA contains rules for determining which order is controlling. The tribunal that issued the controlling order has CEJ as long as the conditions for CEJ are met. CEJ means the authority to modify the order.

*Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a **certified** copy of the order, although a regular copy is necessary.*

SECTION III (page 2), MOTHER INFORMATION:

This section provides basic information about the child(ren)'s mother.

- Check the appropriate box to indicate if the mother is the obligor or obligee.
- Provide the mother's full name (first, middle, last), as well as other names used (i.e. aliases, or maiden name).
- List additional information (e.g., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII.

In cases where the mother is the respondent, the information can be used for location purposes if necessary.

- If the mother's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed.
- If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case.
- If information cannot be verified, provide last known information.

SECTION IV (page 2), FATHER INFORMATION:

This section provides basic information about the child(ren)'s father. In a case where paternity has not been established, use this section to provide information about the alleged father.

- Check the appropriate box to indicate if the father is the obligor or obligee.
- Provide the father's full name (first, middle, last) as well as other names used (i.e., aliases and nicknames).
- List additional information (i.e., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII.

In cases where the father is the respondent, the information can be used for location purposes if necessary.

- If the father's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed.
- If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case.
- If information cannot be verified, provide last known information.

SECTION V (page 2), CARETAKER:

Complete this section only if the child(ren)'s caretaker is not the child(ren)'s parent.

- In the space labelled "Relationship to Child(ren)", indicate the relationship of the caretaker to the child(ren).
- Check box "Has Legal Custody/Guardianship of Child(ren) (copy of order attached)", if the caretaker has legal custody or guardianship.
- Provide the caretaker's full name (first, middle, last) as well as other names used (i.e., aliases, maiden name)

Note: if the caretaker does not have a legal obligation to contribute to a child's support, information regarding the caretaker's employment may be privileged.

SECTION VI (page 2), DEPENDENT CHILDREN INFORMATION:

List all children for whom support is owed or being sought. For each child, provide:

- Full legal name (first, middle, last),
- City, State and date of birth,
- Sex,
- Social Security Number.
- Add the child's State of Residence and how many months the child has lived there.
- Indicate whether the mother of the child was married at the time the child was born. Check "YES" if the child was born out of wedlock (i.e., the mother was not married), or "NO" if the child was born in wedlock (i.e., the mother was married when the child was born).
- If the child was born out of wedlock and paternity has been established, provide the date that paternity was established.

SECTION VII (page 2), ADDITIONAL CASE INFORMATION:

In this section, provide additional information which may be useful to the responding jurisdiction in working the case, such as pending action, amounts reported to credit bureaus, or prior attempts of long-arm action. If additional space is needed, attach page(s).

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the finding. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address.

A nondisclosure finding means a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address). UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

If a State has reason to believe that information should not be released because of safety concerns, please note it in item VII and ensure the petition requests a nondisclosure finding under section 312 of UIFSA.

SECTION VIII (page 2), ATTACHMENTS:

Check the appropriate box(es) to indicate all documents attached. For attachments other than those listed, check "Other Attachments" and explain in section VII.

Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Some responding States may be able to take certain administrative enforcement actions without having a **certified** copy of the order, although a regular copy is necessary. You may include a copy of that State statute if assignment is by operation of law.

At the bottom of page 2, provide a specific worker's name, a direct telephone number (with extension if necessary), FAX number and E-Mail address to expedite communications between jurisdictions.

PAGE 3, ACKNOWLEDGMENT:

The initiating State should always include the “acknowledgment of receipt” page with Transmittal #1. The initiating State completes the Heading/Caption on the acknowledgment page. The rest of the acknowledgment should be completed by the responding State and returned to the initiating State. An automated acknowledgment may be sent through CSENet.

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.