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| **10-144** | **DEPARTMENT OF HEALTH AND HUMAN SERVICES** | **Chapter 351** |
|  | **MAINE CHILD SUPPORT ENFORCEMENT MANUAL** |  |

**State of Maine**

**Department of Health and Human Services**



**MAINE**

**CHILD SUPPORT**

**ENFORCEMENT MANUAL**

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# CHAPTER 1 - PRELIMINARY STATEMENT

**1. AUTHORITY AND INTENTION TO ESTABLISH RULES**

In accordance with and pursuant to the authority conferred by 22 M.R.S. §42(1), the *Maine Administrative Procedure Act* and 19-A M.R.S. §2251 *et seq.*, the Maine Department of Health and Human Services herewith establishes its rules with respect to the activities of the Division of Support Enforcement.

**2. TITLE OF RULES**

These rules may be referred to and cited as the "Maine Child Support Enforcement Manual,” the "Support Enforcement Manual,” or the "Manual.”

**3. PRELIMINARY STATEMENT AS INTEGRAL PART OF MANUAL**

This chapter is an integral part of the Manual.

**4. MANUAL BINDING ON DEPARTMENTAL EMPLOYEES**

The Manual is binding on all employees of the Department.

**5. PURPOSES OF ESTABLISHMENT OF RULES**

These rules are promulgated for the following purposes:

A. To implement Federal statutes, regulations and action transmittals of the Office of Child Support Enforcement (OCSE), U.S. Department of Health and Human Services, that are applicable to the activities of the Division of Support Enforcement.

B. To implement the Statutes of the State of Maine, inclusive of the *Maine Rules of Civil Procedure*, and the *Maine Administrative Procedure Act*, to the extent they are applicable to the activities of the Division.

C. To establish rules of practice governing the conduct of adjudicatory proceedings of the Division, in accordance with and as authorized by the *Maine Administrative Procedure Act* (5 M.R.S. §8051).

D. To establish the Department's rules for its employees who are engaged in any of the activities to which the Manual is applicable.

**6. DISCLAIMER OF WAIVER**

The absence of a reference herein to a power of or a remedy available to the Division by virtue of any federal or State statute, regulation or rule, or to a support-establishment/enforcement/ collection procedure or mechanism permitted under federal or State law, regulation or rule, or under OCSE action transmittals, shall not operate as a waiver of any such power or of the use of any such remedy, procedure, or mechanism.

**7. ORGANIZATION OF RULES**

The rules are organized by chapters, which are divided into sections. Sections are broken down into sub-sections; sub-sections, into paragraphs; and paragraphs, into sub-paragraphs. Chapters are numbered by Arabic numerals beginning with "1,” as are sections. Sub-sections are lettered with capital letters, beginning with "A.” Paragraphs are numbered with Arabic numbers beginning with "1.” Sub-paragraphs are lettered with lower-case letters, beginning with "a.” (See "Citation of Rules,” below.)

**8. CITATION OF RULES**

In a full citation, the Arabic numeral designating a chapter precedes a decimal. The Arabic number following the decimal designates the section. Sub-section, paragraph and sub-paragraph indicators follow, each enclosed in parentheses or brackets, as appropriate. For example, the citation for "Chapter 7, Section 4, Sub-section G, Paragraph 2, Sub-paragraph d" would normally be"7.4(G)(2)(d).” If, however, the whole citation is enclosed by parentheses, the citation would be, e.g., as follows: "(But see 7.4[G][2][d])." A full citation to the Manual is always followed by the Manual page on which the cited material appears, e.g., "7.4(G)(2)(d), p.30.” The page reference also confirms that what precedes it is a citation to the Manual and not to a federal/State statute, State Rule of Practice, or rule of another State agency. Whenever, because of the proximity of the material cited (or if on any other basis it has been concluded that a full citation is not necessary to achieve a clear reference), the component is cited by itself, e.g.: "Sub-§A, above." A page reference in/following a citation is always a reference to a page in this Manual.

**9. GENDER NEUTRALITY**

Gender-specific terms relating to the marital relationship or familial relationships must be construed to be gender-neutral throughout this Manual.

# CHAPTER 2 - DEFINITIONS

As used in this Manual, unless the context otherwise indicates, the following terms have the following meanings:

**Administrative Decision:** An administrative decision issued by the Department that establishes or modifies a responsible parent's child support obligation or which adjudicates an appeal of agency action.

**AFDC:** Aid to Families with Dependent Children.

**Alternative Method of Support Enforcement (“Alternative Method”):** Title 19-A, Article 3, of the *Maine Revised Statutes* (19-A M.R.S. §§ 2251-2453).

**Amendment Hearing:** A hearing to determine whether to modify an administrative decision prospectively to change either or both the amount of a current child support obligation and/or health insurance obligation.

**Appeal Hearing:** A hearing on the merits of the Division's action.

**Applicant:** An individual, state, political subdivision or instrumentality of a state, that seeks support enforcement services from the Department.

**Arrears:** A delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a child, which is owed to or on behalf of the child, or for the non-custodial parent’s spouse (or former spouse) with whom the child is living, but only if a support obligation has been established with respect to the spouse, and the support obligation established with respect to the child is being enforced by the Department. May also be referred to as **Overdue Support**.

**Assignment:** Any assignment of rights to support required under 42 U.S.C. §654(5)(A) (TANF), or 42 U.S.C. §671(a)(17) (Foster Care), or any assignment of rights to medical support and to payment for medical care from any third party as required under 42 C.F.R. §433.146 (Medicaid).

**Assigned Support Obligation:** Any support obligation which has been assigned to the State as required under 42 U.S.C. §654(5)(A) (TANF), or 42 U.S.C. §671(a)(17) (Foster Care), or any medical support obligation or payment for medical care from any third party which has been assigned to the State as required under 42 C.F.R. §433.146 (Medicaid).

**Assisted Reproduction:** A method of causing pregnancy other than sexual intercourse. After July 1, 2016, See 19-A M.R.S. §1832(3).

**Child Support Debt Due the Department:** The debt referred to by 19-A M.R.S. §2301, which may include assigned past necessary support, and may exceed the amount of TANF public assistance expended. The Department may establish/enforce/collect the debt for the State of Maine, another State or territory of the United States, another State or territory's IV-D agency, or a non-TANF client of the Department, and the Department must distribute pursuant to 19-A M.R.S. §2401. May also be referred to as "debt due the department," "debt for public assistance," "debt for TANF public assistance," or "TANF debt."

**Collection-of-Support-Debt Mechanism:** Any and every means by which a child support debt can be collected (See 14.1[A])

**Compliance with a Support Order:** The support obligor is no more than 60 days past-due in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Department or in making periodic payments as set forth in the support order and has obtained or maintained health insurance coverage if required by a support order.

**Court Order:** Court order or judgment for the support of dependent child(ren) issued by any court of the State of Maine or another state, jurisdiction, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico, or foreign government with which Maine has a reciprocal agreement, including an order in a final decree of divorce and an order established under URESA, RURESA or UIFSA.

**Court of Proper Jurisdiction:** The court that issued the original court order of support or in which the support order has been registered.

**Current Support**: Current support is money that a tribunal orders a non-custodial parent or other obligor to pay periodically to the custodial parent or other obligee to help pay the living expenses of the obligee’s family. Current support may include child support, accompanying spousal support and/or medical support. If not paid on the date due, current support becomes an enforceable debt.

**Custodial Parent:** An individual who is the dependent child's legal primary residential care provider. May be abbreviated in this manual as “CP.”

**Debt Accrued or Accruing:** As referred to in 19-A M.R.S. §2352, the ability of the Department to enforce the child support debt continually accruing following the successful service of the Notice of Debt, as well as and in addition to debt accrued as stated on the face of the Notice. Each accrual becomes a judgment due and payable at the time the accrual occurs.

**Decision:** An administrative decision that establishes or modifies a responsible parent's child support obligation or which decides the merits of an appeal of agency action under 19-A M.R.S. §2451.

***De Facto* Parent:** After July 1, 2016, a person adjudicated to be a parent by meeting the criteria found in 19-A M.R.S. §1891. Adjudication as a *de facto* parent establishes parentage, and the court may concurrently or subsequently determine parental rights and responsibilities and financial support obligations.

**Default Decision:** An administrative decision that establishes or modifies a child support obligation in a proceeding in which the responsible parent either did not request a hearing or did not appear at the hearing.

**Department:** The Maine Department of Health and Human Services.

**Division:** The Division of Support Enforcement and Recovery, Office for Family Independence, Maine Department of Health and Human Services.

**Donor:** A person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation.

**Gamete:** A cell containing a haploid complement of deoxyribonucleic acid that has the potential to form an embryo when combined with another gamete.

**Genetic Parent:** A person whom genetic testing results disclose as having at least a 99% probability of paternity/maternity, using a prior probability of .50, as calculated by using the paternity/maternity index obtained in the testing, and a paternity/maternity index of at least 100 to 1.

**Hearing Officer:** Any person designated and authorized by the Commissioner to act as presiding officer at an administrative hearing to establish or modify a responsible parent's child support obligation or at a hearing concerning an appeal of agency action under 19-A M.R.S. §2451.

**His:** His or Her

**Liquidated Debt:** A support obligation which has been made certain as to the amount due by legal or administrative adjudication, by agreement of the parties or by operation of law. Examples of the ways in which a support debt can be liquidated are: (1) Service of a Notice of Debt (19-A M.R.S. §2352) to which there is no response or the administrative review of which is decided adversely to the responsible parent; (2) Service of an administrative decision that establishes or modifies a child support obligation; (3) a civil judgment issued/rendered/docketed by a court of competent jurisdiction; or (4) by a written agreement or promissory note signed by the responsible parent acknowledging the existence of a support debt in a specific amount, which has accrued pursuant to a support obligation established under the law of this or another state.

**Marriage:** The legally recognized union of two people. Gender-specific terms relating to the marital relationship or familial relationships are construed to be gender-neutral.

**Medical Support:** Amounts due an obligee under a court or administrative order for the payment of medical expenses of a dependent child, including reimbursement for qualified medical expenses awarded at an administrative hearing; and an obligation to provide and maintain health insurance coverage, including, if necessary, obtaining public health care coverage, for the medical, hospital, and dental expenses of a dependent child.

**Non-Custodial Parent:** The parent who is not the child’s primary residential care provider. This is most often the parent from whom current support is sought to be established or modified in the proceeding or with respect to whom a debt for public assistance is sought to be established in a proceeding. May be abbreviated in this manual as “NCP.”

**Non-TANF Client:** An individual receiving support enforcement services from the Department or from any other state's IV-D agency or instrumentality thereof, who does not receive public assistance from the TANF, IV-E Foster Care, or Medicaid Programs. Sometimes referred to as a “Non-Welfare Client.”

**Non-TANF Medicaid Recipient:** An individual who has been determined eligible for or is receiving Medicaid under Title XIX of the *Social Security Act* but is not receiving, nor deemed to be receiving, TANF under Title IV-A of the *Social Security Act*.

**Notice of Debt:** Informs the responsible parent of debt accrued or accruing under an order of support, subject to the requirements of 19-A M.R.S. §2352.

**Notice of Hearing:** Informs parties of a hearing to establish or modify a child support obligation, establish a debt for past support, including medical expenses, and/or to establish an obligation to provide health insurance. See 19-A M.R.S. §2304.

**Notice of Review Hearing:** Informs parties of a hearing regarding an appeal of agency action. See 19-A M.R.S. §2451.

**Obligee:** Any person to whom a duty of support is owed.

**Obligor:** Any person owing a duty of support. May also be referred to in context as the “**Responsible Parent**.”

**OCSE:** Office of Child Support Enforcement, U.S. Department of Health and Human Services.

**OFI:** The Office for Family Independence, Maine Department of Health and Human Services.

**Other Order of Administrative Process:** An administrative order, decision or judgment of a state (other than the State of Maine), territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

**Overdue Support**: See Arrears.

**Parent:** After July 1, 2016, a person who has established a parent-child relationship with a child under Title 19-A, Ch. 61, or, in the absence of such a person, the legal guardian of the child.

**Parentage:** After July 1, 2016, the legal relationship between a child and a parent as established under Title 19-A, Ch. 61.

**Past-due Support:** The amount of support determined under a court order or an order of an administrative process established under State law for support and maintenance of a child, or of a child and the parent with whom the child is living, which has not been paid.

**Paternity Proceeding:** A proceeding initiated by the Division, seeking an order of relief pursuant to 19-A M.R.S. §1606. This proceeding seeks to establish paternity and support obligations.

**Payee**: In the context of collection and distribution of support payments, the person designated by a Court or administrative process to receive child support payments. Such persons may include, but are not limited to, the custodial parent, legal guardian, caretaker relative having custody of or responsibility for the child or children, conservator representing the custodial parent and child directly with a legal and fiduciary duty, or alternate caretaker designated in a record by the custodial parent.

**Payor of Public Assistance:** The Department, or such other U.S. state, territory, possession or commonwealth or political sub-division or instrumentality thereof, or the District of Columbia, on behalf of which the Division is acting, which has paid and/or is paying TANF public assistance for the dependent child(ren) of the responsible parent.

**Person:** Any individual, trust, estate, partnership, association, company, corporation, political subdivision of the State or instrumentality of the State.

**Pre-offset Notice:** The notification to the obligor and his or her spouse, if applicable, that past-due child support may be obtained from state tax refunds pursuant to 36 M.R.S. §5276-A, or from federal tax refunds pursuant to 45 C.F.R. §§ 302.60 and 303.72.

**Presumed Parent:** A person who, after July 1, 2016 and pursuant to 19-A M.R.S. §1881, is recognized as the parent of the child.

**Proceeding(s):** An administrative or judicial hearing, review or other action.

**Public Assistance:** Money payments and medical care furnished to or on behalf of dependent children by the State, including Medicaid, TANF and state supplemental income benefits provided under 22 M.R.S. §3271.

**Qualified medical expenses:** Necessary medical expenses incurred for care provided to a dependent child, and/or for birth related expenses, which have been paid by the obligee, the Department, or another payor of public assistance, and for which the obligee, the Department, or other payor of public assistance was not reimbursed by the obligor or his or her insurer, the child's(ren's) insurer or the obligee's insurer.

**Recipient:** Unless otherwise defined or given another meaning by its context, a recipient of TANF, Medicaid or Foster Care payments.

**Record:** Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

**Responsible parent:** The natural, legal or adoptive parent of a dependent child. In context, the parent responsible for paying a child support obligation (See “**Obligor**,” this Chapter).

**Review Affidavit:** An affirmation, signed under oath, served upon the other party along with a request for administrative review, stating the grounds upon which the request is based. If the party requesting a review is a responsible parent, a statement affirmed under the penalty for unsworn falsification may be used instead of an affidavit. See 19-A M.R.S. §2451.

**RURESA:** *Revised Uniform Reciprocal Enforcement of Support Act*.

**Service by Mail:** Whenever service of an administrative decision is permitted by United States Postal Service mail, the decision shall be mailed to the last known address of each parent. Service by mail is complete upon mailing and the parents are presumed to have received the decision within three (3) days of mailing.

**Sign:** To authenticate or adopt a record by executing or adopting a tangible symbol, such as a hand-written signature, or to attach to or logically associate with the record an electronic symbol, sound or process.

**Social Security Disability Insurance (SSDI):** A benefit under Title II of the Social Security Act paid to individuals who can no longer work because of a medical condition that is expected to last at least one (1) year or may result in death. SSDI is funded by and based upon the worker’s income tax contributions to the Social Security Trust Fund.

**Social Security Retirement (SSR):** A benefit under Title II of the Social Security Act paid to eligible, retired workers as early as age 62 and is funded primarily by employment taxes.

**State:** The State of Maine.

**Subsequent Debt:** Debts accrued or accruing which were not included in a previous Notice of Debt. In the case of an ongoing support debt, the debt continues to accrue after the liquidation by the Notice of Debt. Any subsequent debt is continually added to the original adjudication to determine the total amount accrued and accruing. The absence of subsequent Notices of Debt does not invalidate the ongoing debt accrued and accruing since the original Notice of Debt was liquidated, even when/if the order is later modified or reduced to zero.

**Supplemental Security Income (SSI):** A benefit under Title XVI of the Social Security Act that is awarded to individuals with low income and limited resources who are 65 or older, blind, or disabled. SSI benefits are also available to disabled children whose income and resources fall within the eligibility requirements. SSI is a form of public assistance, funded by general tax revenues, intended to protect the recipient from poverty.

**Support guidelines:** The child support table and the criteria for application of the table established by the Department pursuant to 19-A M.R.S. §2011.

**Support Obligation:** The amount due an obligee or payor of public assistance for child and/or spousal support, including amounts due for medical support, under a court order, an administrative decision, or other order of administrative process, or a court order or order of administrative process of a foreign country (as and where enforceable), including any arrearages accrued thereunder.

**Support Order:** A judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child (including a child who has attained the age of majority under the law of the issuing state), or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

**TANF:** Temporary Assistance for Needy Families

**Title IV-A or IV-A:** Title IV-A of the *Social Security Act* (42 U.S.C. §§ 601 *et seq*.), which concerns the federal/state TANF Program.

**Title IV-D or IV-D:** Title IV-D of the *Social Security Act* (42 U.S.C. §§ 651 *et seq*.), which concerns the federal/state child support enforcement program.

**Title IV-D Agency or IV-D Agency:** An agency authorized to provide child support enforcement services under Title IV-D of the *Social Security Act*.

**Title IV-E Agency or IV-E Agency:** An agency authorized to provide foster care and adoption services under Title IV-E of the *Social Security Act*.

**UIFSA:** The *Uniform Interstate Family Support Act*, (a) wherever in force, and (b) as embodied in 19-A M.R.S. §§ 2801-3401.

**URESA:** The *Revised Uniform Reciprocal Enforcement of Support Act*, (a) wherever in force, and (b) as embodied in former 19 M.R.S. §§ 331-420.

**CHAPTER 3- SUPPORT ENFORCEMENT SERVICES**

**1. DUTY TO PROVIDE SUPPORT ENFORCEMENT SERVICES**

Upon referral or application, the Division of Support Enforcement shall provide support enforcement services for all children who are owed a duty of financial support from their parent(s), regardless of their place of residence, circumstances, and whether they qualify for assistance pursuant to Title IV-A of the *Social Security Act*. It may seek to establish/enforce child support obligations under any appropriate statutes.

**2. DEFINITION AND SCOPE OF SUPPORT ENFORCEMENT SERVICES**

A. Support Enforcement Services Include:

1. Locating missing parents for the purpose of establishing/reviewing/ enforcing/collecting child support obligations or establishing paternity;

2. Establishing child support obligations;

3. Collecting, monitoring, enforcing and distributing child support and accompanying spousal support obligations;

4. Establishing paternity of children;

5. Any other activities pertinent to the establishment, enforcement and collection of child support obligations; and

6. Establishing and enforcing health insurance obligations and enforcing court-ordered medical expense obligations when the medical expenses have been paid by a person other than the responsible parent.

B. Support Enforcement Services Do Not Include:

1. Obtaining divorces;

2. Creation or enforcement of visitation rights;

3. Participation in custody/residency disputes;

4. Enforcement of property settlements;

5. Spousal support-only services;

6. Locating parents for purposes other than the establishment and/or enforcement of child support obligations.

**3. REFERRAL FOR SUPPORT ENFORCEMENT SERVICES**

1. Cases may be referred to the Division by the IV-A agency, IV-E agency, or Medicaid agency of this State, a IV-D agency of another state, a Tribal IV-D agency, or a child support agency of another country (as defined in Chapter 27 of this Manual).
2. Pursuant to 19-A M.R.S. §2369, the receipt of public assistance for a child constitutes an assignment by the recipient to the department of all rights to support for the child and spousal support that accrue during the period that the recipient receives public assistance for the child.
3. **Good Cause (Maine Cases Only)**

If the IV-A agency, IV-E agency or Medicaid agency finds good cause not to refer a case to the Division, the case is not referred. If good cause is granted after a referral has been made, the Division shall close the referral and end all further activity. Good cause is generally granted when the non-custodial party has perpetrated or threatened physical or psychological violence against the custodial party or the child, and the establishment or enforcement of child support could pose a threat to the family’s well-being.

**4. APPLICATION FOR SUPPORT ENFORCEMENT SERVICES**

A. **Availability**

Parents and legal guardians not receiving TANF or IV-E Foster Care payments and non-TANF Medicaid recipients may receive support enforcement services by making an application to the Division.

B. **Application**

Application for support enforcement services shall be made in a manner acceptable to the Division. A properly completed UIFSA petition may be considered an application for services if filed by or on behalf of a non-resident custodian/legal guardian.

C. **Application Fees**

1. There shall be an application fee of one dollar ($1.00). Any fees necessary for the use of federal support enforcement assistance and costs for other services including, but not limited to, paternity testing, filing/service fees, federal "locate only" fees and legal services may be charged to the custodial party in advance or may be deducted from monthly collections.
2. The Department may waive collection of all or part of the aforementioned fees or costs.

**5. CONTINUATION OF IV-D SERVICES FOR FORMER TANF, IV-E FOSTER CARE, AND NON-TANF MEDICAID RECIPIENTS**

The Division shall continue providing IV-D services for an individual who was receiving assistance under the TANF, IV-E Foster Care, and Medicaid programs, but is no longer eligible for those programs. The Division may not require an application, other request for services, or application fee from any individual who is eligible to receive services under this section. The Division shall notify the former recipient that IV-D services continue automatically. The notice must describe available services, fees, cost recovery, and distribution policies. The notice must inform the former recipient that if she or he wants the Division to discontinue services, the request must be in writing.

**6. CASE CLOSURE**

A. This section sets forth the Division's system and standards for the closing of its cases. In order to be eligible for closing, the case must meet at least one of the following criteria:

1. There is no longer a current support order and arrearages are under $500 or unenforceable under State law;

2. The noncustodial parent or putative father is deceased and no further action, including a levy against the estate, can be taken;

3. Paternity cannot be established because:

1. The child is at least 18 years old and action to establish paternity is barred by a statute of limitations which meets the requirements of 45 C.F.R. §302.70(a)(5);
2. A genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified;
3. In accordance with 45 C.F.R. §303.5(b), the Division has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or rape, or in any case where legal proceedings for adoption are pending; or

(iv) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the Division with the recipient of services.

4. The noncustodial parent’s location is unknown, and the Division has made diligent efforts using multiple sources, in accordance with 45 C.F.R. §303.3, all of which have been unsuccessful, to locate the noncustodial parent:

(i) Over a three-year period when there is sufficient information to initiate an automated locate effort, or

(ii) Over a one-year period when there is not sufficient information to Initiate an automated locate effort.

5. The noncustodial parent cannot pay support for the duration of the child’s minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically-verified total and permanent disability with no evidence of support potential. The Division must also determine that no income or assets are available to the noncustodial parent which could be levied or attached for support.

6. The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and the Division has been unable to establish reciprocity with the country;

7. The Division has provided location-only services as requested under 45 C.F.R. §302.35(c)(3);

8. The non-IV-A recipient of services requests closure of a case and there is no assignment to the State of medical support under 42 C.F.R. 433.146 or of arrearages which accrued under a support order;

9. There has been a finding by the responsible State agency of good cause or other exceptions to cooperation with the Division and the State or local IV-A, IV-D, IV-E, Medicaid or food stamp agency has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;

10. In a non-IV-A case receiving services under 45 C.F.R. §302.33(a)(1) (i) or (iii) [non-welfare applicant or former public assistance recipient], or under 45 C.F.R. §302.33(a)(1)(ii) [medical-only recipient] when cooperation with the Division is not required of the recipient of services, the Division is unable to contact the recipient of services within a 60 calendar day period despite an attempt of at least one letter sent by first class mail to the last known address;

11. In a non-IV-A case receiving services under 45 C.F.R. §302.33(a)(1) (i) or (iii) [non-welfare applicant or former public assistance recipient], or under 45 C.F.R. §302.33(a)(1)(ii) [medical-only recipient] when cooperation with the Division is not required of the recipient of services, the Division documents the circumstances of the recipient of services’ noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services;

12. When the Division is the responding agency in an intergovernmental case, the Division documents failure by the initiating agency to take an action which is essential for the next step in providing services;

13. When the Division is the responding agency in an intergovernmental case, the initiating agency has notified the Division that the initiating State has closed its case under 45 C.F.R. §303.7(c)(11); or

14. When the Division is the responding agency in an intergovernmental case, the initiating agency has notified the Division that its intergovernmental services are no longer needed.

B. In cases meeting the criteria in paragraphs (A)(1) through (6) and (10) through (12) of this section, the Division must notify the recipient of services, or in an intergovernmental case meeting the criteria for closure under (A)(12), the initiating agency, in writing 60 calendar days prior to closure of the case of the Division’s intent to close the case. The case must be kept open if the recipient of services or the initiating agency supplies information in response to the notice which could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of paragraph (A)(10) of this section, if contact is reestablished with the recipient of services. If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application for IV–D services and paying any applicable application fee.

C. The Division must retain all records for cases closed pursuant to this section for a minimum of three years, in accordance with 45 C.F.R. part 74.

**7. DISTRIBUTION AND TRANSMITTAL OF SUPPORT COLLECTIONS IN NON-TANF CASES**

A. Distribution of collections other than those from federal income tax refund offset:

1. In all cases, monthly collections up to the amount of current monthly support obligations are sent to the client.

2. Child support collected in excess of current support (except for federal income tax refund offset) shall be distributed in the following priority: Arrears owed to the client that accrued after the client no longer received TANF (post assistance arrears) shall be paid to the client; then Arrears owed to the client that accrued before the client received AFDC or TANF (pre-assistance arrears) shall be paid to the client; and then any remaining arrears may be retained by the Department and applied against arrears accrued and owed to the Department during the time the client received AFDC or TANF and arrears that are permanently assigned by the client. The Department will not reimburse more than the amount of public assistance expended. Collected arrears owed by the same obligor on multiple cases will be applied to each case on a pro-rata basis.

3. If there is no support arrearage or debt for public assistance owed to the Department by the responsible parent, the entire monthly collection is paid to the client.

B. Collections from the federal income tax refund offset are applied first to the satisfaction of any past due support arrearage or debt for public assistance owed by the responsible parent to the Department, and then toward reduction of any past-due support arrearage due the client by the responsible parent.

C. Disbursements to clients are made within two days after support monies are received and posted by the Departmental Cashier.

**8. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER MONIES THAT NON-TANF CLIENT IS NOT ENTITLED TO RETAIN**

The Department shall be entitled to the return of and may recover from a non-TANF client any monies which have been distributed to the client but to which the client is not entitled. If the client fails to comply with a demand in writing by the Department for the return of the monies he or she improperly received, the Department may proceed by all allowable means to recover the monies from the client.

# CHAPTER 4 - FEES

## 1. EMPLOYER FEES

The Department is authorized under 19-A M.R.S.A. §§ 2370 & 2663 to adopt a fee that employers and other payors of income may charge a responsible parent for the cost of complying with the State's income withholding laws. The fee that employers may charge and deduct from the responsible parent's wages is $2 per transaction.

## 2. FEES AND COSTS CHARGED BY THE DEPARTMENT

The Department's fee to the obligor for providing support enforcement services under 19-A M.R.S.A. §2103 (3) is $2 per transaction. The fee shall be $2 per pay period to all obligors whose child support payments are made to the Department to reduce the Department’s costs in providing support enforcement services. The Department shall collect the fee from obligors whose child support is paid to the Department under an income withholding order by notifying the payor of income to the obligor to increase withholding by $2 per pay period. The Department or any other person is not required to issue a new or amended withholding order to collect the fee, but shall notify the obligor of the increase in withholding.

**3. ANNUAL SERVICE FEE FOR OBLIGEE**

In the case of an individual who has applied for child support services and never received assistance under a state program for the children in that case and for whom the State has collected at least $550 in child support in a fiscal year, the Department shall impose an annual $35 fee for each child support enforcement case. The fee shall be retained by the State from child support collected on behalf of the individual after the collected exceeds $550 and shall be deemed to be paid by the custodial parent.

The annual fee may not be considered as an administrative cost of the State for operation of child support enforcement services and must be considered income to the program under which the individual has received child support enforcement services. The non-federal share of the annual fee collected pursuant to this subsection must be deposited as General Fund undedicated revenue.

# CHAPTER 5 - LIMITATION OF DEBT; BAR AGAINST COLLECTION (19-A M.R.S.A. §2302); SSI

## 

**1. LIMITATION OF DEBT**

A. When a responsible parent receives public assistance for the benefit of his or her natural or adopted child(ren) living in his or her home, or receives SSI for him- or herself, the responsible parent’s support obligation is automatically suspended. The automatic suspension ends, and the obligation resumes at the same level at which it was suspended, two weeks after the responsible parent stops receiving public assistance or SSI (19-A M.R.S. §2302). A debt previously incurred under 19-A M.R.S. §2301 may not be collected from a responsible parent while that parent receives public assistance or SSI, except that such a debt may be collected from nonrecurring lump sum income (as defined in 22 M.R.S. §3762(11)(A)) of a responsible parent while that parent is an assisted obligor. Lump sum income includes, but is not limited to, federal or state tax refunds, lottery winnings, inheritances, personal injury awards and workers’ compensation or other insurance settlements. Exemptions from attachment noted in 14 M.R.S. §4422(14) do not apply to child support debt.

B. The custodial parent may seek to modify the effect of §2302 by filing a petition for modification with the Court, or, if an administrative order, the Department. The Court or the administrative hearing officer may, by order after hearing, modify the effect of §2302(2).

C. As soon as practicable after the Department knows the responsible parent is receiving public assistance or SSI, the Department shall send notices to the responsible parent and the custodial parent notifying them of:

1. the responsible parent’s receipt of public assistance or SSI;

2. the suspension in §2302(2);

3. the custodial parent’s right to contest the suspension; and

4. the location where forms for the modification proceedings can be obtained.

Responsible parents may request a review of a child support order online at <https://www.maine.gov/dhhs/ofi/programs-services/child-support-services/request-order-review> . Upon request, the Department shall provide blank forms for modification of an order issued by the Department or the court. Forms for modifying an order issued by a Maine court are also available online from the Judicial Branch at <https://www.courts.maine.gov/index.html> .

The Department will use automated enforcement procedures to prevent garnishment or income withholding of SSI payments or a combination of SSI payments and either SSDI or SSR benefits. Within 5 business days after the Department determines that it is in possession of funds for benefits incorrectly garnished or withheld through an income withholding order, the Department will return the SSI or concurrent SSI and SSDI or SSR benefits to the non-custodial parent.

**2.** *[Not in use]*

**3. PUBLIC ASSISTANCE**

For purposes of this Chapter, "public assistance" means money payments and medical care furnished to or for dependent children by this state or another state as a result of an application for TANF, but not medical care only. It does not include assistance furnished by a political subdivision or municipality. A responsible parent who receives needs-based Medicaid (“MaineCare”) may be exempt under section 8(B) of this Chapter.

**4. DUTY TO INFORM**

The Division's Notice of Debt must inform responsible parents about the limitation of debt, bar against collection and SSI provisions described in this chapter. A similar notice also must appear in the responsible parent's copy of the Division's Order to Withhold and Deliver form.

**5. PROOF OF CLAIM**

A responsible parent who claims that Section 1 of this chapter applies must provide the Division with proof of his or her receipt of public assistance or receipt of SSI. The Division shall make reasonable efforts to verify claims of receipt of public assistance or SSI.

**6. TAX REFUND OFFSET**

For purposes of Sections 1 and 8(B) of this chapter, a debt is not collected by tax refund intercept until the date of the IRS Notice of Offset for a federal income tax refund, or the date of offset (or setoff) by the State Tax Assessor for a state income tax refund.

**7. ACTIONS ALLOWED**

Notwithstanding the provisions of this chapter, when a responsible parent is in receipt of public assistance for his or her natural or adopted children living in his or her home, or receives SSI, the Division may take action that does not constitute collection, including, but not limited to, the following:

A. Proceeding under Chapter 8 of this Manual to establish or amend a child support obligation

B. Proceeding under 19-A M.R.S. §2352 to establish a responsible parent's obligation to pay past support

C. Filing a lien under 19-A M.R.S. §2357

D. Investigating and aiding in the prosecution of criminal nonsupport

E. Reporting a debt to a consumer reporting agency under 10 M.R.S. §1329

F. Establishing paternity

G. Denying or revoking a passport.

**8. REUNITED FAMILY EXEMPTIONS**

A. When a responsible parent informs the Department that the parent has reunited with the former TANF recipient and the child or children for whom past-due support is owed, the amount of income withholding should not exceed 20 percent of the family earnings that exceed the federal poverty guidelines for a family of that size, unless the responsible parent requests withholding of a greater amount. Receipt of lump sum monies by the reunited family is not to be considered as part of the family earnings and is subject to collection action by the Department. Examples of lump sum monies include, but are not limited to: federal or state tax refunds, lottery winnings, inheritances, personal injury awards and workers’ compensation or other insurance settlements. This limitation applies only to debts owed to the Department.

B. The Department may not collect a child support debt from a responsible parent when the child for whom the public assistance debt is owed lives with the responsible parent, and that parent receives MaineCare for the child, so long as the MaineCare grant is needs-based. Such a debt may, however, be collected from nonrecurring lump sum income, as defined in 22 M.R.S. §3762(11)(A), of a responsible parent while that parent is an assisted obligor. The child support debt must be owed to the Department and must be for the child now residing with the responsible parent. This limitation applies only to debts owed to the Department and not to debts owed directly to an obligee.

**CHAPTER 6 - CHILD SUPPORT GUIDELINES**

**1. APPLICATION**

Notwithstanding any other provisions of law, the Child Support Guidelines (19-A M.R.S., Chapter 63) apply to any court action or administrative proceeding in which a child support order is issued or modified under *Maine Revised Statutes* Title 18‑C, section 5‑204, Title 19-A or Title 22 and to any court action or administrative proceeding in which past support is awarded (19-A M.R.S. § 2002).

**2. CHILD SUPPORT TABLE**

The Child Support Table is established by the Department pursuant to 19-A M.R.S. §2011. A written report of the most recent quadrennial review, *Review of the Maine Child Support Guidelines (2022),* is available from the Department online or upon request.

| Schedule of Basic Support Obligation | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Parents' Combined Annual Gross Income |  | Number of Children | | | | | | |
| 1 | | 2 | 3 | 4 | 5 | 6 |
|  |  |  |  | |  |  |  |  |
|  |  | Self-Support Reserve (shaded area) | | | | | | |
|  |  | **10% when below $16,800** | | | | | | |
| 16800 |  | **24** | **12** | | **8** | **6** | **5** | **4** |
| 17400 |  | **32** | **16** | | **11** | **8** | **7** | **6** |
| 18000 |  | **40** | **20** | | **14** | **10** | **8** | **7** |
| 18600 |  | **48** | **24** | | **16** | **12** | **10** | **8** |
| 19200 |  | **56** | **28** | | **19** | **15** | **12** | **10** |
| 19800 |  | **64** | **32** | | **22** | **17** | **13** | **11** |
| 20400 |  | **72** | **36** | | **25** | **19** | **15** | **13** |
| 21000 |  | 78 | **40** | | **27** | **21** | **17** | **14** |
| 21600 |  | 80 | **44** | | **30** | **23** | **18** | **15** |
| 22200 |  | 82 | **48** | | **33** | **25** | **20** | **17** |
| 22800 |  | 84 | **53** | | **35** | **27** | **22** | **18** |
| 23400 |  | 86 | **57** | | **38** | **29** | **23** | **20** |
| 24000 |  | 88 | **60** | | **41** | **31** | **25** | **21** |
| 24600 |  | 90 | **64** | | **43** | **33** | **27** | **22** |
| 25200 |  | 92 | **68** | | **46** | **35** | **28** | **24** |
| 25800 |  | 94 | 71 | | **49** | **37** | **30** | **25** |
| 26400 |  | 96 | 73 | | **51** | **39** | **31** | **26** |
| 27000 |  | 98 | 74 | | **54** | **41** | **33** | **28** |
| 27600 |  | 99 | 76 | | **57** | **43** | **35** | **29** |
| 28200 |  | 101 | 77 | | **59** | **45** | **36** | **31** |
| 28800 |  | 103 | 79 | | **62** | **47** | **38** | **32** |
| 29400 |  | 105 | 80 | | **64** | **49** | **40** | **33** |
| 30000 |  | 107 | 82 | | 66 | **51** | **41** | **35** |
| 30600 |  | 109 | 83 | | 67 | **53** | **43** | **36** |
| 31200 |  | 111 | 84 | | 68 | **55** | **44** | **37** |
| 31800 |  | 113 | 86 | | 69 | **57** | **46** | **39** |
| 32400 |  | 115 | 87 | | 70 | **59** | **48** | **40** |
| 33000 |  | 117 | 89 | | 72 | 60 | **49** | **41** |
| 33600 |  | 119 | 90 | | 73 | 61 | **51** | **43** |
| 34200 |  | 121 | 92 | | 74 | 62 | **52** | **44** |
| 34800 |  | 122 | 93 | | 75 | 63 | **54** | **46** |
| 35400 |  | 124 | 95 | | 76 | 64 | **56** | **47** |
| 36000 |  | 126 | 96 | | 77 | 65 | 57 | **48** |
| 36600 |  | 128 | 98 | | 79 | 66 | 58 | **50** |
| 37200 |  | 130 | 99 | | 80 | 67 | 59 | **51** |
| 37800 |  | 132 | 101 | | 81 | 68 | 60 | **52** |
| 38400 |  | 134 | 102 | | 82 | 69 | 61 | **54** |
| 39000 |  | 136 | 103 | | 83 | 70 | 61 | **55** |
| 39600 |  | 138 | 105 | | 84 | 71 | 62 | **56** |
| 40200 |  | 140 | 106 | | 86 | 72 | 63 | 57 |
| 40800 |  | 141 | 108 | | 87 | 73 | 64 | 58 |
| 41400 |  | 143 | 109 | | 88 | 74 | 65 | 59 |
| 42000 |  | 145 | 111 | | 89 | 75 | 66 | 60 |
| 42600 |  | 147 | 112 | | 90 | 76 | 67 | 60 |
| 43200 |  | 149 | 113 | | 91 | 77 | 67 | 61 |
| 43800 |  | 151 | 115 | | 93 | 78 | 68 | 62 |
| 44400 |  | 153 | 116 | | 94 | 79 | 69 | 63 |
| 45000 |  | 155 | 118 | | 95 | 80 | 70 | 63 |
| 45600 |  | 157 | 119 | | 96 | 81 | 71 | 64 |
| 46200 |  | 159 | 121 | | 97 | 81 | 72 | 65 |
| 46800 |  | 160 | 122 | | 98 | 82 | 73 | 66 |
| 47400 |  | 162 | 123 | | 99 | 83 | 73 | 66 |
| 48000 |  | 164 | 125 | | 100 | 84 | 74 | 67 |
| 48600 |  | 166 | 126 | | 101 | 85 | 75 | 68 |
| 49200 |  | 168 | 127 | | 102 | 86 | 75 | 68 |
| 49800 |  | 170 | 128 | | 103 | 87 | 76 | 69 |
| 50400 |  | 172 | 130 | | 104 | 87 | 77 | 70 |
| 51000 |  | 174 | 131 | | 105 | 88 | 78 | 70 |
| 51600 |  | 176 | 132 | | 106 | 89 | 78 | 71 |
| 52200 |  | 177 | 133 | | 107 | 90 | 79 | 72 |
| 52800 |  | 179 | 135 | | 108 | 91 | 80 | 72 |
| 53400 |  | 181 | 136 | | 109 | 91 | 80 | 73 |
| 54000 |  | 183 | 137 | | 110 | 92 | 81 | 73 |
| 54600 |  | 185 | 138 | | 111 | 93 | 82 | 74 |
| 55200 |  | 187 | 140 | | 112 | 94 | 82 | 75 |
| 55800 |  | 188 | 141 | | 113 | 94 | 83 | 75 |
| 56400 |  | 190 | 142 | | 114 | 95 | 84 | 76 |
| 57000 |  | 191 | 143 | | 115 | 96 | 85 | 77 |
| 57600 |  | 193 | 144 | | 116 | 97 | 85 | 77 |
| 58200 |  | 194 | 146 | | 117 | 98 | 86 | 78 |
| 58800 |  | 196 | 147 | | 118 | 98 | 87 | 78 |
| 59400 |  | 197 | 148 | | 119 | 99 | 87 | 79 |
| 60000 |  | 199 | 149 | | 119 | 100 | 88 | 80 |
| 60600 |  | 200 | 151 | | 120 | 101 | 89 | 80 |
| 61200 |  | 201 | 152 | | 121 | 102 | 89 | 81 |
| 61800 |  | 203 | 153 | | 122 | 102 | 90 | 82 |
| 62400 |  | 204 | 154 | | 123 | 103 | 91 | 82 |
| 63000 |  | 206 | 155 | | 124 | 104 | 92 | 83 |
| 63600 |  | 207 | 157 | | 125 | 105 | 92 | 84 |
| 64200 |  | 209 | 158 | | 126 | 106 | 93 | 84 |
| 64800 |  | 210 | 159 | | 127 | 106 | 93 | 85 |
| 65400 |  | 211 | 159 | | 127 | 107 | 94 | 85 |
| 66000 |  | 212 | 160 | | 128 | 107 | 94 | 86 |
| 66600 |  | 214 | 161 | | 129 | 108 | 95 | 86 |
| 67200 |  | 215 | 162 | | 130 | 109 | 96 | 87 |
| 67800 |  | 216 | 163 | | 130 | 109 | 96 | 87 |
| 68400 |  | 217 | 164 | | 131 | 110 | 97 | 87 |
| 69000 |  | 218 | 165 | | 132 | 110 | 97 | 88 |
| 69600 |  | 220 | 166 | | 132 | 111 | 98 | 88 |
| 70200 |  | 221 | 167 | | 133 | 112 | 98 | 89 |
| 70800 |  | 222 | 168 | | 134 | 112 | 99 | 89 |
| 71400 |  | 223 | 168 | | 135 | 113 | 99 | 90 |
| 72000 |  | 224 | 169 | | 135 | 113 | 100 | 90 |
| 72600 |  | 226 | 170 | | 136 | 114 | 100 | 91 |
| 73200 |  | 227 | 171 | | 137 | 114 | 101 | 91 |
| 73800 |  | 227 | 172 | | 137 | 115 | 101 | 91 |
| 74400 |  | 228 | 172 | | 137 | 115 | 101 | 92 |
| 75000 |  | 229 | 173 | | 138 | 115 | 102 | 92 |
| 75600 |  | 230 | 173 | | 138 | 116 | 102 | 92 |
| 76200 |  | 230 | 174 | | 139 | 116 | 102 | 93 |
| 76800 |  | 231 | 174 | | 139 | 116 | 102 | 93 |
| 77400 |  | 232 | 175 | | 139 | 117 | 103 | 93 |
| 78000 |  | 233 | 175 | | 140 | 117 | 103 | 93 |
| 78600 |  | 233 | 176 | | 140 | 117 | 103 | 94 |
| 79200 |  | 234 | 176 | | 141 | 118 | 104 | 94 |
| 79800 |  | 235 | 177 | | 141 | 118 | 104 | 94 |
| 80400 |  | 236 | 177 | | 141 | 118 | 104 | 94 |
| 81000 |  | 236 | 178 | | 142 | 119 | 105 | 95 |
| 81600 |  | 237 | 178 | | 142 | 119 | 105 | 95 |
| 82200 |  | 238 | 179 | | 143 | 119 | 105 | 95 |
| 82800 |  | 238 | 179 | | 143 | 120 | 105 | 95 |
| 83400 |  | 239 | 180 | | 143 | 120 | 105 | 96 |
| 84000 |  | 240 | 180 | | 143 | 120 | 106 | 96 |
| 84600 |  | 240 | 180 | | 143 | 120 | 106 | 96 |
| 85200 |  | 241 | 181 | | 144 | 120 | 106 | 96 |
| 85800 |  | 242 | 181 | | 144 | 121 | 106 | 96 |
| 86400 |  | 242 | 182 | | 144 | 121 | 106 | 96 |
| 87000 |  | 243 | 182 | | 144 | 121 | 106 | 96 |
| 87600 |  | 244 | 182 | | 144 | 121 | 106 | 96 |
| 88200 |  | 244 | 183 | | 145 | 121 | 107 | 97 |
| 88800 |  | 245 | 183 | | 145 | 121 | 107 | 97 |
| 89400 |  | 246 | 184 | | 145 | 122 | 107 | 97 |
| 90000 |  | 246 | 184 | | 145 | 122 | 107 | 97 |
| 90600 |  | 247 | 184 | | 145 | 122 | 107 | 97 |
| 91200 |  | 248 | 185 | | 146 | 122 | 107 | 97 |
| 91800 |  | 248 | 185 | | 146 | 122 | 108 | 98 |
| 92400 |  | 249 | 186 | | 147 | 123 | 108 | 98 |
| 93000 |  | 250 | 187 | | 148 | 124 | 109 | 99 |
| 93600 |  | 251 | 188 | | 148 | 124 | 109 | 99 |
| 94200 |  | 252 | 188 | | 149 | 125 | 110 | 99 |
| 94800 |  | 253 | 189 | | 150 | 125 | 110 | 100 |
| 95400 |  | 254 | 190 | | 150 | 126 | 111 | 100 |
| 96000 |  | 255 | 191 | | 151 | 126 | 111 | 101 |
| 96600 |  | 256 | 191 | | 152 | 127 | 112 | 101 |
| 97200 |  | 257 | 192 | | 152 | 128 | 112 | 102 |
| 97800 |  | 258 | 193 | | 153 | 128 | 113 | 102 |
| 98400 |  | 258 | 194 | | 154 | 129 | 113 | 103 |
| 99000 |  | 259 | 194 | | 154 | 129 | 114 | 103 |
| 99600 |  | 260 | 195 | | 155 | 130 | 114 | 104 |
| 100200 |  | 261 | 196 | | 156 | 130 | 115 | 104 |
| 100800 |  | 262 | 197 | | 156 | 131 | 115 | 104 |
| 101400 |  | 263 | 197 | | 156 | 131 | 115 | 104 |
| 102000 |  | 263 | 197 | | 157 | 131 | 115 | 105 |
| 102600 |  | 264 | 198 | | 157 | 131 | 116 | 105 |
| 103200 |  | 264 | 198 | | 157 | 132 | 116 | 105 |
| 103800 |  | 265 | 198 | | 157 | 132 | 116 | 105 |
| 104400 |  | 265 | 199 | | 157 | 132 | 116 | 105 |
| 105000 |  | 266 | 199 | | 157 | 132 | 116 | 105 |
| 105600 |  | 266 | 199 | | 158 | 132 | 116 | 105 |
| 106200 |  | 267 | 200 | | 158 | 132 | 116 | 105 |
| 106800 |  | 268 | 200 | | 158 | 132 | 116 | 105 |
| 107400 |  | 268 | 200 | | 158 | 132 | 117 | 106 |
| 108000 |  | 269 | 200 | | 158 | 133 | 117 | 106 |
| 108600 |  | 269 | 201 | | 158 | 133 | 117 | 106 |
| 109200 |  | 270 | 201 | | 159 | 133 | 117 | 106 |
| 109800 |  | 270 | 201 | | 159 | 133 | 117 | 106 |
| 110400 |  | 271 | 202 | | 159 | 133 | 117 | 106 |
| 111000 |  | 272 | 202 | | 159 | 133 | 117 | 106 |
| 111600 |  | 272 | 203 | | 160 | 134 | 118 | 107 |
| 112200 |  | 273 | 203 | | 160 | 134 | 118 | 107 |
| 112800 |  | 274 | 204 | | 160 | 134 | 118 | 107 |
| 113400 |  | 275 | 204 | | 161 | 135 | 118 | 107 |
| 114000 |  | 275 | 205 | | 161 | 135 | 119 | 108 |
| 114600 |  | 276 | 205 | | 161 | 135 | 119 | 108 |
| 115200 |  | 277 | 206 | | 162 | 135 | 119 | 108 |
| 115800 |  | 278 | 206 | | 162 | 136 | 119 | 108 |
| 116400 |  | 278 | 207 | | 162 | 136 | 120 | 108 |
| 117000 |  | 279 | 207 | | 163 | 136 | 120 | 109 |
| 117600 |  | 280 | 208 | | 163 | 137 | 120 | 109 |
| 118200 |  | 280 | 208 | | 163 | 137 | 120 | 109 |
| 118800 |  | 281 | 209 | | 164 | 137 | 121 | 109 |
| 119400 |  | 282 | 209 | | 164 | 137 | 121 | 110 |
| 120000 |  | 283 | 210 | | 164 | 138 | 121 | 110 |
| 120600 |  | 284 | 210 | | 165 | 138 | 122 | 110 |
| 121200 |  | 285 | 211 | | 166 | 139 | 122 | 111 |
| 121800 |  | 286 | 212 | | 166 | 139 | 122 | 111 |
| 122400 |  | 287 | 213 | | 167 | 140 | 123 | 111 |
| 123000 |  | 288 | 214 | | 167 | 140 | 123 | 112 |
| 123600 |  | 289 | 214 | | 168 | 141 | 124 | 112 |
| 124200 |  | 291 | 215 | | 168 | 141 | 124 | 112 |
| 124800 |  | 292 | 216 | | 169 | 142 | 125 | 113 |
| 125400 |  | 293 | 217 | | 170 | 142 | 125 | 113 |
| 126000 |  | 294 | 217 | | 170 | 143 | 125 | 114 |
| 126600 |  | 295 | 218 | | 171 | 143 | 126 | 114 |
| 127200 |  | 296 | 219 | | 171 | 143 | 126 | 114 |
| 127800 |  | 297 | 220 | | 172 | 144 | 127 | 115 |
| 128400 |  | 298 | 221 | | 172 | 144 | 127 | 115 |
| 129000 |  | 299 | 221 | | 173 | 145 | 128 | 116 |
| 129600 |  | 301 | 222 | | 174 | 145 | 128 | 116 |
| 130200 |  | 302 | 223 | | 174 | 146 | 128 | 116 |
| 130800 |  | 303 | 224 | | 175 | 146 | 129 | 117 |
| 131400 |  | 304 | 224 | | 175 | 147 | 129 | 117 |
| 132000 |  | 305 | 225 | | 176 | 147 | 130 | 117 |
| 132600 |  | 306 | 226 | | 176 | 148 | 130 | 118 |
| 133200 |  | 307 | 227 | | 177 | 148 | 131 | 118 |
| 133800 |  | 308 | 228 | | 178 | 149 | 131 | 119 |
| 134400 |  | 309 | 228 | | 178 | 149 | 131 | 119 |
| 135000 |  | 310 | 229 | | 179 | 150 | 132 | 119 |
| 135600 |  | 311 | 230 | | 179 | 150 | 132 | 120 |
| 136200 |  | 312 | 230 | | 180 | 151 | 133 | 120 |
| 136800 |  | 313 | 231 | | 181 | 151 | 133 | 121 |
| 137400 |  | 313 | 232 | | 181 | 152 | 134 | 121 |
| 138000 |  | 314 | 232 | | 182 | 152 | 134 | 121 |
| 138600 |  | 315 | 233 | | 182 | 153 | 134 | 122 |
| 139200 |  | 316 | 234 | | 183 | 153 | 135 | 122 |
| 139800 |  | 317 | 234 | | 183 | 154 | 135 | 122 |
| 140400 |  | 318 | 235 | | 184 | 154 | 136 | 123 |
| 141000 |  | 318 | 236 | | 185 | 155 | 136 | 123 |
| 141600 |  | 319 | 236 | | 185 | 155 | 137 | 124 |
| 142200 |  | 320 | 237 | | 186 | 156 | 137 | 124 |
| 142800 |  | 321 | 238 | | 186 | 156 | 137 | 124 |
| 143400 |  | 322 | 238 | | 187 | 157 | 138 | 125 |
| 144000 |  | 322 | 239 | | 187 | 157 | 138 | 125 |
| 144600 |  | 323 | 240 | | 188 | 158 | 139 | 126 |
| 145200 |  | 324 | 240 | | 189 | 158 | 139 | 126 |
| 145800 |  | 325 | 241 | | 189 | 159 | 139 | 126 |
| 146400 |  | 326 | 242 | | 190 | 159 | 140 | 127 |
| 147000 |  | 327 | 242 | | 190 | 159 | 140 | 127 |
| 147600 |  | 327 | 243 | | 191 | 160 | 141 | 128 |
| 148200 |  | 328 | 244 | | 192 | 161 | 141 | 128 |
| 148800 |  | 329 | 244 | | 192 | 161 | 142 | 128 |
| 149400 |  | 330 | 245 | | 193 | 161 | 142 | 129 |
| 150000 |  | 330 | 245 | | 193 | 162 | 142 | 129 |
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| 151200 |  | 332 | 246 | | 194 | 162 | 143 | 129 |
| 151800 |  | 333 | 247 | | 194 | 162 | 143 | 130 |
| 152400 |  | 333 | 247 | | 194 | 163 | 143 | 130 |
| 153000 |  | 334 | 248 | | 195 | 163 | 143 | 130 |
| 153600 |  | 335 | 248 | | 195 | 163 | 144 | 130 |
| 154200 |  | 335 | 249 | | 195 | 164 | 144 | 130 |
| 154800 |  | 336 | 249 | | 196 | 164 | 144 | 131 |
| 155400 |  | 337 | 250 | | 196 | 164 | 145 | 131 |
| 156000 |  | 337 | 250 | | 196 | 165 | 145 | 131 |
| 156600 |  | 338 | 251 | | 197 | 165 | 145 | 131 |
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| 158400 |  | 340 | 252 | | 198 | 166 | 146 | 132 |
| 159000 |  | 341 | 253 | | 198 | 166 | 146 | 132 |
| 159600 |  | 342 | 253 | | 199 | 166 | 146 | 133 |
| 160200 |  | 342 | 254 | | 199 | 167 | 147 | 133 |
| 160800 |  | 343 | 254 | | 199 | 167 | 147 | 133 |
| 161400 |  | 344 | 255 | | 200 | 167 | 147 | 133 |
| 162000 |  | 345 | 255 | | 200 | 168 | 147 | 134 |
| 162600 |  | 346 | 256 | | 200 | 168 | 148 | 134 |
| 163200 |  | 346 | 256 | | 201 | 168 | 148 | 134 |
| 163800 |  | 347 | 257 | | 201 | 169 | 148 | 134 |
| 164400 |  | 348 | 258 | | 202 | 169 | 149 | 135 |
| 165000 |  | 349 | 258 | | 202 | 169 | 149 | 135 |
| 165600 |  | 350 | 259 | | 203 | 170 | 149 | 135 |
| 166200 |  | 351 | 260 | | 203 | 170 | 150 | 136 |
| 166800 |  | 352 | 260 | | 203 | 170 | 150 | 136 |
| 167400 |  | 353 | 261 | | 204 | 171 | 150 | 136 |
| 168000 |  | 354 | 261 | | 204 | 171 | 151 | 136 |
| 168600 |  | 355 | 262 | | 205 | 171 | 151 | 137 |
| 169200 |  | 356 | 263 | | 205 | 172 | 151 | 137 |
| 169800 |  | 357 | 263 | | 205 | 172 | 151 | 137 |
| 170400 |  | 357 | 264 | | 206 | 172 | 152 | 137 |
| 171000 |  | 358 | 264 | | 206 | 173 | 152 | 138 |
| 171600 |  | 359 | 265 | | 207 | 173 | 152 | 138 |
| 172200 |  | 360 | 266 | | 207 | 174 | 153 | 138 |
| 172800 |  | 361 | 266 | | 208 | 174 | 153 | 139 |
| 173400 |  | 362 | 267 | | 208 | 174 | 153 | 139 |
| 174000 |  | 363 | 267 | | 208 | 175 | 154 | 139 |
| 174600 |  | 364 | 268 | | 209 | 175 | 154 | 139 |
| 175200 |  | 365 | 269 | | 209 | 175 | 154 | 140 |
| 175800 |  | 366 | 269 | | 210 | 176 | 155 | 140 |
| 176400 |  | 367 | 270 | | 210 | 176 | 155 | 140 |
| 177000 |  | 367 | 270 | | 210 | 176 | 155 | 141 |
| 177600 |  | 368 | 271 | | 211 | 177 | 155 | 141 |
| 178200 |  | 369 | 272 | | 211 | 177 | 156 | 141 |
| 178800 |  | 370 | 272 | | 212 | 177 | 156 | 141 |
| 179400 |  | 371 | 273 | | 212 | 178 | 156 | 142 |
| 180000 |  | 371 | 273 | | 212 | 178 | 156 | 142 |
| 180600 |  | 372 | 273 | | 212 | 178 | 157 | 142 |
| 181200 |  | 372 | 274 | | 213 | 178 | 157 | 142 |
| 181800 |  | 373 | 274 | | 213 | 178 | 157 | 142 |
| 182400 |  | 374 | 274 | | 213 | 178 | 157 | 142 |
| 183000 |  | 374 | 275 | | 213 | 179 | 157 | 142 |
| 183600 |  | 375 | 275 | | 213 | 179 | 157 | 143 |
| 184200 |  | 375 | 275 | | 214 | 179 | 158 | 143 |
| 184800 |  | 376 | 276 | | 214 | 179 | 158 | 143 |
| 185400 |  | 376 | 276 | | 214 | 179 | 158 | 143 |
| 186000 |  | 377 | 276 | | 214 | 180 | 158 | 143 |
| 186600 |  | 377 | 277 | | 215 | 180 | 158 | 143 |
| 187200 |  | 378 | 277 | | 215 | 180 | 158 | 143 |
| 187800 |  | 378 | 277 | | 215 | 180 | 158 | 144 |
| 188400 |  | 379 | 278 | | 215 | 180 | 159 | 144 |
| 189000 |  | 379 | 278 | | 215 | 180 | 159 | 144 |
| 189600 |  | 380 | 278 | | 216 | 181 | 159 | 144 |
| 190200 |  | 380 | 279 | | 216 | 181 | 159 | 144 |
| 190800 |  | 381 | 279 | | 216 | 181 | 159 | 144 |
| 191400 |  | 381 | 279 | | 216 | 181 | 159 | 144 |
| 192000 |  | 382 | 280 | | 216 | 181 | 160 | 144 |
| 192600 |  | 382 | 280 | | 217 | 181 | 160 | 145 |
| 193200 |  | 383 | 280 | | 217 | 182 | 160 | 145 |
| 193800 |  | 383 | 281 | | 217 | 182 | 160 | 145 |
| 194400 |  | 384 | 281 | | 217 | 182 | 160 | 145 |
| 195000 |  | 384 | 281 | | 217 | 182 | 160 | 145 |
| 195600 |  | 385 | 282 | | 218 | 182 | 160 | 145 |
| 196200 |  | 385 | 282 | | 218 | 182 | 161 | 145 |
| 196800 |  | 386 | 282 | | 218 | 183 | 161 | 146 |
| 197400 |  | 387 | 283 | | 218 | 183 | 161 | 146 |
| 198000 |  | 387 | 283 | | 219 | 183 | 161 | 146 |
| 198600 |  | 388 | 284 | | 219 | 184 | 162 | 146 |
| 199200 |  | 389 | 285 | | 220 | 184 | 162 | 147 |
| 199800 |  | 390 | 285 | | 220 | 185 | 162 | 147 |
| 200400 |  | 391 | 286 | | 221 | 185 | 163 | 147 |
| 201000 |  | 392 | 287 | | 221 | 185 | 163 | 148 |
| 201600 |  | 393 | 287 | | 222 | 186 | 164 | 148 |
| 202200 |  | 394 | 288 | | 222 | 186 | 164 | 149 |
| 202800 |  | 395 | 289 | | 223 | 187 | 164 | 149 |
| 203400 |  | 396 | 289 | | 224 | 187 | 165 | 149 |
| 204000 |  | 397 | 290 | | 224 | 188 | 165 | 150 |
| 204600 |  | 398 | 291 | | 225 | 188 | 166 | 150 |
| 205200 |  | 399 | 291 | | 225 | 189 | 166 | 150 |
| 205800 |  | 400 | 292 | | 226 | 189 | 166 | 151 |
| 206400 |  | 400 | 293 | | 226 | 190 | 167 | 151 |
| 207000 |  | 401 | 294 | | 227 | 190 | 167 | 151 |
| 207600 |  | 402 | 294 | | 227 | 190 | 168 | 152 |
| 208200 |  | 403 | 295 | | 228 | 191 | 168 | 152 |
| 208800 |  | 404 | 296 | | 228 | 191 | 168 | 153 |
| 209400 |  | 405 | 296 | | 229 | 192 | 169 | 153 |
| 210000 |  | 406 | 297 | | 230 | 192 | 169 | 153 |
| 210600 |  | 407 | 298 | | 230 | 193 | 170 | 154 |
| 211200 |  | 408 | 298 | | 231 | 193 | 170 | 154 |
| 211800 |  | 409 | 299 | | 231 | 194 | 170 | 154 |
| 212400 |  | 410 | 300 | | 232 | 194 | 171 | 155 |
| 213000 |  | 411 | 300 | | 232 | 195 | 171 | 155 |
| 213600 |  | 412 | 301 | | 233 | 195 | 172 | 155 |
| 214200 |  | 413 | 302 | | 233 | 195 | 172 | 156 |
| 214800 |  | 413 | 302 | | 234 | 196 | 172 | 156 |
| 215400 |  | 414 | 303 | | 234 | 196 | 173 | 157 |
| 216000 |  | 415 | 304 | | 235 | 197 | 173 | 157 |
| 216600 |  | 416 | 305 | | 236 | 197 | 174 | 157 |
| 217200 |  | 417 | 305 | | 236 | 198 | 174 | 158 |
| 217800 |  | 418 | 306 | | 237 | 198 | 174 | 158 |
| 218400 |  | 419 | 307 | | 237 | 199 | 175 | 158 |
| 219000 |  | 420 | 307 | | 238 | 199 | 175 | 159 |
| 219600 |  | 421 | 308 | | 238 | 200 | 176 | 159 |
| 220200 |  | 422 | 309 | | 239 | 200 | 176 | 159 |
| 220800 |  | 423 | 309 | | 239 | 200 | 176 | 160 |
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| 223200 |  | 427 | 312 | | 241 | 202 | 178 | 161 |
| 223800 |  | 427 | 313 | | 242 | 203 | 178 | 162 |
| 224400 |  | 428 | 314 | | 243 | 203 | 179 | 162 |
| 225000 |  | 429 | 314 | | 243 | 204 | 179 | 162 |
| 225600 |  | 430 | 315 | | 244 | 204 | 180 | 163 |
| 226200 |  | 431 | 316 | | 244 | 205 | 180 | 163 |
| 226800 |  | 432 | 316 | | 245 | 205 | 180 | 163 |
| 227400 |  | 433 | 317 | | 245 | 205 | 181 | 164 |
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| 228600 |  | 434 | 318 | | 246 | 206 | 181 | 164 |
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| 229800 |  | 436 | 319 | | 246 | 207 | 182 | 165 |
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| 231000 |  | 437 | 320 | | 247 | 207 | 182 | 165 |
| 231600 |  | 438 | 320 | | 247 | 207 | 182 | 165 |
| 232200 |  | 439 | 321 | | 248 | 208 | 183 | 165 |
| 232800 |  | 439 | 321 | | 248 | 208 | 183 | 166 |
| 233400 |  | 440 | 322 | | 248 | 208 | 183 | 166 |
| 234000 |  | 441 | 322 | | 249 | 208 | 183 | 166 |
| 234600 |  | 442 | 323 | | 249 | 209 | 184 | 166 |
| 235200 |  | 442 | 323 | | 249 | 209 | 184 | 167 |
| 235800 |  | 443 | 324 | | 250 | 209 | 184 | 167 |
| 236400 |  | 444 | 324 | | 250 | 209 | 184 | 167 |
| 237000 |  | 444 | 324 | | 250 | 210 | 185 | 167 |
| 237600 |  | 445 | 325 | | 251 | 210 | 185 | 167 |
| 238200 |  | 446 | 325 | | 251 | 210 | 185 | 168 |
| 238800 |  | 446 | 326 | | 251 | 211 | 185 | 168 |
| 239400 |  | 447 | 326 | | 252 | 211 | 185 | 168 |
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| 241200 |  | 449 | 328 | | 253 | 212 | 186 | 169 |
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| 242400 |  | 451 | 329 | | 253 | 212 | 187 | 169 |
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| 244800 |  | 454 | 330 | | 254 | 213 | 188 | 170 |
| 245400 |  | 454 | 331 | | 255 | 213 | 188 | 170 |
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| 254400 |  | 465 | 338 | | 260 | 217 | 191 | 173 |
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| 265200 |  | 478 | 346 | | 265 | 222 | 196 | 177 |
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| 283800 |  | 497 | 362 | | 279 | 234 | 206 | 186 |
| 284400 |  | 498 | 363 | | 280 | 234 | 206 | 187 |
| 285000 |  | 498 | 364 | | 280 | 235 | 207 | 187 |
| 285600 |  | 499 | 364 | | 281 | 235 | 207 | 187 |
| 286200 |  | 500 | 365 | | 281 | 235 | 207 | 188 |
| 286800 |  | 500 | 365 | | 282 | 236 | 208 | 188 |
| 287400 |  | 501 | 366 | | 282 | 236 | 208 | 188 |
| 288000 |  | 502 | 366 | | 283 | 237 | 208 | 189 |
| 288600 |  | 502 | 367 | | 283 | 237 | 209 | 189 |
| 289200 |  | 503 | 367 | | 284 | 238 | 209 | 189 |
| 289800 |  | 503 | 368 | | 284 | 238 | 209 | 190 |
| 290400 |  | 504 | 368 | | 284 | 238 | 210 | 190 |
| 291000 |  | 505 | 369 | | 285 | 239 | 210 | 190 |
| 291600 |  | 505 | 369 | | 285 | 239 | 210 | 191 |
| 292200 |  | 506 | 370 | | 286 | 240 | 211 | 191 |
| 292800 |  | 507 | 370 | | 286 | 240 | 211 | 191 |
| 293400 |  | 507 | 371 | | 287 | 240 | 211 | 192 |
| 294000 |  | 508 | 372 | | 287 | 241 | 212 | 192 |
| 294600 |  | 508 | 372 | | 288 | 241 | 212 | 192 |
| 295200 |  | 509 | 373 | | 288 | 242 | 213 | 193 |
| 295800 |  | 510 | 373 | | 289 | 242 | 213 | 193 |
| 296400 |  | 510 | 374 | | 289 | 242 | 213 | 193 |
| 297000 |  | 511 | 374 | | 290 | 243 | 214 | 193 |
| 297600 |  | 511 | 375 | | 290 | 243 | 214 | 194 |
| 298200 |  | 512 | 375 | | 291 | 244 | 214 | 194 |
| 298800 |  | 513 | 376 | | 291 | 244 | 215 | 194 |
| 299400 |  | 513 | 376 | | 292 | 244 | 215 | 195 |
| 300000 |  | 514 | 377 | | 292 | 245 | 215 | 195 |
| 300600 |  | 515 | 377 | | 293 | 245 | 216 | 195 |
| 301200 |  | 515 | 378 | | 293 | 246 | 216 | 196 |
| 301800 |  | 516 | 378 | | 294 | 246 | 216 | 196 |
| 302400 |  | 516 | 379 | | 294 | 246 | 217 | 196 |
| 303000 |  | 517 | 379 | | 295 | 247 | 217 | 197 |
| 303600 |  | 518 | 380 | | 295 | 247 | 217 | 197 |
| 304200 |  | 518 | 381 | | 295 | 248 | 218 | 197 |
| 304800 |  | 519 | 381 | | 296 | 248 | 218 | 198 |
| 305400 |  | 520 | 382 | | 296 | 248 | 219 | 198 |
| 306000 |  | 520 | 382 | | 297 | 249 | 219 | 198 |
| 306600 |  | 521 | 383 | | 297 | 249 | 219 | 199 |
| 307200 |  | 521 | 383 | | 298 | 250 | 220 | 199 |
| 307800 |  | 522 | 384 | | 298 | 250 | 220 | 199 |
| 308400 |  | 523 | 384 | | 299 | 250 | 220 | 200 |
| 309000 |  | 523 | 385 | | 299 | 251 | 221 | 200 |
| 309600 |  | 524 | 385 | | 300 | 251 | 221 | 200 |
| 310200 |  | 524 | 386 | | 300 | 252 | 221 | 201 |
| 310800 |  | 525 | 386 | | 301 | 252 | 222 | 201 |
| 311400 |  | 526 | 387 | | 301 | 252 | 222 | 201 |
| 312000 |  | 526 | 387 | | 302 | 253 | 222 | 201 |
| 312600 |  | 527 | 388 | | 302 | 253 | 223 | 202 |
| 313200 |  | 528 | 389 | | 303 | 254 | 223 | 202 |
| 313800 |  | 528 | 389 | | 303 | 254 | 223 | 202 |
| 314400 |  | 529 | 390 | | 304 | 254 | 224 | 203 |
| 315000 |  | 529 | 390 | | 304 | 255 | 224 | 203 |
| 315600 |  | 530 | 391 | | 305 | 255 | 225 | 203 |
| 316200 |  | 531 | 391 | | 305 | 256 | 225 | 204 |
| 316800 |  | 531 | 392 | | 306 | 256 | 225 | 204 |
| 317400 |  | 532 | 392 | | 306 | 256 | 226 | 204 |
| 318000 |  | 533 | 393 | | 306 | 257 | 226 | 205 |
| 318600 |  | 533 | 393 | | 307 | 257 | 226 | 205 |
| 319200 |  | 534 | 394 | | 307 | 258 | 227 | 205 |
| 319800 |  | 534 | 394 | | 308 | 258 | 227 | 206 |
| 320400 |  | 535 | 395 | | 308 | 258 | 227 | 206 |
| 321000 |  | 536 | 395 | | 309 | 259 | 228 | 206 |
| 321600 |  | 536 | 396 | | 309 | 259 | 228 | 207 |
| 322200 |  | 537 | 397 | | 310 | 260 | 228 | 207 |
| 322800 |  | 537 | 397 | | 310 | 260 | 229 | 207 |
| 323400 |  | 538 | 398 | | 311 | 260 | 229 | 208 |
| 324000 |  | 539 | 398 | | 311 | 261 | 229 | 208 |
| 324600 |  | 539 | 399 | | 312 | 261 | 230 | 208 |
| 325200 |  | 540 | 399 | | 312 | 262 | 230 | 208 |
| 325800 |  | 541 | 400 | | 313 | 262 | 231 | 209 |
| 326400 |  | 541 | 400 | | 313 | 262 | 231 | 209 |
| 327000 |  | 542 | 401 | | 314 | 263 | 231 | 209 |
| 327600 |  | 542 | 401 | | 314 | 263 | 232 | 210 |
| 328200 |  | 543 | 402 | | 315 | 264 | 232 | 210 |
| 328800 |  | 544 | 402 | | 315 | 264 | 232 | 210 |
| 329400 |  | 544 | 403 | | 316 | 264 | 233 | 211 |
| 330000 |  | 545 | 403 | | 316 | 265 | 233 | 211 |
| 330600 |  | 546 | 404 | | 317 | 265 | 233 | 211 |
| 331200 |  | 546 | 405 | | 317 | 266 | 234 | 212 |
| 331800 |  | 547 | 405 | | 317 | 266 | 234 | 212 |
| 332400 |  | 547 | 405 | | 318 | 266 | 234 | 212 |
| 333000 |  | 548 | 406 | | 318 | 266 | 234 | 212 |
| 333600 |  | 549 | 406 | | 318 | 267 | 235 | 213 |
| 334200 |  | 549 | 407 | | 319 | 267 | 235 | 213 |
| 334800 |  | 550 | 407 | | 319 | 267 | 235 | 213 |
| 335400 |  | 551 | 408 | | 319 | 268 | 235 | 213 |
| 336000 |  | 551 | 408 | | 320 | 268 | 236 | 214 |
| 336600 |  | 552 | 409 | | 320 | 268 | 236 | 214 |
| 337200 |  | 553 | 409 | | 320 | 268 | 236 | 214 |
| 337800 |  | 553 | 410 | | 321 | 269 | 237 | 214 |
| 338400 |  | 554 | 410 | | 321 | 269 | 237 | 214 |
| 339000 |  | 555 | 410 | | 322 | 269 | 237 | 215 |
| 339600 |  | 555 | 411 | | 322 | 270 | 237 | 215 |
| 340200 |  | 556 | 411 | | 322 | 270 | 238 | 215 |
| 340800 |  | 556 | 412 | | 323 | 270 | 238 | 215 |
| 341400 |  | 557 | 412 | | 323 | 271 | 238 | 216 |
| 342000 |  | 558 | 413 | | 323 | 271 | 238 | 216 |
| 342600 |  | 558 | 413 | | 324 | 271 | 239 | 216 |
| 343200 |  | 559 | 414 | | 324 | 271 | 239 | 216 |
| 343800 |  | 560 | 414 | | 324 | 272 | 239 | 217 |
| 344400 |  | 560 | 415 | | 325 | 272 | 239 | 217 |
| 345000 |  | 561 | 415 | | 325 | 272 | 240 | 217 |
| 345600 |  | 562 | 416 | | 325 | 273 | 240 | 217 |
| 346200 |  | 562 | 416 | | 326 | 273 | 240 | 217 |
| 346800 |  | 563 | 416 | | 326 | 273 | 240 | 218 |
| 347400 |  | 564 | 417 | | 326 | 273 | 241 | 218 |
| 348000 |  | 564 | 417 | | 327 | 274 | 241 | 218 |
| 348600 |  | 565 | 418 | | 327 | 274 | 241 | 218 |
| 349200 |  | 565 | 418 | | 327 | 274 | 241 | 219 |
| 349800 |  | 566 | 419 | | 328 | 275 | 242 | 219 |
| 350400 |  | 567 | 419 | | 328 | 275 | 242 | 219 |
| 351000 |  | 567 | 420 | | 328 | 275 | 242 | 219 |
| 351600 |  | 568 | 420 | | 329 | 275 | 242 | 220 |
| 352200 |  | 569 | 421 | | 329 | 276 | 243 | 220 |
| 352800 |  | 569 | 421 | | 329 | 276 | 243 | 220 |
| 353400 |  | 570 | 422 | | 330 | 276 | 243 | 220 |
| 354000 |  | 571 | 422 | | 330 | 277 | 243 | 220 |
| 354600 |  | 571 | 422 | | 331 | 277 | 244 | 221 |
| 355200 |  | 572 | 423 | | 331 | 277 | 244 | 221 |
| 355800 |  | 573 | 423 | | 331 | 277 | 244 | 221 |
| 356400 |  | 573 | 424 | | 332 | 278 | 244 | 221 |
| 357000 |  | 574 | 424 | | 332 | 278 | 245 | 222 |
| 357600 |  | 574 | 425 | | 332 | 278 | 245 | 222 |
| 358200 |  | 575 | 425 | | 333 | 279 | 245 | 222 |
| 358800 |  | 576 | 426 | | 333 | 279 | 245 | 222 |
| 359400 |  | 576 | 426 | | 333 | 279 | 246 | 223 |
| 360000 |  | 577 | 427 | | 334 | 280 | 246 | 223 |
| 360400 |  | 577 | 427 | | 334 | 280 | 246 | 223 |
| 360800 |  | 578 | 427 | | 334 | 280 | 246 | 223 |
| 361200 |  | 578 | 428 | | 334 | 280 | 246 | 223 |
| 361600 |  | 579 | 428 | | 335 | 280 | 247 | 223 |
| 362000 |  | 579 | 428 | | 335 | 280 | 247 | 224 |
| 362400 |  | 580 | 428 | | 335 | 281 | 247 | 224 |
| 362800 |  | 580 | 429 | | 335 | 281 | 247 | 224 |
| 363200 |  | 580 | 429 | | 335 | 281 | 247 | 224 |
| 363600 |  | 581 | 429 | | 336 | 281 | 247 | 224 |
| 364000 |  | 581 | 430 | | 336 | 281 | 248 | 224 |
| 364400 |  | 582 | 430 | | 336 | 282 | 248 | 225 |
| 364800 |  | 582 | 430 | | 336 | 282 | 248 | 225 |
| 365200 |  | 583 | 431 | | 337 | 282 | 248 | 225 |
| 365600 |  | 583 | 431 | | 337 | 282 | 248 | 225 |
| 366000 |  | 583 | 431 | | 337 | 282 | 249 | 225 |
| 366400 |  | 584 | 431 | | 337 | 283 | 249 | 225 |
| 366800 |  | 584 | 432 | | 338 | 283 | 249 | 225 |
| 367200 |  | 585 | 432 | | 338 | 283 | 249 | 226 |
| 367600 |  | 585 | 432 | | 338 | 283 | 249 | 226 |
| 368000 |  | 586 | 433 | | 338 | 283 | 249 | 226 |
| 368400 |  | 586 | 433 | | 338 | 284 | 250 | 226 |
| 368800 |  | 586 | 433 | | 339 | 284 | 250 | 226 |
| 369200 |  | 587 | 434 | | 339 | 284 | 250 | 226 |
| 369600 |  | 587 | 434 | | 339 | 284 | 250 | 227 |
| 370000 |  | 588 | 434 | | 339 | 284 | 250 | 227 |
| 370400 |  | 588 | 435 | | 340 | 285 | 250 | 227 |
| 370800 |  | 589 | 435 | | 340 | 285 | 251 | 227 |
| 371200 |  | 589 | 435 | | 340 | 285 | 251 | 227 |
| 371600 |  | 589 | 435 | | 340 | 285 | 251 | 227 |
| 372000 |  | 590 | 436 | | 341 | 285 | 251 | 227 |
| 372400 |  | 590 | 436 | | 341 | 286 | 251 | 228 |
| 372800 |  | 591 | 436 | | 341 | 286 | 251 | 228 |
| 373200 |  | 591 | 437 | | 341 | 286 | 252 | 228 |
| 373600 |  | 592 | 437 | | 341 | 286 | 252 | 228 |
| 374000 |  | 592 | 437 | | 342 | 286 | 252 | 228 |
| 374400 |  | 592 | 438 | | 342 | 286 | 252 | 228 |
| 374800 |  | 593 | 438 | | 342 | 287 | 252 | 229 |
| 375200 |  | 593 | 438 | | 342 | 287 | 252 | 229 |
| 375600 |  | 594 | 439 | | 343 | 287 | 253 | 229 |
| 376000 |  | 594 | 439 | | 343 | 287 | 253 | 229 |
| 376400 |  | 595 | 439 | | 343 | 287 | 253 | 229 |
| 376800 |  | 595 | 439 | | 343 | 288 | 253 | 229 |
| 377200 |  | 595 | 440 | | 344 | 288 | 253 | 229 |
| 377600 |  | 596 | 440 | | 344 | 288 | 253 | 230 |
| 378000 |  | 596 | 440 | | 344 | 288 | 254 | 230 |
| 378400 |  | 597 | 441 | | 344 | 288 | 254 | 230 |
| 378800 |  | 597 | 441 | | 345 | 289 | 254 | 230 |
| 379200 |  | 598 | 441 | | 345 | 289 | 254 | 230 |
| 379600 |  | 598 | 442 | | 345 | 289 | 254 | 230 |
| 380000 |  | 598 | 442 | | 345 | 289 | 254 | 231 |
| 380400 |  | 599 | 442 | | 345 | 289 | 255 | 231 |
| 380800 |  | 599 | 443 | | 346 | 290 | 255 | 231 |
| 381200 |  | 600 | 443 | | 346 | 290 | 255 | 231 |
| 381600 |  | 600 | 443 | | 346 | 290 | 255 | 231 |
| 382000 |  | 601 | 443 | | 346 | 290 | 255 | 231 |
| 382400 |  | 601 | 444 | | 347 | 290 | 256 | 231 |
| 382800 |  | 601 | 444 | | 347 | 291 | 256 | 232 |
| 383200 |  | 602 | 444 | | 347 | 291 | 256 | 232 |
| 383600 |  | 602 | 445 | | 347 | 291 | 256 | 232 |
| 384000 |  | 603 | 445 | | 348 | 291 | 256 | 232 |
| 384400 |  | 603 | 445 | | 348 | 291 | 256 | 232 |
| 384800 |  | 604 | 446 | | 348 | 292 | 257 | 232 |
| 385200 |  | 604 | 446 | | 348 | 292 | 257 | 233 |
| 385600 |  | 604 | 446 | | 348 | 292 | 257 | 233 |
| 386000 |  | 605 | 447 | | 349 | 292 | 257 | 233 |
| 386400 |  | 605 | 447 | | 349 | 292 | 257 | 233 |
| 386800 |  | 606 | 447 | | 349 | 292 | 257 | 233 |
| 387200 |  | 606 | 447 | | 349 | 293 | 258 | 233 |
| 387600 |  | 607 | 448 | | 350 | 293 | 258 | 233 |
| 388000 |  | 607 | 448 | | 350 | 293 | 258 | 234 |
| 388400 |  | 607 | 448 | | 350 | 293 | 258 | 234 |
| 388800 |  | 608 | 449 | | 350 | 293 | 258 | 234 |
| 389200 |  | 608 | 449 | | 351 | 294 | 258 | 234 |
| 389600 |  | 609 | 449 | | 351 | 294 | 259 | 234 |
| 390000 |  | 609 | 450 | | 351 | 294 | 259 | 234 |
| 390400 |  | 610 | 450 | | 351 | 294 | 259 | 235 |
| 390800 |  | 610 | 450 | | 351 | 294 | 259 | 235 |
| 391200 |  | 610 | 450 | | 352 | 295 | 259 | 235 |
| 391600 |  | 611 | 451 | | 352 | 295 | 259 | 235 |
| 392000 |  | 611 | 451 | | 352 | 295 | 260 | 235 |
| 392400 |  | 612 | 451 | | 352 | 295 | 260 | 235 |
| 392800 |  | 612 | 452 | | 353 | 295 | 260 | 235 |
| 393200 |  | 613 | 452 | | 353 | 296 | 260 | 236 |
| 393600 |  | 613 | 452 | | 353 | 296 | 260 | 236 |
| 394000 |  | 613 | 453 | | 353 | 296 | 260 | 236 |
| 394400 |  | 614 | 453 | | 354 | 296 | 261 | 236 |
| 394800 |  | 614 | 453 | | 354 | 296 | 261 | 236 |
| 395200 |  | 615 | 454 | | 354 | 297 | 261 | 236 |
| 395600 |  | 615 | 454 | | 354 | 297 | 261 | 237 |
| 396000 |  | 616 | 454 | | 354 | 297 | 261 | 237 |
| 396400 |  | 616 | 454 | | 355 | 297 | 261 | 237 |
| 396800 |  | 616 | 455 | | 355 | 297 | 262 | 237 |
| 397200 |  | 617 | 455 | | 355 | 298 | 262 | 237 |
| 397600 |  | 617 | 455 | | 355 | 298 | 262 | 237 |
| 398000 |  | 618 | 456 | | 356 | 298 | 262 | 237 |
| 398400 |  | 618 | 456 | | 356 | 298 | 262 | 238 |
| 398800 |  | 619 | 456 | | 356 | 298 | 262 | 238 |
| 399200 |  | 619 | 457 | | 356 | 298 | 263 | 238 |
| 399600 |  | 619 | 457 | | 357 | 299 | 263 | 238 |
| 400000 |  | 620 | 457 | | 357 | 299 | 263 | 238 |

# CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

## 1. IMPUTATION OF INCOME BASED UPON VOLUNTARY UNEMPLOYMENT OR VOLUNTARY UNDEREMPLOYMENT (19-A M.R.S.A. §2001[5][D])

1. The goal of the Child Support Guidelines is to establish an accurate child support order and obtain compliance with the order based upon the real circumstances of the parties and the best interests of the child. The Department may impute income where the noncustodial parent's lifestyle is inconsistent with reported earnings or income and/or where there is evidence of income or assets beyond those identified by that parent. Therefore, imputation of income pursuant to 19-A M.R.S. §2001(5)(D) shall not be made except upon the basis of evidence in the record as to those factors which, in the circumstances of the parent, constitute his or her effective earning capability. Such factors may include, but are not limited to:
2. prevailing work-availability conditions of the job market within the commuting range of the parent's residence, or of a residence to which he might reasonably be expected to move for the purpose of supporting his or her children;
3. training and education of the parent;
4. prior employment history of the parent;
5. actual availability of the parent for employment.
6. When imputing income, the Department will take into consideration the noncustodial parent's subsistence needs (as defined in Section 3, below), and ensure that the amount ordered for support is based upon available data related to the parent's actual earnings, income, assets, or other evidence of ability to pay, such as testimony that reported income or assets are not consistent with a noncustodial parent's current standard of living.

C. The Division shall have the right to assert that the responsible parent is voluntarily unemployed or voluntarily underemployed, and to present evidence to support such assertion. Evidence to support this assertion must meet the requirements and criteria of sub-sections (A) and (B), above. If the Division makes and presents evidence in support of such an assertion, a request by the responsible parent for a continuance to enable him or her to rebut the Division's evidence on this issue shall be granted.

D. A responsible parent shall have the right to assert that the custodial party is voluntarily unemployed or voluntarily underemployed, and to present evidence to support such assertion. Evidence to support this assertion must meet the requirements and criteria of sub-section (A) and (B), above. If the responsible parent makes and presents evidence in support of such an assertion, a request by the Division or the custodial party for a continuance to enable it to rebut the responsible parent's evidence on this issue shall be granted.

**2. RESPONSIBLE PARENT ANNUAL GROSS INCOME OF LESS THAN FEDERAL POVERTY INCOME GUIDELINES**

The total weekly support obligation of a responsible parent whose annual gross income is less than the federal poverty income guidelines for one person shall be 10% of his or her weekly gross income for all the children for whom a support award is being established or modified, regardless of the amount of the combined annual gross income of the responsible parent and the other parent.

**3. SUBSISTENCE NEEDS OF A RESPONSIBLE PARENT (19-A M.R.S. §2006[5][C])**

A. The term "federal poverty guideline" (19-A M.R.S. §2006[5][C]), for the purpose of a determination under 19-A M.R.S. §2006(5)(C), shall be deemed to refer to the federal poverty income guideline for one person for the year in which the obligation is being set.

B. “Subsistence Needs” shall be defined as the minimum basic necessities necessary to support life.

1. "Basic necessities," for the purpose of a determination of subsistence needs under 19-A M.R.S. §2006(5)(C), include food, clothing, shelter, fuel, electricity, non-elective medical services as recommended by a physician, prescription drugs, and telephone where it is necessary for medical reasons.

D. The responsible parent has the burden of presenting evidence that his or her income is insufficient to meet work-related expenses and basic necessities. If the responsible parent presents evidence in support of such an assertion, a request by the Division for a continuance to enable it to rebut the responsible parent's evidence shall be granted.

E. Subsection D. does not limit the role, authority or responsibility of a hearing officer under Regulation V(D)(1)(d) and Regulation V(D)(1)(f) of the Department's Administrative Hearings Manual.

**4. DEVIATION FROM SUPPORT GUIDELINES (19-A M.R.S. §2007)**

A. A party seeking deviation from the support guidelines shall have the burden of overcoming the presumption (19-A M.R.S. §2005 and §2007[1]) that the parental support obligation derived from the support guidelines is equitable and just, by providing written proposed findings showing that the application of the presumptive amount would be inequitable or unjust. To meet this burden a party must present evidence satisfying the criteria set forth in 19-A M.R.S. §2007(3). If a party presents evidence in support of a deviation, a request by the other party or the Department for a continuance to enable it to oppose the proposed deviation shall be granted.

B. Nothing in subsection A. is intended to affect the role, authority or responsibility of a hearing officer under Regulation V(D)(1)(d) and Regulation V(D)(1)(f) of the Department's Administrative Hearings Manual.

C. To meet the requirements of 19-A M.R.S. §2006(8)(F), if a finding is made under 19-A M.R.S. §2007(1), the specific rationale for the deviation shall be part of the written decision which establishes or modifies the child support award. In addition to the other requirements for decisions establishing or modifying child support awards, a decision establishing or modifying a child support award under 19-A M.R.S. §2007 shall include a statement of:

1. The amount of support that would have been required under 19-A M.R.S. §2006; and

2.. How the decision varies from the support guidelines, including:

a. the justification of how the finding serves the best interests of the child(ren); and,

b. in cases where items of value are conveyed in lieu of a portion of the child support presumed under the support guidelines, the estimated value of items conveyed.

**5. FORMULATION AND ROUNDING OFF OF CHILD SUPPORT OBLIGATIONS**

Every child support obligation shall be established as a weekly child support obligation per child, and set forth the total weekly support obligation of the responsible parent. Obligation amounts shall be rounded off to the nearest whole dollar, with the exception of amounts for obligors with an income falling below the federal poverty level, which shall be rounded down to the nearest dollar.

**6. COMPLIANCE WITH 19-A M.R.S. §2006(8)**

A. The "amount for basic support entitlements" (19-A M.R.S. §2006[8][C][1]) shall be expressed per week.

B. The "amount for child care costs" (19-A M.R.S. §2006[8][C][2]) shall be expressed as the per week cost for each child for whom they are actually paid.

C. The "amount for extraordinary medical expenses and health insurance "(19-A M.R.S. §2006[8][C][3]) shall be expressed as the per week cost for each child for whom they are actually paid.

D. The "specific sum to be paid depending on the number of minor children remaining with the primary care provider" (19-A M.R.S. §2006[8][E]) shall be expressed as the per child per week basic support obligation of the responsible parent. This sum shall be derived from the basic support entitlement. The basic support entitlement is a function of the number of minor children remaining with the primary care provider.

**7. TERMINATION OF OBLIGATION FOR DAY-CARE COSTS**

A responsible parent's obligation for day care costs for a child under the age of 12 years (19-A M.R.S. §2006[3][A]) ordered pursuant to an administrative Decision shall terminate automatically upon a child reaching the age of 12 years. The weekly child support obligation shall automatically reduce by the amount of such terminated obligation without need of an additional decision. A Decision establishing or amending such an obligation shall so provide.

# CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS

**1. STATUTORY AUTHORITY**

The Department is authorized to establish child support obligations administratively by 19-A M.R.S. §2304.

**2. AVAILABILITY AND SCOPE OF PROCEEDING**

1. When a Support Order has not been established by a court, the Department may establish the responsible parent's current parental support obligation, debt for past necessary support (including medical expenses) and/or obligation to maintain health insurance coverage for the dependent child or children.
2. The Department may proceed on its own behalf or on behalf of another state, another state's instrumentality, an individual or governmental applicant for services under 19-A M.R.S. §2103, or a person who is otherwise entitled to support enforcement services under federal law. The Department’s action on behalf of another state, another state's instrumentality or a person residing in another state constitutes good cause within the meaning of 5 M.R.S. §9057(5).
3. Notwithstanding any other provision of law, a parental support obligation established under this chapter continues beyond the child's 18th birthday, if the child is attending secondary school as defined in 20-A M.R.S. §1, until the child graduates, withdraws, is expelled or attains 19 years of age, whichever occurs first.
4. For purposes of this Chapter, "debt for past necessary support" includes a debt owed to the Department under 19-A M.R.S. §2301(1)(A), a debt owed under 19-A M.R.S. §2103 and a debt that accrues under 19-A M.R.S. §§ 1553 and 1504.

**3. COURT ORDER OF SUPPORT**

"Support Order", as used in Section 2, is defined by 19-A M.R.S. §2101(13), as issued by a court. "Support Order" in this context does not include:

A. A protection from abuse or similar such order that does not address the issue of support; and

B. A protection from abuse or similar such order that has expired.

The above mentioned examples are for clarification only and not meant to be an exhaustive list of all orders that are not court issued orders of support. The Department may not impose a support order when a court has taken jurisdiction over the case, as in that instance the matter is *res judicata*, and modification by another tribunal is barred.

**4. NOTICE OF PROCEEDING**

To begin an administrative proceeding to establish a support order, the Department shall serve the responsible parent with a Notice and blank Statement of Income form. A copy of the Notice and a blank Statement of Income shall be sent by regular mail to the custodial parent. The Notice must state the following:

A. The names of both parents and the names of the dependent child or children;

B. The Department's intention to establish a support order, which may include a periodic payment for current support, a debt for past necessary support including medical expenses and an obligation to provide health insurance coverage;

C. That the responsible parent must complete and submit the Statement of Income to the Department within 30 days;

D. That the Department will calculate a proposed support order based on the State's child support guidelines using all available information and, if there is a lack of sufficient reliable information about a parent's actual earnings for a current or past period, the Department presumes for the purpose of establishing a current support obligation or a debt for past necessary support that the responsible parent has or had an earning capacity equal to the average weekly wage as determined by Department of Labor statistics for the applicable years;

E. That the Department will send to the responsible parent by regular mail a copy of the proposed support order and the Department's child support worksheet;

F. That the responsible parent may request a hearing in writing within 30 days of the date of mailing of the proposed support order;

G. That if the Department does not receive a timely request for hearing, it will issue a decision that incorporates the findings of the proposed support order and send a copy of the decision to both parents by regular mail;

H. That, after a decision is issued, the Department may enforce the decision by any lawful means, including (but not limited to) immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver and tax refund intercept; and

I. That, if a debt for past necessary support is established, the Department may report the responsible parent and the amount of the debt to a consumer credit reporting agency.

**5. NOTICE OF PROPOSED SUPPORT ORDER**

After serving notice upon the responsible parent as provided by Section 4, and after more than 30 days have elapsed, the Department shall calculate the responsible parent's current parental support obligation and debt for past necessary support as provided by Section 9. Based on its calculations under the support guidelines, the Department shall issue a proposed support order. The proposed support order must include the Department's calculations and state the amount of the responsible parent's current parental support obligation and debt for past necessary support, including medical expenses, and must state the responsible parent's obligation to provide health insurance coverage for the dependent child or children and pay a proportionate share of uninsured medical expenses. The Department shall send a copy of the proposed support order to the responsible parent and to the custodial parent by regular mail along with a copy of the Department's child support worksheet. The proposed order must be accompanied by a notice that states that:

A. The responsible parent has the right to request a hearing within 30 days of the date of mailing of the proposed support order and that if a hearing is requested, the Department will send the responsible parent a notice of hearing by regular mail at least 30 days before the date of the hearing, along with a statement of the hearing rights described in Section 8;

B. If the Department does not receive a timely request for hearing, the Department will issue a decision that incorporates the findings of the proposed support order into the Department's decision and send a copy of the decision to both parents by regular mail;

C. If the Department issues a decision that establishes a responsible parent's support obligation, the Department may enforce the decision by any lawful means, including immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept and tax refund intercept; and

D. If the Department establishes a debt for past necessary support, the Department may report the responsible parent and the amount of that debt to a consumer credit reporting agency.

**6. RIGHT TO HEARING**

The responsible parent may request an administrative hearing in writing within 30 days of the date of mailing of the notice described in Section 5. If the responsible parent delivers the request to the Division, it must be received within 30 days of the date of mailing of the notice. If the request is mailed, the postmark date on the envelope must be within 30 days of the date of mailing of the notice. A request for hearing is deemed timely if the 30th day after the date of mailing is a weekend, holiday or other non-business day for the Department and the request is received by the Division or postmarked on the next business day.

**7. NOTICE OF HEARING**

If the responsible parent makes a proper and timely request for a hearing, the Department shall send the responsible parent a Notice of Hearing by regular mail. The Department shall send the Notice at least 30 days before the date of the hearing. The Notice must tell the responsible parent the date, time and place of the hearing. The Notice also must state the following:

A. The responsible parent's hearing rights as described in Section 8;

B. That if the responsible parent does not appear at the hearing, the Department will issue a decision that incorporates the terms of the proposed support order;

C. That if a support obligation is established, the responsible parent's property may be subject to immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept and other collection actions and that, if a debt for past necessary support is established, the Division may report the responsible parent and the amount of the debt to a consumer credit reporting agency; and

D. That if the responsible parent is ordered to maintain health insurance coverage and does not do so, the responsible parent may be held liable for all medical expenditures made by the Department or the custodial parent on behalf of the dependent child or children.

**8. HEARING RIGHTS**

1. The Department shall conduct the hearing according to rules adopted by the Commissioner.
2. The purpose of the hearing is to determine the nature and extent of the responsible parent's child support obligation, if any, for the dependent child or children named in the Notice issued under Section 4.
3. The responsible parent may present evidence and testimony, cross-examine witnesses and contest the evidence relied on by the Division.
4. The responsible parent may represent himself or herself at the hearing or may be represented by an attorney or other person.
5. In rendering a decision, the Department may only consider evidence that is part of the hearing record.

**9. HOW THE SUPPORT OBLIGATION IS DETERMINED**

1. A current parental support obligation is established in accordance with the support guidelines, unless the amount of the obligation is established pursuant to 19-A M.R.S. §2007.

B. If the Department determines that health insurance coverage is available to the responsible parent at reasonable cost, the Department must establish the responsible parent’s obligation to provide health insurance coverage for the dependent child or children, effective immediately. Whether the cost of health insurance is reasonable is determined by Chapter 25(1)(D). If the Department determines that health insurance coverage is not available at a reasonable cost, the Department must establish an obligation on the part of the responsible parent to obtain health insurance coverage as soon as it becomes available at a reasonable cost.

C. The amount of a responsible parent's debt for past necessary support is established by applying the most current child support guidelines to the period(s) for which the custodial parent or the Department is entitled to support.

1. A debt may only be established for periods in which no court Support Order exists, and may only be established for the six year period preceding service of the Notice required by Section 4.

2. A debt for past necessary support may be owed to the Department, to a custodial parent, to another state, or to any other person (as defined by 19-A M.R.S. §101(6)) who has provided necessary support for the child or children.

3. Individuals who receive TANF, or received AFDC, from the Department assign all support rights to the Department pursuant to 19-A M.R.S. §2369, as required by 42 U.S.C. §602(a)(26)(A) and 45 C.F.R. §233. The Division may attempt to establish a debt for past necessary support for any period for which support rights have been assigned to the Department, within the limitations in Paragraph 1. The Department shall distribute collections from debts for past necessary support that are assigned to the Department pursuant to 19-A M.R.S. §2401, to the extent permitted by 42 U.S.C. §657(b)(4) and 45 C.F.R. §302.51.

4. If the responsible parent has been sanctioned to repay an AFDC or TANF overpayment to the Department, the Department shall not obligate him or her to repay past necessary support for the same period covered by the overpayment.

5. As part of the responsible parent's debt for past necessary support, the Division may establish a debt owed by the responsible parent for medical expenses. The amount of a responsible parent's debt for medical expenses is determined by multiplying the total of all qualified medical expenses (see Chapter 2 for the definition of "qualified medical expense") for a given year by the responsible parent's percentage share of the total support obligation (as defined by 19-A M.R.S. §2001(10)) for the same year. The responsible parent's total debt for medical expenses is the sum of the medical debt for each year.

The responsible parent's net medical debt is the difference between the total medical debt and the amount for which the responsible parent is entitled to receive credit. In order to receive credit, the responsible parent must document that he or his insurer has paid all or part of the qualified medical expenses that comprise the total medical debt. Credit is limited to the actual amount paid.

D. If a responsible parent who has been served a Notice under Section 4 does not provide evidence of his or her income, and there is a lack of sufficient reliable information about the responsible parent's present or past income, the Department must presume for the purpose of calculating a current support obligation and/or a debt for past necessary support that the responsible parent has and/or had an earning capacity equal to the average weekly wage of a worker within this State for the applicable years, as determined by the statistics published by the Department of Labor each year. The Department may conclude for the purpose of calculating a current support obligation and/or a debt for past necessary support that the responsible parent's income for the applicable years is greater or less than the average weekly wage if there is sufficient reliable evidence to reasonably conclude that the responsible parent had a greater or lesser actual income.

E. **Credits**: Whenever a debt for past necessary support is established, the Division shall subtract the aggregate of the credits set forth in Paragraph 1, below, to which the responsible parent has established his or her entitlement. The remainder is the responsible parent's net debt for past necessary support, which is the responsible parent's debt accrued under 19-A M.R.S. §§ 1553, 2103(6) and/or 2301, as applicable.

1. **Authorized credits**

a. Money received by the Department and posted against the responsible parent's obligation or debt for the period(s) for which the debt was established.

b. Verifiable money paid by the responsible parent to the custodial parent as payment of or in lieu of child support during the period(s) for which the custodial parent or the Department claims support is owed. No credit is allowed for payments made after the Division has notified the responsible parent that in order to receive credit, support payments must be made directly to the Division.

c. Utilitarian things of value, other than money, given by the responsible parent to the custodial parent or the children, as or in lieu of child support, during the period(s) for which the custodial parent or the Department claims support is owed. No credit is allowed after the Division has notified the responsible parent, in writing, that in order to receive credit, he or she must send support payments directly to the Division. "Utilitarian things of value," as used in this sub-paragraph, includes that portion of the fair market rental value of a residence in which the custodial parent and the child(ren) have resided which is allocable to the responsible parent's portion of ownership of the residence.

d. No other credits are authorized, including any credit for a period of time during which the child(ren) of the responsible parent has/have visited with him or her.

2. **Establishment of entitlement to credits**

a. The burden of coming forward with evidence to establish the credits authorized by the Manual rests solely upon the responsible parent.

b. In order to receive credit for money paid out but not received by the custodial parent, the responsible parent must demonstrate that the payment made was for the specific purpose of child support.

c. No payment of taxes, principal, or interest on a mortgage, or of taxes, principal, or interest on any other asset may be allowed as a credit if the responsible parent has sole title to the same mortgage or asset, or if the responsible parent has title with a person or persons other than the custodial parent.

If any such asset is owned jointly by the responsible parent and the custodial parent, the credit for such payments may not exceed a percentage equal to the custodial parent's percentage share of ownership, title, or equity of or in the asset. Such payments, with respect to real property, can qualify for credit only with respect to the residence in which the custodial parent and the dependent child(ren) are actually living. The only other asset for which a payment made by the noncustodial parent qualifies for credit is payment on/for a motor vehicle in operating condition and in the possession of the custodial parent.

d. If the responsible parent claims to have given items of value other than money to a custodial parent or the child(ren) as or in lieu of child support, he or she must provide evidence of specific items given and proof of payment for, or of market values of, the items given so that their value may be ascertained with reasonable certitude and calculated in a rational, informed manner.

3. The responsible parent is not entitled to credit for money or items of utilitarian value given to the custodial parent after the responsible parent is notified in writing that credit will be given only for payments made directly to the Department.

1. If a hearing is held, when deciding the amount of the current parental support obligation, the debt for past necessary support and the availability of health insurance coverage, the official conducting the hearing shall consider the following criteria:
2. The child's or children's needs;
3. The responsible parent's income and real and personal property;
4. The responsible parent's ability to borrow;
5. The responsible parent's ability to earn;
6. The responsible parent's financial needs;
7. Whether the responsible parent has a duty to support other dependents. In any case, the child or children for whom support is sought must benefit as much as any other dependent from the income and resources of the responsible parent;
8. Whether the responsible parent has voluntarily incurred subsequent obligations that have reduced that parent's ability to pay support. This condition does not relieve the responsible parent of the duty to provide support;
9. Whether employer-related or other group health insurance coverage is available to the responsible parent; and
10. Whether the responsible parent's existing health insurance coverage may be extended to include the dependent child or children.

1. **HEARING DECISION**

If a hearing is held, the Department shall render a decision based on the hearing record and applicable state laws and rulemaking. If the responsible parent does not appear at the hearing, or does not timely request a hearing, the Department shall issue a decision that incorporates the findings of the proposed support order. The Department shall send a copy of the decision to both parents by regular mail. Service is complete upon mailing and the parents are presumed to have received the decision within three (3) days of mailing. The Department shall send the copies to the last known address of each parent. The decision must establish and state:

* 1. The responsible parent's duty to provide support, the amount of the current parental support obligation, the amount of any debt for past necessary support including medical expenses, the obligation of the responsible parent to maintain health insurance coverage for the dependent child or children and pay a proportionate share of uninsured medical expenses, and that the responsible parent must provide written proof to the Department of health insurance coverage that is required by the decision within 15 days of the responsible parent's receipt of the decision;

B. That if an obligation for current support is established, an order for immediate income withholding is issued and made a part of the decision;

C. That thirty days after the decision is issued, the Department may enforce the decision by any lawful means, including lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept, tax refund intercept, and any other action available. If a decision includes an immediate income withholding order, the Department may implement the withholding order to collect current support immediately after the decision is issued. If a debt for past necessary support is established, the department may report the responsible parent and the amount of the debt to a consumer credit reporting agency;

D. That if the responsible parent does not maintain health insurance coverage when required to do so by the Department, the responsible parent may be held liable for all medical expenditures made by the Department or the custodial parent on behalf of the dependent child or children;

E. That if the responsible parent appeared at the hearing, he or she may appeal the decision within 30 days of the date of mailing of the decision by requesting an administrative review hearing.

**11. COLLECTION ACTION**

The Division may initiate collection action 30 days after the date of mailing of the decision. If the decision includes an immediate income withholding order, the Division will implement the withholding order to collect current support immediately after the decision is issued.

**12. RIGHT TO APPEAL**

A responsible parent or the Department may appeal a decision after hearing within 30 days of receiving the decision, provided that the responsible parent appeared at the hearing. The responsible parent is presumed to have received the decision within 3 days of the date of mailing. The appeal process is set forth in Chapter 12.

A responsible parent who did not appear at the hearing may request the Department to set aside the decision for good cause shown, subject to the provisions of Section 13, below.

**13. REQUEST TO SET ASIDE**

Within one year of the mailing of the decision, the responsible parent may request the Department to set aside the decision if he or she shows good cause why he or she did not request a hearing or did not appear at a hearing and present a meritorious defense. Examples of good cause for failure to appear and failure to request a hearing include mistake, inadvertence, excusable neglect, lack of jurisdiction, and inadequate notice. A request to set aside a decision must be in writing and must include a written statement that explains the specific reasons for the request. When the Division receives a timely request to set aside a decision, the Division shall issue the responsible parent a Notice of Hearing as provided by 12.2(D)(2), below.

If the responsible parent establishes good cause for failure to appear at the hearing, the Department shall proceed, if appropriate, to take evidence for the purpose of establishing the responsible parent's support obligations for the period or periods in question.

If the responsible parent does not establish good cause for failure to appear at the hearing, the Department shall proceed as a hearing to determine whether to amend the decision prospectively based on a substantial change of circumstances.

If the responsible parent has not provided the Division with adequate notice in advance of the hearing of the reasons for the request to set aside the decision, the Department shall grant the Division a continuance so that the Division has an opportunity to verify or obtain evidence to rebut any claims made by the responsible parent.

**14. SUBSEQUENT COURT ORDER**

An administrative decision remains in effect until superseded by a subsequent support order.

**15. AMENDMENT**

A responsible parent may request an administrative hearing to amend a decision prospectively based on a substantial change of circumstances. The Department may seek to amend a decision prospectively based on a substantial change of circumstances by using the same process permitted by this chapter for establishing a support obligation. When seeking to amend an administrative decision, the Department shall state in its initial notice that the purpose of the proceeding is to amend the responsible parent's support obligation based on a substantial change of circumstances.

**16. ENFORCEMENT**

An administrative decision is enforceable until amended, set aside, or superseded by a court order. An administrative decision creates a support obligation for purposes of enforcement under 19-A M.R.S. §2103.

**17. EFFECT**

This chapter applies to proceedings in which the responsible parent is served notice on or after the effective date of this section. Prior rules apply to proceedings in which the responsible parent is served notice before the effective date of this section.

**18. ADOPTION ORDERS**

An attested or certified copy of an order of adoption (or an original certificate of adoption) is a sufficient basis upon which to conclude that the adoptive parent owes a duty of support to the adopted child pursuant to 19-A M.R.S. §1504 and that the adoptive parent is a responsible parent within the meaning of 19-A M.R.S. §§ 2101(12), 2301 and 2304 as of the effective date of the order or certificate of adoption. An order or certificate of adoption does not lessen or negate any duty of support or support obligation owed by the child's natural parents up to the date of adoption.

**19. *DE FACTO* PARENTAGE**

After July 1, 2016, a court order adjudicating *de facto* parent status under 19-A M.R.S. §1891 is a sufficient basis upon which to conclude that the *de facto* parent owes a duty of support to the child pursuant to 19-A M.R.S. §1891(4)(B), and is a responsible parent within the meaning of 19-A M.R.S. §§ 2101(12), 2301 and 2304 as of the effective date of the order. Adjudication of a person as a *de facto* parent does not disestablish the parentage of any other parent, nor lessen or negate any duty of support or support obligation owed by any other person to the child(ren).

**20. CHILDREN CONCEIVED AND BORN OUT-OF-WEDLOCK**

For cases in which the child is born out-of-wedlock, the following evidence, if regular on its face, must be made a part of the hearing record and must be considered sufficient to establish that the alleged responsible parent has a duty of support under 19-A M.R.S. §1504 and is a responsible parent within the meaning of 19-A M.R.S. §§ 2301 and 2304:

A. An original or duplicate original acknowledgment of paternity or similar document whereby the alleged responsible parent acknowledged the paternity of the child.

B. An attested or certified copy of an acknowledgment of paternity or similar document that is issued by the keeper of records where the original or duplicate original acknowledgement or similar document is filed or recorded.

C. An abstract prepared by the Department's Office of Data, Research and Vital Statistics that indicates the alleged responsible parent has acknowledged the paternity of the child and that a copy of the acknowledgement or other similar document is on file with that office. The abstract must contain the full names of the parents and child, the child's date of birth, and the date of acknowledgement.

D. An original or duplicate original document whereby the alleged responsible parent consented to the entry of his name on the child's birth certificate.

E. An attested or certified copy of a document whereby the alleged responsible parent consented to the entry of his name on the child's birth certificate that is issued by the keeper of records where the original or duplicate original document is filed or recorded.

F. An original or duplicate original certificate or affidavit of legitimation executed by the alleged responsible parent.

G. An attested or certified copy of a certificate or affidavit of legitimation that is issued by the keeper of records where the original or duplicate original certificate or affidavit is filed or recorded.

H. An original or duplicate original of the child's birth certificate on which the alleged responsible parent's name is entered as the father, provided that the laws of the state in which the birth certificate is filed or recorded permit the entry of the father's name only if the father executes an acknowledgement of paternity, consents in writing to the entry of his name on the child's birth certificate, executes an affidavit or certificate of legitimation or is presumed to be the father based on the results of genetic testing.

I. An attested or certified copy of the child's birth certificate on which the alleged responsible parent's name is entered as the father that is issued by the keeper of records where the original or duplicate original birth certificate is filed or recorded, provided that the laws of the state in which the birth certificate is filed or recorded permit the entry of the father's name only if the father executes an acknowledgement of paternity, consents in writing to the entry of his name on the child's birth certificate, executes an affidavit or certificate of legitimation or is presumed to be the father based on the results of genetic testing.

J. After July 1, 2016, evidence leading to a finding that the alleged responsible parent resided in the same household with the child and openly held out the child as his or her own from the time the child was born or adopted and for a period of at least two years thereafter, and assumed personal, financial or custodial responsibilities for the child.

The responsible parent may raise affirmative defenses to written evidence of paternity as described in this section only for purposes of preserving the issue for judicial review. An alleged responsible parent is not prohibited from litigating at the hearing a claim that he is not the person who executed the acknowledgement of paternity, written consent or affidavit of legitimation relied on by the Division to establish a child support obligation.

**21. TEN DAY ADVANCE NOTICE OF CLAIMS FOR CREDIT**

A responsible parent who intends to introduce evidence at the hearing to support a claim for credit against his or her child support obligation must notify the Division in writing of the substance of any such claim and provide the Division with any written evidence that supports the claim (i.e., cancelled checks or receipts) within 10 days of receipt of the Notice of Hearing. The responsible parent must notify the Division in accordance with the requirements of this section of any claims of: (a) money paid by the responsible parent directly to the custodial parent or to any other person or entity other than the Department (except if payment was retransmitted to and posted by the Department) as payment of or in lieu of child support, and (b) things of utilitarian value other than money that the responsible parent gave to the custodial parent or child(ren) as payment of or in lieu of child support. In the absence of such notice by the responsible parent, and provided that the Notice of Hearing or any other prior notice informs the responsible parent of the substance of the requirements of this section, the Division, upon request, must be granted a continuance so that it is able to consider, verify and/or rebut any claim for credit of which it did not have adequate prior notice. If a continuance is granted due to a lack of adequate prior notice, the responsible parent's current parental support obligation, if any, must begin on the same date as if the hearing had not been continued.

**22. ADJOURNMENTS REQUESTED BY THE RESPONSIBLE PARENT**

If a hearing is continued or adjourned at the request of the responsible parent (whether by a hearing officer or by agreement with the Division), the responsible parent's current parental support obligation, if any, must begin on the same date as if the hearing had not been continued or adjourned.

**23. COURT ACTION OPTIONAL**

The Division, through the Office of the Attorney General, may initiate and maintain a civil action to establish a responsible parent's current parental support obligation, debt for past necessary support, and/or obligation to provide health insurance coverage for a dependent child or children in any case in which the Department is authorized to establish such obligations administratively.

**24. FOSTER CARE CASES**

The responsibility for the establishment of a child support obligation in Foster Care cases rests with the Division of Child and Family Services. Court-ordered child support obligations are to be sought at the time the child is committed to foster care, or at a subsequent court review of the commitment. If appropriate, DSER will establish a child support obligation through the administrative process.

**25. IMMEDIATE WITHHOLDING OF EARNINGS PURSUANT TO 19-A M.R.S. §2306**

A. A finding of "good cause not to require immediate withholding" under 19-A M.R.S. §2306(1)(B)(1) must be based on at least:

1. A written determination that, and explanation by the hearing officer of why, implementing immediate wage withholding would not be in the best interests of the child; and,

2. In a proceeding involving the modification of a support award, proof of timely payment of previously ordered support in the support enforcement case.

B. In a proceeding in which the custodial parent is a TANF recipient, "A written agreement between the parties" (19-A M.R.S. §2306[1][B][2]) means a written agreement between the responsible parent and the Division or the payor of TANF public assistance other than the Department which is consented to by the TANF recipient either on the record at the hearing or in writing.

C. In a proceeding in which the custodial parent is a non-TANF client of the Department or another title IV-D agency, "A written agreement between the parties" means a written agreement between the responsible parent and the client, or a written agreement between the responsible parent and the Division or other title IV-D agency of which the custodial party is a client and where the client has given the Division or other Title IV-D agency written authorization to enter into a written agreement.

**CHAPTER 9 – EXPEDITED PROCESS FOR THE COMMENCEMENT OF PATERNITY ACTIONS**

**1. COMMENCEMENT OF A LEGAL ACTION**

A. The Division may commence a legal action to adjudicate paternity pursuant to 19-A M.R.S. §§ 1601 *et seq.*, by serving an alleged father subject to its jurisdiction with a Notice of Paternity Proceeding. The Division shall not serve an alleged father unless it receives an affirmation from the mother of the child(ren) that states:

1. She engaged in sexual intercourse with the alleged father at a possible time of conception of the child(ren);

2. The child(ren) was (were) born or may have been conceived when she was legally married to the alleged father; or

3. After July 1, 2016, that the alleged father resided in the same household with the child and openly held out the child as his own from the time the child was born or adopted, and for a period of at least two years thereafter, and assumed personal, financial or custodial responsibilities for the child.

If the mother of the child(ren) is a minor, the affirmation may be that of the guardian or next friend of the mother.

B. The Division may commence a single action to determine the paternity of more than one child if it receives an affirmation that names more than one child.

C. The Division may proceed simultaneously or successively against more than one alleged father if it receives more than one affirmation concerning the paternity of the same child(ren). The Division need not proceed against each alleged father.

D. A Notice of Paternity Proceeding is not subject to administrative review. Legal defenses of an alleged father may only be asserted in a court of proper jurisdiction, and only if the Division files a record of a proceeding in a court as a paternity proceeding because an alleged father:

1. Refuses to submit to genetic testing; or

2. Fails to execute and deliver to the Division an acknowledgment of paternity within 15 days after receiving the results of genetic testing which do not exclude him as the father of the child(ren).

**2. METHOD OF SERVICE**

An authorized representative of the Department or a person authorized by the *Maine Rules of Civil Procedure* may serve a Notice of Paternity Proceeding. The notice must be served in hand.

**3. WRITTEN DENIAL OF PATERNITY**

An alleged father who has been served a Notice of Paternity Proceeding may file a written denial of the allegation of paternity by delivering it to the Division in person or by mail within 20 days after service of the notice. If the Division does not receive a written denial of paternity or an acknowledgment of paternity within 20 days after service of a Notice of Paternity Proceeding, it may file a record of the proceeding in a court as a paternity proceeding.

**4. ACKNOWLEDGMENT OF PATERNITY**

An alleged father may execute and deliver to the Division an acknowledgment of paternity prior to a record of a paternity proceeding being filed in a court. If the Division receives an acknowledgment of paternity prior to filing a record of a proceeding in a court, it must terminate the proceeding and proceed against the father pursuant to Chapter 8 of the Manual. An acknowledgment of paternity must be executed in accordance with the laws of the state in which the child(ren) was (were) born.

**5. GENETIC TESTING**

A. After July 1, 2016, the method and process for genetic testing shall be governed by 19-A M.R.S. Chapter 61, Subchapter 6.

* 1. An alleged father who files a written denial of paternity within 20 days after service of a Notice of Paternity Proceeding must submit to genetic testing. If an alleged father refuses to submit to genetic testing, the Division may file a record of the proceeding in a court as a paternity proceeding.

C. If the Division receives a written denial of paternity within 20 days after service of a Notice of Paternity Proceeding, it shall schedule genetic testing of the alleged father, the mother, and the child(ren). The Division shall notify the parties by ordinary mail of the date, time, and place of testing, which may be scheduled no earlier than 15 days after the mailing of the Notice, unless by agreement of all interested parties. Notices must be sent to the last known addresses of the parties.

D. If the expert examiner requests that additional samples be obtained from the alleged father, the Division shall notify the alleged father by ordinary mail of the date, time, and place that additional samples will be collected. The collection of additional samples may be scheduled no earlier than 15 days after the mailing of the notice to the alleged father. The Notice must inform the alleged father that failure to provide additional samples constitutes a refusal to submit to genetic testing. The Notice must be sent to the alleged father's last known address.

E. The Division shall send a Notice to reschedule genetic testing to an alleged father who does not appear for scheduled testing. The Notice shall state that if the alleged father does not, within 15 days of the mailing to him of the Notice, request that the Division reschedule testing, his failure to appear constitutes a refusal to submit to genetic testing. If the alleged father requests rescheduling within the time stated, the Division shall reschedule the tests. Rescheduled tests may not be conducted earlier than 15 days after the mailing of the notice to reschedule, except by agreement of all interested parties. The Notice must also state that if the alleged father fails to submit to the rescheduled tests, the failure to submit constitutes a refusal to submit to genetic testing. The Notice shall be sent to the last known address of the alleged father by ordinary mail.

F. If genetic test results show that an alleged father is or may be the genetic father of the child(ren), he must deliver an acknowledgement of paternity to the Division within 15 days after the mailing to him of the test results, or the Division may file a record of the proceeding in a court as a paternity proceeding. The acknowledgement of paternity must be executed in accordance with the laws of the state in which the child(ren) was (were) born.

G. If genetic test results show that an alleged father is not the genetic father of the child(ren), the Division may request a court order that states the alleged father was excluded as the genetic father of the child(ren) by genetic testing.

H. The Department may recoup its costs for genetic testing from alleged fathers who are not excluded by the tests and who are not indigent.

I. If the alleged father submits himself to sample collection and testing for paternity evaluation, alleged father agrees that the samples, or the DNA profile resulting from the test, may be used to determine the paternity of other children in actions unrelated to the one for which DNA is being tested and may be used as evidence in further paternity actions, if the Department has an affirmation alleging he is the father of a child or if the Department commences an action against the alleged father and he fails to participate in testing.

J. After July 1, 2016, in cases where the child was conceived by means of assisted reproduction, a donor is not a parent, except as provided by 19-A M.R.S. §1922(2). However, a person who provides gametes for and consents to or a person who consents to assisted reproduction by a woman as provided in 19-A M.R.S. §1924 with the intent to be the parent of a resulting child is a parent of the resulting child.

**6. FILING A RECORD OF A PATERNITY PROCEEDING IN A COURT**

A. After the Division serves a Notice of Paternity Proceeding, it may, unless paternity has been acknowledged pursuant to Section 9.4, above, file a record of the proceeding in a court as a paternity proceeding if an alleged father:

1. Does not file a written denial of paternity with the Division within 20 days after service of the notice;

2. Does not deliver an acknowledgment of paternity to the Division that has been executed in accordance with the laws of the state in which the child(ren) was (were) born within 15 days after the mailing to him of genetic test results that show he is or may be the father of the child(ren); or

3. Refuses to submit to genetic testing.

B. If the Division files a record of a proceeding under Section 6(A)(1), above, an alleged father is not entitled to Notice of the filing and may not assert legal defenses after the filing. A filing under 9.6(A)(1) is a filing under the *Maine Rules of Civil Procedure*, Rule 3, which entitles the mother, or the Department or other payor of public assistance, to a default judgment against the alleged father in his absence for his failure to file a written denial of paternity in accordance with Section 3, above.

C. If the Division files a record of a proceeding in a court under Section 6(A)(2) or 6(A)(3), an alleged father is not required to file an additional denial of paternity and may assert any defense, in law or fact, within 25 days after the mailing to him by ordinary mail of a notice that a record of the proceeding has been filed in a court as a paternity proceeding.

**7. COURT ORDERED RELIEF**

If the Division files a record of a proceeding in a court as a paternity proceeding, it may ask the court to:

A. Establish the alleged father as the legal father of the child(ren);

B. Order the alleged father to make periodic support payments required by the Maine Child Support Guidelines;

C. Order immediate income withholding for payment of current support and/or debt owed;

D. Order the alleged father to obtain health insurance for the child(ren) and to provide continuing proof of coverage to the Division;

E. Order the alleged father to pay reasonable medical, hospital, dental, and optical expenses incurred on behalf of the child(ren);

F. Order the alleged father to reimburse the mother, or the Department or other payor of public assistance, for the past support, birth expenses, and medical expenses incurred on behalf of the minor child(ren) to the time of trial; and grant judgment, as applicable, in the amount of those expenses with execution to issue immediately;

G. Order the alleged father to make payments to the Division when the mother receives TANF for the child(ren) or is a non-TANF client and at all other times to the mother;

H. Order the alleged father to reimburse the Department for the cost of genetic testing if he is not excluded as the father of the child(ren) and is not indigent;

I. Order the alleged father to pay reasonable attorney's fees and costs of prosecution, including prejudgment interest; and

J. Grant any other relief deemed just and proper.

**8. NON-RESIDENT ALLEGED FATHERS**

A. A person who engages in sexual intercourse with a resident of this State within this State submits to the jurisdiction of the Division for the purpose of commencing a paternity proceeding.

B. For purposes of this chapter, alleged fathers residing outside the State are subject to the jurisdiction of the Division to the fullest extent permitted by the Due Process clause of the United States Constitution, Amendment XIV and to the fullest extent permitted by Maine law.

**9. DETERMINATION OF MATERNITY**

Provisions in this Chapter pertaining to paternity may apply to determinations of maternity as needed to determine parentage consistent with this Chapter.

# CHAPTER 10 - PROCEEDINGS UNDER 19-A M.R.S.A. §2352 (NOTICE OF SUPPORT DEBT) AND 19-A M.R.S.A. §2359 (EXPEDITED INCOME WITHHOLDING)

**1. PROCEDURE IN GENERAL**

A. A Notice of Support Debt (“Notice of Debt”) is an adjudication of debt accrued and accruing for the support of the dependent child(ren) of the responsible parent. The Division may proceed under 19-A M.R.S. §2352 and/or 19-A M.R.S. §2359 as required, empowered, or so authorized on behalf of the Department, any other state, any other state's IV-D Agency, any non-TANF client of any other state's IV-D Agency or any non-TANF client of the Department, regardless of whether TANF is being or has been expended for the responsible parent's child(ren) by the Department or by any other state or subdivision/instrumentality thereof. In the event that public assistance has been paid by the Department or by any other state (or sub-division/ instrumentality thereof) for the benefit of the dependent child(ren) of the responsible parent, the responsible parent's arrearage/debt may not be limited by the amount of such public assistance. The Division may proceed under §2352 and §2359 simultaneously.

B. In the case of an ongoing support debt, the debt continues to accrue after the liquidation by the Notice of Debt (See Section 3[A], below). Any subsequent debt is continually added to the original adjudication to determine the total amount accrued and accruing. The absence of subsequent Notices of Debt does not invalidate the ongoing debt accrued and accruing since the original Notice of Debt was liquidated, even when/if the order is later modified or reduced to zero.

**2. SCOPE OF LIABILITIES AND OBLIGATIONS WHICH MAY BE ENFORCED BY THE DIVISION UNDER 19-A M.R.S. §2352 AND/OR 19-A M.R.S. §2359**

On behalf of any of the persons or entities enumerated in section 1, above, the Division, under 19-A M.R.S. §2352 and/or 19-A M.R.S. §2359, may enforce any and all liabilities and/or obligations of a responsible parent under any support order (as defined by 19-A M.R.S. §2101[13] and in Chapter 2, “Definitions,” *Maine Child Support Enforcement Manual*) which relate to obligations for child support, spousal support, health insurance coverage, health insurance proceeds, and medical support and expenses.

**3. REQUIREMENTS FOR A NOTICE OF DEBT**

The Notice of Debt (“Notice”) will include:

A. A statement of the debt accrued or accruing pursuant to an order issued administratively, by a court or a recognized tribunal with the authority to issue child support orders under 19-A M.R.S. §2301. **NOTE:** After liquidation by the Notice of Debt, and from the date of receipt of the Notice by the obligor forward, each accrual of the child support order becomes a judgment due and payable on the day it accrues. These accruals are consequently added to the debt amount stated on the face of the Notice of Debt. The debt and accruals are legally enforceable using methods and remedies articulated in Article 3: *Alternative Method of Support Enforcement of 19-A*, Chapter 65, *Maine Revised Statutes*.

B. A statement of the terms of the support order, including the names of each dependent child;

C. A statement that any property of the debtor is subject to lien and foreclosure, administrative seizure and disposition, order to withhold and deliver or other collection actions, and that any debt determined to be owed by the responsible parent may be reported to a consumer reporting agency;

D. A demand for payment of the support debt within 20 days of receipt of the Notice of Debt;

E. A statement that the net proceeds of any collection action will be applied to the satisfaction of the support debt accrued and accruing pursuant to the order for support on which the debt is based.

F. A statement that debts enforced using remedies activated by the liquidation of the Notice of Debt pursuant to 19-A M.R.S. §2352 are not subject to the exemptions enumerated in *Maine Revised Statutes*, Title 14, Chapter 507, Subchapter 2, Article 7.

G. A statement that the responsible parent has the right to request a hearing under 19-A M.R.S. §2451, or, in the alternative, to seek relief in a court of proper jurisdiction;

H. A statement that at the administrative hearing only the following issues may be considered (see also Chapter 12, *Maine Child Support Enforcement Manual*, below):

(1) The receipt of public assistance by the responsible parent;

(2) Uncredited cash payments;

(3) The amount of the debt accrued and accruing, excluding debts previously liquidated;

(4) The accuracy of the terms of the support order as stated in the Notice of Debt; and

(5) The maintenance of any required medical or dental insurance coverage;

I. A statement that the department will stay collection action upon receipt of a request for review under 19-A M.R.S. §2451 or on service of pleadings filed in a court of proper jurisdiction.

In addition to conforming to the requirements of 19-A M.R.S. §2352(1), a Notice of Debt may contain such other notices to and information for the responsible parent as the Division deems appropriate.

**4. COMMENCEMENT OF ACTION**

Actions to collect any debt accrued and accruing under 19-A M.R.S. §2301 may commence after 20 days after the date of receipt of the Notice of Debt described in this section.

**5. REQUIREMENTS FOR A NOTICE OF INTENTION TO WITHHOLD PURSUANT TO §2359**

In addition to conforming to the requirements of 19-A M.R.S. §2359(3), a Notice of Intention to Withhold may include such other notices to and information for the responsible parent as the Division deems appropriate.

**6. COMBINING OF NOTICE OF DEBT AND NOTICE OF INTENTION TO WITHHOLD**

A Notice of Debt (19-A M.R.S. §2352) and a Notice of Intention to Withhold (19-A M.R.S. §2359) may be combined.

**7. COLLECTION OF SUPPORT DEBT IN JEOPARDY**

If the Division finds that the collection of any support debt accrued or accruing under 19-A M.R.S. §2301 is in jeopardy, it may make demand under 19-A M.R.S. §2352(1) for immediate payment of the support debt, and upon failure or refusal of the responsible parent immediately to pay, may file and serve liens pursuant to 19-A M.R.S. §2357. An action under 19-A M.R.S. §§ 2358, 2363 and 2364 may not be taken until the notice requirements of 19-A M.R.S. §2352(1) are met.

If immediate payment is demanded because collection is determined to be in jeopardy, the Division shall afford the responsible parent the opportunity for a review hearing to review the jeopardy issue within 5 business days of the responsible parent's request for such a review hearing. Notice of the right to such a review shall be included in the demand for immediate payment. A review affidavit need not be served in order for such a review hearing to be scheduled.

**8. A SUPPORT ORDER NOT AFFECTED BY CERTAIN OTHER ORDERS**

A support order (as defined by 19-A M.R.S. §2101[13]) with respect to which the Division is proceeding under 19-A M.R.S. §2352 and/or 19-A M.R.S. §2359, or which is the basis of the Division's submittal for federal income tax refund offset pursuant to 42 U.S.C. §664, shall not be deemed nullified, vacated or in any way modified by:

A. An order rendered pursuant to 19-A M.R.S. §§ 4001-4014 (Protection from Abuse), unless such court order of support is an order issued by the Maine District or Superior Court and the subsequent order rendered pursuant to 19-A M.R.S. §§ 4001-4014 explicitly expresses an intention to nullify, vacate or otherwise modify such court order of support; or by

B. An order for or regarding child support rendered pursuant to the *Uniform Reciprocal Enforcement of Support Act* (URESA) or *Revised Uniform Reciprocal Enforcement of Support Act* (RURESA) of the State of Maine or of another state notwithstanding that the proceeding in which such order was entered has not been dismissed, unless such interstate order specifically provides for nullification or modification of such court order of support; or by

C. An order for or regarding child support rendered pursuant to the *Uniform Reciprocal Enforcement of Support Act* (URESA) or *Revised Uniform Reciprocal Enforcement of Support Act* (RURESA) of the State of Maine or another state, regardless of whether such interstate order specifically provides for nullification or any kind of modification of such court order of support, if the interstate proceeding in which such order was entered has been dismissed.

**9. APPLICABILITY OF FORMER 19 M.R.S. §303**

Computation of a child support arrearage/debt under a Maine court order which establishes or modifies a child support obligation shall be governed by 19 M.R.S. §303 as enacted by PL 1989, c. 156 (the first paragraph of 19 M.R.S. §303, as enacted by PL 1969, c. 175), if the order was issued on or after October 1, 1969 and before April 17, 1990.

**10. LIMITATION ON CREDIT FOR PARENT/CHILD CONTACT**

In a proceeding to enforce a court order or administrative decision for child support under 19-A M.R.S. §2352 or 19-A M.R.S. §2359, the responsible parent shall receive a credit for such period(s) of time that his child(ren) have visited with him only if and to the extent that the court order or administrative decision by its terms expressly provides for such a credit.

**11. STAY OF AGENCY ACTION**

If the responsible parent seeks a review of a Notice of Debt pursuant to 19-A M.R.S. §2451, or seeks relief in a court of proper jurisdiction, and if the Division receives the request for review or service of pleadings within 20 days after service of the Notice of Debt upon the responsible parent, it shall stay collection action, except collection action pursuant to 19-A M.R.S. §2306. The Division shall accept ordinary mail service of copies of all pleadings, which shall be addressed to the Division representative whose name appears on the Notice of Debt. Service upon the Department shall be in addition to any other service required under the *Maine Rules of Civil Procedure*.

# CHAPTER 11 - RULES FOR HEARINGS

## 1. SETTING OF HEARING

### A. The hearing shall be conducted privately and open only to:

#### 1. The responsible parent, his witnesses and legal counsel or other representative selected to participate in the responsible parent's behalf at the hearing.

#### 2. The TANF recipient or non-TANF support enforcement services client.

#### 3. The TANF recipient or non-TANF client in the proceeding.

#### 4. Departmental staff, representatives of the Attorney General's Department, and witnesses selected by the Division to participate in the hearing.

#### 5. If a TANF recipient is required to appear at a hearing, he is entitled to have his own lawyer present. However, the cost of such legal representation shall be the responsibility of the recipient and not the Department.

### B. A representative of the Division must be present at every hearing to represent the Division, to testify on its behalf and to be available for cross-examination.

### C. The hearing shall be conducted in an informal manner but with dignity. The hearing officer shall maintain order in the hearing room.

### D. The hearing will be held in a separate room free from other activities.

### E. **News Media Presence**

#### 1. Representatives of the news media shall be excluded from the hearing unless their presence is agreed upon in advance by both the responsible parent and the TANF recipient/client.

#### 2. If news media representatives are permitted to be present, they shall be prohibited from taking pictures, or making any type of recording of the hearing proceedings.

## 2. JURISDICTION OF THE HEARING OFFICER

### A. In a contested matter under Chapter 8, the hearing officer has jurisdiction to establish the responsible parent's child support obligations as provided by these rules.

### B. In a hearing under Chapter 12, the hearing officer has jurisdiction to decide the merits of the Division's action as provided by these rules, subject to the limits of Chapter 12 of the Manual.

## 3. ORDER OF PRESENTATION

Generally, the Division presents its case first, in the interest of providing a basic framework of documentary evidence and an initial statement of issues. However, at a hearing to set aside a default decision, the responsible parent generally presents his or her case first.

## 4. EVIDENCE

### A. **Exhibits**

The hearing officer shall mark all exhibits received in the order of their introduction, and make them part of the record.

### B. **Certain papers deemed part of the record**

A notice of hearing or a review affidavit/affirmation and a notice of review hearing in a §2451 proceeding, are deemed part of the record if either (1) the hearing officer has a copy of the documents when the hearing begins, or (2) the documents are presented to the hearing officer with sufficient identifying information for inclusion in the record, without the need of reading the documents into the record.

### C. **Documentary/written evidence need not be read into the record**

Documentary or written evidence shall be identified sufficiently for it to be admitted into evidence but need not be read into the record, provided that a copy thereof is possessed by or is made available to the person against whose interest it is offered in evidence.

## 5. DECLINATION TO OFFER EVIDENCE

Upon a party being advised by the hearing officer presiding at a hearing that further, additional or other evidence is required of or should be offered or submitted by the party in order for a decision to be rendered on one or more issues in the proceeding, such party shall have the option of: (a) offering/submitting such evidence within a reasonable period of time to be set by the hearing officer; or (b) upon being so advised by the hearing officer or at any time during the period set by the hearing officer for the offer/submission of evidence, of declining to offer/submit such evidence. In the event of the party exercising option (b), a decision must be rendered in the proceeding, which decision shall be based upon the evidence which is in the record and shall specify the respect(s) in which, if any, the decision is based upon the absence in the record of the evidence which such party has declined to offer/submit.

## 6. DECISION REQUIRED FOR FINDING OF NO JURISDICTION

If the hearing officer determines that he or she has no jurisdiction to render a decision on one or more issues, the hearing officer must render a decision that explains the basis of that determination.

## 7. WITHDRAWAL WITHOUT PREJUDICE

A proceeding may be withdrawn without prejudice by the party that has initiated or requested the proceeding (1) at any time before evidence is taken in the proceeding, by so notifying the other party, or (2) at any time prior to the rendition of a decision in the proceeding by (a) filing with the Office of Administrative Hearings a stipulation of withdrawal signed on behalf of the Division and signed and acknowledged by the responsible parent or (b) by the entering of an oral stipulation of withdrawal without prejudice on the record.

## 8. DECISIONS

The Department's administrative decisions must conform to all applicable laws. The Division shall develop and provide to the Office of Administrative Hearings generic decision forms that satisfy all legal requirements and which may contain other notices the Division deems appropriate.

## 9. MISTAKES IN DECISIONS

Mistakes and errors in decisions arising from oversight or omission may be corrected by a hearing officer at any time on his own initiative or on the application of either party to the proceeding to be made on notice to the other party, or on the consent of both parties.

## 10. THE RECORD

### A. The record shall contain:

#### 1. All applications, pleadings, motions, preliminary and interlocutory rulings and orders;

#### 2. Evidence received;

#### 3. A statement of facts officially noticed;

#### 4. Offers of proof, objections and rulings thereon; and

#### 5. The decision.

### B. **Hearings to be Recorded**

The hearing officer shall record the hearing in a form susceptible to transcription. Portions of the record as required and specified in Paragraph A may be included in the recording. The Department shall transcribe the recording when necessary for an 80C proceeding.

### C. **Record: Copies**

The Department shall make a copy of the record, including recordings made pursuant to Paragraph B, available at its principal place of operation, for inspection by any party to the hearing during normal business hours except for good cause; and shall make copies of the record, copies of the record and transcriptions of recordings available to any party at actual cost except for good cause.

# CHAPTER 12 - PROCEEDINGS TO AMEND OR SET ASIDE ADMINISTRATIVE DECISIONS; PROCEEDINGS TO APPEAL AGENCY ACTION

**1. ADMINISTRATIVE REVIEW HEARINGS**

1. The Department may conduct administrative review hearings:
2. That are specified in this chapter as being available to the responsible parent or the Division;
3. That are alternative review hearings in interstate tax refund offset cases; and
4. That the Division, as the State's Title IV-D agency, is authorized or required to conduct by state or federal law, rule, or regulation, or by direction of the Commissioner.
5. Hearing procedures and rules are governed by the Office of Administrative Hearings’ Administrative Hearing Regulation, 10-144 C.M.R. Ch. 1, and Chapter 11 of this Manual, above.

**2. TYPES OF ADMINISTRATIVE REVIEW HEARINGS**

A. There are three types of administrative review hearings:

1. Appeal hearings;

2. Amendment hearings; and

3. Hearings to set aside a default decision.

B**.** **APPEAL HEARINGS**

1. An appeal hearing is a hearing on the merits of the Division's action.

2. A responsible parent may request an appeal hearing under 19-A M.R.S. §2451 of:

a. Any action under the Alternative Method of Support Enforcement;

b. A submittal to IRS for federal income tax refund offset; and

c. A submittal by the Division to the State Tax Assessor for state income tax refund offset.

3. "Any action," within the meaning of 19-A M.R.S. §2451 and 2(a) above means:

a. A Notice of Debt and demand for payment based upon a court order (19-A M.R.S. §2352), an administrative decision, or other order of administrative process;

b. The filing of a lien (19-A M.R.S. §2357);

c. The service of an Order to Withhold and Deliver (19-A M.R.S. §2358), provided the Division has served the order upon the responsible parent or the responsible parent has waived service of the order in a record;

d. Notice of Intention to Withhold (19-A M.R.S. §2359);

e. Order to Withhold (19-A M.R.S. §2359);

f. Administrative seizure and disposition of property (19-A M.R.S. §2363);

g. A demand for immediate payment (19-A M.R.S. §2352[3]);

h. A notice of intended setoff of lottery winnings issued by the Department of Finance, Bureau of Lottery pursuant to 19-A M.R.S. §2360;

i. An administrative decision that establishes or modifies a responsible parent's child support obligation; and

j. A notice of withholding of gambling winnings pursuant to 8 M.R.S. §§ 300-B or 1066.

4. The Division may request an appeal of an administrative decision under 19-A M.R.S. §2451.

5. The custodial parent may request an appeal of an administrative decision establishing or modifying a debt under the *Maine Administrative Procedure Act*.

6. **Time limits**

a. **Agency action**

i. The time limit for a parent's request for an appeal of agency action is 30 days after s/he receives notice of the action.

ii. Notwithstanding this 30 day time limit, if the responsible parent does not request a hearing within the 20 days provided by 19-A M.R.S. §§ 2352 and 2359, the Division may issue and serve an order to withhold 21 days after the Division serves a Notice of Intention to Withhold under 19-A M.R.S. §2359, and may proceed to enforce a debt 21 days after the Division serves a Notice of Debt issued pursuant to 19-A M.R.S. §2352.

b. **Notice from IRS**

A responsible parent may request an appeal hearing in response to a notice from the Internal Revenue Service ("IRS") that informs him or her that his or her income tax refund or a portion thereof has been offset against his or her child support debt. A hearing request must be postmarked no later than 30 days from the date of the notice from IRS, or delivered to any office of the Division no later than 30 days from the date of the notice. The Department may not grant hearing requests that are not made timely.

c. **Notice from State Tax Assessor**

A responsible parent may request an appeal hearing in response to a notice of intended setoff from the State Tax Assessor. A hearing request must be postmarked no later than 60 days after the responsible parent's receipt of the notice of intended setoff, or delivered to any office of the Division no later than 60 days after the responsible parent receives the notice.

d. **Notice from Bureau of Lottery**

A responsible parent may request an appeal hearing in response to a notice of intended setoff of lottery winnings issued by the Department of Finance, Bureau of Lottery. A hearing request must be postmarked no later than 15 days after the responsible parent's receipt of the notice of intended setoff, or delivered to any office of the Division no later than 15 days after s/he receives the notice.

e. **Notice of withholding of gambling winnings pursuant to 8 M.R.S. §§ 300-B or 1066**

A responsible parent may request an appeal hearing in response to a notice of withholding of gambling winnings issued by the licensee. A hearing request must be postmarked no later than 15 days after his or her receipt of the notice of withholding, or delivered to any office of the Division no later than 15 days after the responsible parent receives the notice.

f. **Division Appeal**

The Division must move for an appeal review hearing within 30 days of receiving the decision establishing the support order. The Division shall send a copy of the hearing request to the parents by regular mail. The Department shall send a notice of hearing date to the parents as required below. The hearing date may not be fewer than 15 days or more than 30 days after the date the Division sends notice to the parents that it is seeking a review hearing.

7. **Notice of Hearing Date**

If a parent requests an appeal hearing, the Division shall send each party, within seven days of receiving the hearing request and review affidavit, notice of the date, time, and place of the hearing by certified or registered mail. The hearing date may not be fewer than 15 days nor more than 30 days after the date the Division receives the hearing request and review affidavit, unless the rights of any party to the hearing are not affected if the Division sets a hearing date that is more than 30 days after the date the Division receives the hearing request and review affidavit. If the parties agree, the Division may set a hearing date that is fewer than 15 days after the date the Division receives the hearing request and review affidavit.

**C. AMENDMENT HEARINGS**

1. A parent may request an amendment hearing based upon an allegation that a substantial change of circumstances has occurred since an administrative decision that established or modified the child support obligation was issued. The Department shall consider any or all of the following a substantial change of circumstances:

a. If a current parental support obligation established by a decision varies more than 15% from a parental support obligation determined under 19-A M.R.S. §2006, provided that the decision did not deviate from the guidelines pursuant to 19-A M.R.S. §2007.

b. If a decision does not require the responsible parent to obtain or maintain health insurance coverage if it is available at reasonable cost, including a decision in which the responsible parent was served a Notice of Hearing or Notice of Hearing and Debt before September 30, 1989.

c. If it has been three years or longer since the order was issued or modified, the hearing officer shall review the order without requiring proof or showing of a change in circumstances, and shall modify the order if the amount of the child support under the order differs from the amount that would be awarded under the guidelines, pursuant to 19-A M.R.S. §2009.

2. The Division may seek to amend an administrative decision by serving the parents with a Notice of Hearing as provided for by Chapter 8 of the Manual, above.

3. If a parent requests an amendment hearing the Division shall send all parties a Notice that states the date, time and place of the hearing. The Notice to the responsible parent must be sent by certified mail. The date of the hearing may not be fewer than 15 days from the date of mailing of the notice, unless by agreement of the parties.

4. The review affidavit accompanying the request for review must allege a substantial change of circumstances as defined above. The allegation must state the change of circumstances with sufficient clarity to adequately notify the other party of the factual claims on which the allegation is based.

**D. HEARING TO SET ASIDE DEFAULT DECISION**

1. A responsible parent may request a hearing to set aside a default decision as provided for at Chapter 8.13 of the Manual, above, for good cause shown.

2. If a responsible parent requests a hearing to set aside a default decision, the Division shall send the parties a Notice that states the date, time and place of the hearing. The Notice to the responsible parent must be sent by certified mail. The date of the hearing may not be fewer than 15 days from the date of mailing of the Notice, unless by agreement of the parties.

3. The review affidavit accompanying the review request must state fully and with particularity the responsible parent’s good cause with sufficient clarity to adequately notify the other party of the factual claims on which the allegation is based. The following circumstances constitute good cause:

a. A death or serious illness in the family;

b. A personal injury or illness which reasonably prevents the party from attending the hearing;

c. An emergency or unforeseen event which reasonably prevents the party from attending the hearing;

d. An obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over attendance at the hearing;

e. Lack of receipt of adequate or timely notice; or

f. Excusable neglect, excusable inadvertence or excusable mistake.

**3. NOTICE OF PATERNITY PROCEEDING NOT APPEALABLE**

A responsible parent is **not** entitled to and may not be granted an administrative review hearing to contest a Notice of Paternity Proceeding. Actions taken by the Division under Chapter 9 of the Manual are not actions under the Alternative Method of Support Enforcement and are not subject to administrative review.

**4. REQUESTING A HEARING - PROCEDURE**

A. To request an administrative review hearing, the parent must serve the Division with a hearing request and an affidavit that states the grounds for the review (“review affidavit”). The request and affidavit may be combined as one document. Service is made by delivering the hearing request and the review affidavit to any office of the Division or by sending them by regular mail to:

DHS Hearings Coordinator

Division of Support Enforcement and Recovery

State House Station 11

Augusta, Maine 04333-0011

Hearing request forms and review affidavits are available from the Division upon request. The review affidavit may be executed by the parent, the parent's attorney, or other person authorized to act on behalf of the parent. The requesting parent must execute the review affidavit if the affidavit contains a material statement of fact (as it must, for example, on a request for an amendment hearing), unless the parent is disabled from doing so. A statement affirmed under the penalties for unsworn falsification may be used instead of an affidavit.

B. If a responsible parent serves the Division with a hearing request but does not submit a review affidavit, the Division shall notify the responsible parent in writing of the requirement to submit a review affidavit. The Division shall provide a blank review affidavit form with the notice. The Division shall consider the review affidavit to be served timely if it is postmarked or received within the time allowed for a hearing request or within 15 days of the postmark date of the Division's notice that the responsible parent must submit a review affidavit. The Division shall send the notice of hearing required by 19-A M.R.S. §2451(1) within 7 days of receiving the responsible parent's executed affidavit.

C. When the Division receives a responsible parent's request for an appeal hearing, the Division may serve its own review affidavit with the notice of hearing the Division sends to the parents. The Division shall set forth in its review affidavit any issues it believes should be reconsidered on appeal. The Department shall address the issues raised by the requesting parent and the Division at the appeal hearing and shall render a decision on all issues raised.

D. **Failure to set forth reviewable issues; hearing requests not made timely; disputed hearing requests**

1. If the Division determines that the responsible parent's review affidavit presents no issue that is reviewable at an administrative review hearing, or if a hearing is not required by law, it shall forward its written reasons in support of its position, together with a hearing report, to the Chief Administrative Hearing Officer and the responsible parent. The Chief Administrative Hearing Officer or designee shall apply Rule VI(B)(4) of the Administrative Hearings Manual in making a final determination as to whether to grant the hearing request. The Division shall issue the responsible parent a notice of hearing if the Division can reasonably interpret the responsible parent's hearing request and review affidavit to state a reviewable issue.

2. If it appears to the Division's Hearings Coordinator that a request for hearing has not been made timely, the Division's Hearings Coordinator shall proceed in accordance with Rule VI(B)(4) of the Office of Administrative Hearings Manual.

3. This subsection does not amend or limit the requirements of Section 5, below.

**5. ISSUES THAT MAY BE CONSIDERED AT ADMINISTRATIVE REVIEW HEARINGS**

This section specifies the issues that the Department may consider at administrative review hearings. The issues specified are the only issues the parties may litigate at hearing. The Department may not render a decision on issues that are not specified in this section.

A. **Notice of Debt (19-A M.R.S. §2352)** (see also Chapter 10, above)

1. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children during the period(s) for which the responsible parent's support debt is calculated;

2. Uncredited cash payments claimed by the responsible parent;

3. The amount of the debt accrued and the rate at which it accrues;

4. The accuracy of the terms of the court order or administrative decision as stated in the Notice of Debt;

5. Whether the responsible parent is liable for medical expenses incurred because the responsible parent did not obtain or maintain health insurance coverage;

B. **Submittal to IRS for federal income tax refund offset**

1. Whether the debt amount set forth in the Division's pre-offset notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;

2. Whether there is a Court Order prohibiting collection. **NOTE:** a Court order setting regular payments on arrears does not limit the use of a tax refund intercept for enforcement of a liquidated debt;

3. Whether the Division is authorized or required by state or federal law to submit the debt, or may do so pursuant to an application or contract for support enforcement services with an individual in connection with past-due non-TANF related child support or alimony; and

4. Whether the responsible parent and the Division have executed a written agreement that expressly exempts the responsible parent from submittal for federal income tax refund offset of the debt on which the submittal is based, provided the written agreement pre-dates the Division's pre-offset notice, and the responsible parent has fully complied with the written agreement up to the date of the pre-offset notice.

C. **Notice from the State Tax Assessor of intended setoff**

1. Whether the debt amount set forth in the notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision; and

2. Whether the responsible parent and the Division have executed a written agreement that expressly exempts the responsible parent from setoff by the State Tax Assessor for the debt on which the setoff is based, providing that the responsible parent has fully complied with the written agreement up to the date of the notice of intended setoff.

D. **Administrative decision (appeal hearing)**

Whether the decision was made incorrectly based on the evidence submitted at the hearing and the requirements of this Manual. Evidence not part of the hearing record may be considered at the appeal hearing only if the evidence was offered but incorrectly excluded at the hearing.

E. **Administrative decision (amendment hearing)**

Whether there is a substantial change of circumstances as defined in this Chapter. If there is a substantial change of circumstances, the hearing is conducted in accordance with 19-A M.R.S. §2304(3).

F. **Administrative decision (hearing to set aside a default decision)**

Whether the responsible parent has good cause, as defined in this Chapter, for failure to request a hearing or failure to appear and a meritorious defense as to why the decision should be set aside. If the responsible parent establishes good cause and a meritorious defense, the Department shall set aside the default decision and render a decision based on the evidence introduced at the hearing and the provisions of this Manual.

G. **Certificate of lien (19-A M.R.S. §2357)**

1. Whether the requirements of 19-A M.R.S. §2357 have been met; and

2. Whether the debt amount set forth in the certificate of lien is a correct statement of the debt that has accrued under or been established by a court order or administrative decision.

H. **Order to withhold and deliver (19-A M.R.S. §2358)**

1. Whether the applicable requirements of §2358 have been met;

2. Whether the debt amount set forth in the order to withhold and deliver is a correct statement of the debt that has accrued under or been established by a court order or administrative decision; and

3. Whether the responsible parent is in receipt of public assistance for the benefit of any of his/her natural or adopted children when the order is served on the employer or other payor of earnings, except that a debt may be collected from nonrecurring lump sum income, as defined in 22 M.R.S. §3762(11)(A), of a responsible parent while that parent is an assisted obligor. Lump sum income includes, but is not limited to, personal injury awards, lottery winnings, inheritances and tax refunds. **NOTE:** a Court order setting regular payments on arrears does not limit the use of a lump sum intercept for enforcement of a liquidated debt.

I. **Notice of Intention to Withhold (19-A M.R.S. §2359)**

1. The accuracy of the terms of the court order or administrative decision as stated in the Notice of Intention to Withhold;

2. Whether the debt amount set forth in the Notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;

3. Uncredited cash payments claimed by the responsible parent;

4. Whether the responsible parent is liable for uninsured medical expenses;

5. Whether the responsible parent is liable for medical expenses incurred because the responsible parent did not obtain or maintain health insurance coverage;

6. The responsible parent's identity, except that the responsible parent may not raise the issue of identity solely because of a difference between the name as set forth in the notice of debt or the records of the Department or other governmental agency on whose behalf the notice has been issued, and as set forth in the court order or administrative decision on which the notice of debt is based; and

7. Whether the responsible parent is in receipt of public assistance for the benefit of any of his natural or adopted children during the period(s) for which the support debt is calculated.

J. **Administrative seizure and disposition of property (19-A M.R.S. §2363)**

1. Whether the applicable requirements of §2363 have been met;

2. Whether the responsible parent is in receipt of public assistance for the benefit of any of his natural or adopted children when the property is seized, except that such seizure is permitted against nonrecurring lump sum income, as defined in 22 M.R.S. §3762(11)(A), of a responsible parent while that parent is an assisted obligor; and

3. Whether the property seized is exempt from attachment.

K. **Demand for immediate payment (19-A M.R.S. §2352[3])**

Whether the Division's demand for immediate payment is based upon a reasonable belief that collection of the debt is in jeopardy.

L. **Notice of intended setoff of lottery winnings (19-A M.R.S. §2360)**

1. Whether the debt is liquidated; and

2. Whether post-liquidation events have affected the winner's liability.

M. **Order to appear and disclose (19-A M.R.S. §2361)**

Whether the responsible parent owes $500 or more in overdue child support, if amount has been owed for at least 60 days and if the responsible parent is not making reasonable, regular payments to reduce the debt.

N. **Order to seize and sell (19-A M.R.S. §2203)**

1. Whether the responsible parent owes a support debt;

2. Whether the support debt could be satisfied in whole or in part by the property seized;

3. The percentage share of ownership of all persons claiming an ownership interest in the property;

4. The amount of the debtor’s interest in the property that is exempt, and

5. The value of the interest in the property owned by non-obligor parties with an interest superior to that of the department.

O. **Notice of caretaker relative and change of payee (19-A M.R.S. §2204)**

Whether the child for whom support is owed is receiving TANF with a caretaker relative.

P. **Notice of withholding of gambling winnings (8 M.R.S. §§ 300-B and 1066)**

1. Whether the debt is liquidated; and

2. Whether any post-liquidation events have affected the obligor’s liability.

**6. REVIEWABLE ISSUES THAT ARE NOT SET FORTH IN A REVIEW AFFIDAVIT**

At an appeal hearing, if a party presents reviewable issues that are not set forth in the review affidavit or are not set forth with sufficient clarity to adequately notify the other party of the actual grounds for review, a recess or continuance shall be granted to allow the other party to consider the issues, consult counsel or review materials if necessary, and prepare arguments. The parties may waive a continuance by agreement. Issues non-reviewable under Section 5, above, if raised at the hearing, will not be considered.

**7. UNCREDITED CASH PAYMENTS; NOTICE TO PAY THE PAYOR OF PUBLIC ASSISTANCE DIRECTLY**

A. "Uncredited cash payments" within the meaning of 19-A M.R.S. §2352(1)(G)(2) and the Manual means money paid by the responsible parent for child support for which the responsible parent has not received credit. To receive credit, the responsible parent must have paid the child support by cash, check, money order, or other form of cash payment. Payment must have been made to the TANF recipient or other person or entity, other than the payor of public assistance, expressly named in the court order or administrative decision as the obligee for child support. The Department may not credit the responsible parent for money that the responsible parent sends to a recipient or other obligee named in a support order if the money is forwarded to and received by the payor of public assistance by the recipient or named obligee during the period(s) for which the Division seeks to obligate the responsible parent for child support. The Department may not consider as uncredited cash payments things of value other than money, regardless of to whom given, unless a court expressly authorizes or requires the responsible parent to transfer things of value other than money to satisfy the child support obligation.

B. If a responsible parent intends to introduce evidence of uncredited cash payments at an appeal hearing on a notice of debt or pre-offset notice of submittal for federal income tax refund intercept, s/he must advise the Division of the particulars of any such claim in the review affidavit, and must set forth the claim itself as a ground for the review. The Division's Notice of Debt and pre-offset notice must advise the responsible parent of this requirement. If a responsible parent does not set forth the particulars of a claim for uncredited cash payments in the review affidavit, the Division will be granted a continuance so that it may consider the particulars of the claim before the hearing. The parties may choose to waive the continuance.

C. At a hearing in which support is assigned under state or federal law, if it appears more likely than not that the responsible parent was notified that no credit for child support would be given for monies not paid directly to and received by the payor of public assistance, the Department may not credit the responsible parent for uncredited cash payments made after the date of the notice. If the Department or other payor of public assistance credited the responsible parent for uncredited cash payments in a prior hearing decision, the decision shall be considered adequate notice that support must be paid directly to the payor of public assistance in order to receive credit.

D. The notice referred to in sub-section C, above, may be oral or in a record. If oral, notice may be by telephone or in person. If in a record, notice may be through electronic means, or by computer generated notice, letter, or included as part of a Notice of Debt issued under 19-A M.R.S. §2352.

E. Proof or acknowledgment of service of a Notice of Debt issued under 19-A M.R.S. §2352 or a Notice of Intention to Withhold issued under 19-A M.R.S. §2359 which contains the substance of the notice described in sub-section C, above, is presumptive proof that the responsible parent received adequate notice that in order to receive credit s/he must pay the payor of public assistance directly. A copy of a letter or other writing addressed to the responsible parent that states the substance of the notice described in sub-section C is presumptive proof that s/he received adequate notice. Adequate notice is also presumed if the Division's records show that the responsible parent was sent a computer generated notice that contains the substance of the notice described in sub-section C, provided that the notice was sent to the responsible parent's address of record (as evidenced by the Division's computer system) at the time the notice was issued.

F. Notwithstanding any provision of sub-sections D and E, above, the Division shall confirm in writing within 10 days any oral notice to the responsible parent to pay the payor of public assistance directly. If oral notice is not confirmed in a record within 10 days of the date oral notice is given, the notice to the responsible parent is effective from the date of the confirmation in a record.

**8. LIMITATION ON HEARINGS**

If the responsible parent requests a hearing, the responsible parent may not present at that hearing arguments that he could have made in connection with a prior action taken by the Division, but failed to put forth at that time. For example:

1. At a hearing on a Notice of Debt, neither a debt liquidated pursuant to a previous Notice of Debt, nor debt accrued pursuant to the order for support after the legal establishment by the Notice of Debt (see 19-A M.R.S. §2352(2)), may be litigated by a responsible parent (See Chapter 2 Definitions, “Liquidated Debt”). The original debt and subsequent Notices of Debt, if any, issued by the Department will be presented separately at the hearing. The responsible parent may only challenge the accuracy of the accruals which have occurred since the liquidation event, either amount accrued or time period during which the debt has accrued. Subsequent Notices of Debt, if any, will be regarded as debt accrued or accruing in addition to the original debt. Computations presented at hearing will identify each debt, and accruals where appropriate, separately, and will also provide the total amount owed by an obligor, including all debts accrued and accruing. The absence of subsequent Notices of Debt does not invalidate the ongoing debt accrued and accruing since the original Notice of Debt was liquidated.
2. At a hearing on an Order to Withhold and Deliver, if the responsible parent's support debt has been liquidated by a Notice of Debt issued under 19-A M.R.S. §2352, the responsible parent may not present arguments that he failed to make upon liquidation or at a hearing on the Notice of Debt; and

C. At a hearing on a submittal for federal income tax refund offset, if the responsible parent's support debt has been established prior to the hearing by court or administrative action, the responsible parent may not litigate issues at the hearing that could have been litigated in court at a prior hearing on a Notice of Debt or a Notice of Intention to Withhold, or at a proceeding to establish or modify a child support obligation.

**9. FAILURE OF A PARENT TO RAISE ISSUES**

If, at a hearing requested by the parent, the parent does not raise issues that are otherwise reviewable under section 5, above, the Department shall consider only the issues raised by the parent. The Department shall resolve all reviewable issues that are not raised in favor of the Division. The decision must be limited to evidence presented by the parties at the hearing.

**10. NON-APPEARANCE BY A PARENT**

If the parent or representative of the parent does not appear at a hearing requested by that parent, the Office of Administrative Hearings will notify the parties that the request for a hearing will be dismissed because of the failure to appear, and the decision of the action being appealed shall take effect. The Notice will inform the requesting parent of the steps necessary to reopen the hearing.

# CHAPTER 13 - DISPOSITION OF PROCEEDINGS BY SETTLEMENT, STIPULATION OR CONSENT DECISION; WAIVERS

## 1. DISPOSITION BY SETTLEMENT, STIPULATION, OR CONSENT DECISION

A. **Authority**

Pursuant to 5 M.R.S. §9053(2), the Department, through the Division, may resolve any proceeding or any issue in a proceeding under 19-A M.R.S. §§ 2304, 2359 or 2451, by agreed settlement, stipulation or consent decision.

B. **Settlement or Stipulation**

An agreed-upon settlement or stipulation may be entered on the record by consent, either orally or presented in a written record, by the obligor and the Division representative and other parties to the case (or by each of them in the presence of the other, and agreed to on the record by one or more of them) at a hearing. The written stipulation or agreement may be made prior to the date and time of a hearing or continued hearing, and presented by the Department at hearing with or without the presence of the obligor or other parties.

C. **Consent Decision**

After a settlement or stipulation is made at a hearing, a Decision shall be rendered in accordance therewith by the hearing officer, provided that the proposed disposition of the proceeding is in accord with the provisions of the Manual.

D. **Presentation of Decision**

At the option of the Division, the Decision to be rendered in accordance with such oral or written agreement or stipulation may be presented to the hearing officer simultaneously with the agreement or stipulation. If the agreement or stipulation is in writing, the Decision may be part of the same document as the agreement or stipulation itself, or it may be presented as a separate document.

**2. INCARCERATED OBLIGORS**

When a party is incarcerated, the Department may suspend an order for support during the period of incarceration. When the Department learns that the obligor will be incarcerated for more than 180 calendar days, without the need for a specific request, and upon notice to all parties, the Department will initiate a review of the order, and, if appropriate, adjust or suspend it. The support order will automatically revert to the amount in place before the obligor’s incarceration two weeks after the obligor’s release from incarceration, or the first Friday after becoming employed, whichever occurs first.

Notice of the decision will be sent to the custodial parent, who may request a hearing on the matter within 10 business days of receiving notice of the intended modification. The custodial parent may at any time present evidence that the incarcerated obligor nonetheless has a source of income through which to pay the previously ordered weekly support amount.

**3. COMPLIANCE WITH LAW**

Where parties agree to an outcome of a dispute which they wish to be memorialized in the form of a Decision, the hearing officer shall approve such consent decision only if it is consistent with applicable law. However, strict compliance with the requirement of these regulations shall not be required in order to approve a consent decision.

**4. WAIVERS**

A. **Waiver of Notice**

A responsible parent may waive any requirement with respect to service of a Notice of Hearing, receipt of a Notice of Review Hearing or receipt of a Notice of Hearing to Set Aside a Default Decision. The waiver may be made orally on the record before the hearing officer or it may be made in a written record.

B. **Waiver of Hearing**

Either party to a proceeding may waive that party's right to a hearing. The waiver may be made orally on the record before the hearing officer or it may be made in a written record.

C. **Form of Waiver**

A waiver may be set forth in a written record, stipulation, Consent Decision or Decision after Hearing. Other forms of waiver are permitted if duly executed and witnessed.

# CHAPTER 14 - COLLECTION OF SUPPORT DEBT GENERAL RULES

**1. AVAILABILITY OF COLLECTION-OF-SUPPORT-DEBT MECHANISMS TO THE DIVISION**

A. The following collection-of-support-debt mechanisms are available to the Division in any combination or sequence (except as limited by 19-A M.R.S. §2302 and by Chapter 6 of this Manual), for the Department and its non-TANF clients, and for other states, their IV-D Agencies and non-TANF clients of such agencies.

1. Any action pursuant to 19-A M.R.S. §§ 2357, 2358, 2359, 2360, 2363 and 2364 and 8 M.R.S. §§ 300-B and 1066.

2. Submittal to IRS for Federal Income Tax Refund Offset;

3. Submittal to the Maine State Tax Assessor for State Income Tax Refund Offset;

4. Certification to IRS for full collection of the debt; and

5. Any other administrative or judicial collection-of-support-debt mechanism provided for by or permitted under Federal or State law.

B. A responsible parent shall be exempt from the utilization of a particular mechanism only if and to the extent that such an exemption is expressly granted by the Division in a written agreement between the responsible parent and the Division with respect to a particular past-due child support debt. Such an agreement shall be effective as an exemption only:

1. From such collection-of-debt mechanism(s) as is/are set forth therein;

2. For the period of time specified therein;

3. For so long as the responsible parent is in full compliance therewith; and

4. If, in the case of a submittal for Federal Income Tax Refund Offset, the agreement was executed prior to the date of the pre-offset notice; or

5. If, in the case of a submittal for State Income Tax Refund Offset, the agreement was executed prior to the date of notification to the State Tax Assessor (See Chapter 17 of this Manual).

C. Notwithstanding the provisions of B., above, in the event of the failure of the Division to enter into a written exempting agreement in connection with the execution of an assignment of earnings, a responsible parent, upon a review of a collection-of-support-debt mechanism, may establish the making of an oral exempting agreement, which agreement, if and as found by the hearing officer to have been made, shall have the same effect under B., above, as a written agreement. Nothing contained in this subsection is intended nor shall it be construed as a basis for varying the terms of a written exempting agreement.

**2. EXEMPT PROPERTY**

A. Weekly earnings. Pursuant to 19-A M.R.S. §2356, the maximum part of a responsible parent's weekly aggregate disposable earnings that are subject to garnishment or income withholding initiated pursuant to the Alternative Method of Support Enforcement is:

1. Fifty percent (50%) of the responsible parent's weekly earnings when the responsible parent is supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated;

2. Fifty-five percent (55%) of the responsible parent's weekly earnings when the responsible parent is supporting a spouse or dependent child other than the spouse or child for whose benefit garnishment or income withholding is initiated, providing that the support arrearage owed by the responsible parent has been owed for at least twelve (12) weeks;

3. Sixty percent (60%) of the responsible parent's weekly earnings when the responsible parent is not supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated; and

4. Sixty-five percent (65%) of the responsible parent's weekly earnings when the responsible parent is not supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated, providing that the support arrearage owed by the responsible parent has been owed for at least twelve (12) weeks.

B. **Other property**. Property exempt from garnishment or income withholding under federal law is exempt from garnishment or income withholding initiated pursuant to the Alternative Method of Support Enforcement. Exemptions from attachment noted in 14 M.R.S. §4422(14) do not apply to child support debt.

C. For purposes of this Chapter, "Weekly aggregate disposable earnings" is defined as the responsible parent's weekly disposable earnings from all sources. "Disposable earnings" and "earnings" are defined as in 19-A M.R.S. §2101(5) and (6), respectively.

# CHAPTER 15 - ALTERNATIVE METHOD COLLECTION-OF-SUPPORT DEBT MECHANISMS

**1. ASSERTION OF LIENS (19-A M.R.S. §2357)**

A. The Division may file and serve liens under 19-A M.R.S. §2357 in accordance therewith, and also as provided by 19-A M.R.S. §2352(3).

B. A letter accompanying the Notice of Lien must advise the responsible parent of the right to an administrative review of the filing and serving of the Notice of Lien, the time period within which such a review must be requested, the grounds for such a review, and the issues which may be considered and determined upon such a review.

C. The only grounds for review, and the only determination that may be made through the review requested in paragraph B above, is whether the statutory requirements under 19-A M.R.S. §2357 for the filing of the Notice of Lien were complied with, or whether the amount of debt set forth in the Notice of Lien is correct and still outstanding.

D. The Division may execute any "release or waiver" referred to in 19-A M.R.S. §2357(3)(A).

E. If it deems the responsible parent’s assurance of payment adequate, or if it determines that collection of the debt will be thereby facilitated, the Division may release a lien on all or part of the liened property pursuant to 19-A M.R.S. §2365.

1. Pursuant to 10 M.R.S. §4013, liens shall be released within 60 days of satisfaction or discharge in full by the responsible parent.

**2. ORDER TO WITHHOLD AND DELIVER (19-A M.R.S. §2358)**

1. In accordance with 19-A M.R.S. §2358, the Division may serve upon any person an Order to Withhold and Deliver any property that is due to or belongs to the responsible parent, if a lien has been filed properly in accordance with the relevant statutes, or the proper time has elapsed from the receipt and mailing of a Notice of Debt, as specified in the statute. Notice in the form of a copy of the order must be sent to the responsible party by regular mail.
2. The Division may release an order to withhold and deliver on all or part of the property of the responsible parent pursuant to 19-A M.R.S. §2365 if it deems adequate an assurance of payment, or if it determines that collection of the debt will be thereby facilitated.

**3.** **IMMEDIATE INCOME WITHHOLDING (19-A M.R.S. §2306)**

An employer or other payor of earnings who is served with an Income Withholding Order must:

1. Immediately begin to withhold earnings.
2. Immediately after 20 days from the date of receipt of the order to withhold and deliver, forthwith deliver to the Department all earnings previously withheld, and thereafter send all amounts withheld from earnings to the Department within 7 business days of the date the responsible parent is paid.

Monies withheld from the debtor's earnings may be combined with monies withheld from other employees'/payees' earnings if the portion of the single payment which is attributable to the debtor is separately identified, provided that such combining of monies withheld does not result in the failure to send the amount withheld from the debtor's earnings to the Department within 7 business days of the date the debtor is paid.

The failure of an employer or other payor of earnings to honor this rule constitutes a failure to honor the order to withhold earnings, within the meaning of 19-A M.R.S. §2366.

**4. ADMINISTRATIVE SEIZURE AND DISPOSITION OF PROPERTY (19-A M.R.S. §2363)**

If it deems adequate an assurance of payment, or if it determines that collection of the debt will be thereby facilitated, the Division may return property seized pursuant to 19-A M.R.S. §2365.

**5. FORECLOSURE ON LIENS (19-A M.R.S. §2364)**

In any action to foreclose a lien filed pursuant to 19-A M.R.S. §2357, the Department shall notify the responsible parent that there are certain property exemptions under State and federal law that may be available to him or her in connection with such foreclosure.

**6. SETOFF OF DEBTS AGAINST LOTTERY WINNINGS (19-A M.R.S. §2360)**

Pursuant to 19-A M.R.S. §2360, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may offset lottery winnings of persons owing a liquidated debt of support to the Department.

If within 90 days of the mailing of a notice of intended setoff to the winner the Department certifies to the Bureau that the winner did not make a timely request for a hearing under Chapter 12 of this Manual or a hearing was held and a debt was upheld, the Bureau shall offset the liquidated debt against the winnings and refund any remaining winnings to the winner.

**7. CONSUMER CREDIT REPORTING**

The Department is required by State and Federal law to provide information regarding support debts to credit reporting agencies. 10 M.R.S. §1329; 45 C.F.R. §303.105. The Department may report debts of over $1,000.00 to a credit reporting agency. Although credit reporting is not a collection action *per se*, the Department may report support debts of less than $1,000.00 if the debt remains unpaid for 90 days and the responsible parent refuses to execute and comply with a written repayment agreement.

**8. HEALTH INSURANCE COSTS**

If a responsible parent does not obtain health insurance coverage as required by an administrative decision, that parent is liable for any expenses incurred for dependent children that would have been paid by the insurance coverage, regardless of the amount of the expenses. This liability may be enforced as a child support debt under these rules or by judicial action.

**9. SETOFF OF DEBTS AGAINST GAMBLING WINNINGS (8 M.R.S. §§ 300-B, 1066)**

A person licensed under 8 M.R.S. §271 or §275-D to conduct pari-mutuel wagering on horse racing in this State; or a person granted a license under Title 8, Chapter 31, shall intercept gambling winnings to pay child support in accordance with 8 M.R.S. §§ 300-B and 1066, respectively.

1. The licensee will make a good faith effort to obtain information from the support debt registry to determine whether a particular winner owes a child support debt. “A good faith effort” is shown when a licensee makes at least two separate attempts to obtain information from the registry.
2. The licensee shall transmit the amount withheld to the Division, together with the name and Departmental member ID of the obligor, within 7 days after withholding the lien amount.
3. The information obtained from the Division or the licensee for purposes of this Chapter is confidential, and may be used only for the purposes of withholding gambling winnings for a child support debt.

A winner from whom an amount was withheld pursuant to Title 8 has the right, within 15 days of receipt of the notice of withholding, to request from the Department an Administrative Hearing under Chapter 12. The hearing is limited to questions of whether the debt is liquidated and whether any post-liquidation events have affected the winner’s liability. The administrative hearing decision constitutes final agency action.

# CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

**1. IMPLEMENTATION OF FEDERAL MANDATE**

The Department’s procedures for obtaining past-due child support from federal income tax refunds are established pursuant to 45 C.F.R. §§ 302.60 and 303.72, as required by 42 U.S.C. §664.

**2. THE SUBMITTAL**

The Division shall submit periodically to the Office of Child Support Enforcement (“OCSE”) the names of properly noticed responsible parents owing past-due child support. Past-due support qualifies for federal tax refund offset in those cases in which:

A. The support obligation has been established under a court order or judgment, or an administrative decision, for the support of dependent child(ren), issued by any tribunal or administrative process of the State of Maine or another state, territory or possession of the United States and either:

1. There has been an assignment of support to the State under 42 U.S.C. §608(a)(3) or 671(a)(17) and the past-due support is not less than $150.00, or the amount set forth in applicable federal regulations; or

2. The order, judgment, or decision is being enforced under 45 C.F.R. §302.33, and the past-due support is not less than $500.00, or the amount set forth in applicable federal regulations, and, at the option of the Division, the amount has accrued since the Division has begun to enforce the support order; and,

B. The Division has in its records:

1. a copy of the order and any modifications upon which the amount referred is based, which specifies the date of issuance and amount of support; and,
2. a copy of the payment record; or, if there is no payment record, an affidavit or a declaration under the penalty of perjury, or a statement affirmed under the penalty for unsworn falsification signed by the custodial parent, attesting to the amount of support owed; and,
3. the custodial parent’s current address; and,

C. The Division has verified the accuracy of the name and social security number of the non-custodial parent and the accuracy of the past-due support amount; and,

D. A notification of liability for past-due support has been received by the Secretary of the U.S. Treasury.

**3. IDENTIFICATION OF DEBTORS**

The Division shall identify individuals whose names are to be submitted for federal income tax refund offset at least 15 days prior to submission.

**4. NOTIFICATION TO RESPONSIBLE PARENT**

A. **Pre-offset Notice - Form and Timing of Notice**

The Division shall mail a written Notice to the last known address of all selected responsible parents, informing them of the Department's intention to seek offset of their federal income tax refunds (the Pre-offset Notice) the first time the responsible parent’s name is submitted to OCSE. A Notice is not required for each subsequent submittal. The issuance of the Notice may occur before or coincident with the submission of the offset list to OCSE. No exemptions to federal tax offset will be made.

B. **Contents of Pre-offset Notice**

The Notice shall inform the responsible parent:

1. Of the amount of the debt for past-due child support;

2. That the Division's action to seek offset is subject to Departmental administrative review in the form of a hearing, and the grounds for and issues that may be considered in such a hearing;

3. That the request for hearing must be postmarked or hand-delivered to the Department not later than the 30th day following the date of the Notice to the responsible parent from IRS that his or her income tax refund or a portion thereof has been offset for his or her child support debt (Notice of Offset), otherwise the right to the administrative hearing shall lapse; and

4. That, in the case of a joint return, the IRS will notify the responsible parent's spouse at the time of offset regarding the steps to take to protect the share of the refund which may be payable to that spouse.

**5. NOTIFICATION TO RESPONSIBLE PARENT'S SPOUSE**

A. The Pre-offset Notice shall inform the responsible parent's spouse of her or his right to claim the portion of the refund to which she or he is entitled. This Notice shall apply to any non-obligated spouse who is not individually liable for the child support debt being assessed against her or his spouse.

B. **Contents of Notice to Non-obligated Spouse**

The Notice shall inform the individual:

1. That the entire joint tax refund will be applied to the obligated spouse's indebtedness, unless the non-obligated spouse takes appropriate steps to obtain his or her *pro rata* share; and,

2. That if the non-obligated spouse has earnings in that tax year and wants to receive his or her share of the refund, he or she may file the appropriate IRS forms.

**6. JOINT RETURNS**

The Department is without jurisdiction to resolve issues relating to joint income tax returns, i.e., returns on which one of the filers is not the responsible parent whose name was submitted for offset. The Division shall refer all responsible-parent and other joint filers presenting complaints or questions concerning the joint-return aspect of offset cases to the IRS Service Center that has issued the Notice of Offset to the responsible parent and the joint filer.

**7. CHANGES SUBSEQUENT TO NOTIFICATION OF OCSE**

The Deputy Director of OCSE shall be notified in writing of any decrease in or elimination of a past-due support debt referred for collection by federal income tax refund offset.

**8. DISTRIBUTION OF COLLECTIONS FROM FEDERAL INCOME TAX REFUND OFFSET**

Collections from federal income tax refund offset shall be applied first to the satisfaction of any past-due support for public assistance owed by the responsible parent to the Department, and then toward reduction of any past-due support due a non-TANF client by the responsible parent. The Department shall inform persons applying for services under 45 C.F.R. §302.33 of the foregoing by means of its non-welfare contract, and shall inform persons entitled to support enforcement services under Section 3.5 of this Manual by means of the notice informing them of their entitlements to such services.

**9. EXCESS PAYMENT**

If the amount received as a result of the income tax refund offset exceeds the past-due support debt, the excess shall be repaid to the responsible parent whose refund was offset as soon as possible after the payment is received and is identified as being excessive.

**10. DISTRIBUTION OF NON-TANF OFFSET COLLECTIONS**

A. In cases where the Secretary of the U.S. Treasury, through OCSE, notifies the State that an offset is being made to satisfy non-TANF past-due support from a refund based on a joint return, the Department may delay distribution until notified that the unobligated spouse's proper share of the refund has been paid, or for a period not to exceed six months from notification of offset, whichever is earlier.

B. Where and to the extent the offset has been made to satisfy non-TANF past-due support, if a timely request is made by the responsible parent for an administrative hearing regarding the offset action, distribution of the offset monies to the non-TANF client shall be made within 15 days of the date the appeal is resolved, and all remedies of the responsible parent have been exhausted.

C. In the case of suspected fraud (for example, when the Department determines that, at the time of the intercept, the noncustodial parent was either incarcerated long term, deceased, did not file a return, had insufficient income to justify the offset amount, etc.), in an attempt to avoid an erroneous intercept payment, the Department may delay distribution of a suspicious tax refund offset referred to the IRS for a period not to exceed six months from its receipt of the offset.

**11. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER NON-TANF OFFSET MONIES WHICH A NON-TANF CLIENT IS NOT ENTITLED TO RETAIN**

The Department shall be entitled to the return of and may recover from a non-TANF client any offset monies which have been distributed to the client but which he or she is not entitled to retain. If such client fails to comply with a demand in writing by the Department for the return of this overpayment, the Department may proceed by set-off and/or by court action to recover the amount of such monies from the client.

**12. APPLICABILITY OF FORMER 19 M.R.S. §303**

Computation of a child support arrearage/debt under a Maine court order which establishes or modifies a child support obligation shall be governed by 19 M.R.S. §303(1), as enacted by PL 1989, c. 156 (the first paragraph of 19 M.R.S. §303, as enacted by PL 1969, c. 175), if the order was issued on or after October 1, 1969 and before April 17, 1990.

# CHAPTER 17 - STATE INCOME TAX REFUND OFFSET

**1. NOTIFICATION TO STATE TAX ASSESSOR**

The Division shall notify the State Tax Assessor annually of all responsible parents who owe a liquidated child support debt greater than $25.00 which the Department is enforcing pursuant to either 19-A M.R.S. §2103 or §2301.

The Division shall provide the State Tax Assessor with information needed to identify each responsible parent submitted for offset. The State Tax Assessor shall set off liquidated debts owed to the Department against any refund due the responsible parent (36 M.R.S. §5276-A).

**2. CHANGES SUBSEQUENT TO NOTIFICATION**

The Division shall notify the State Tax Assessor of any decrease in or elimination of the past-due child support debt which it has submitted for collection by State Income Tax Refund Offset.

**3. REVIEW HEARING**

A responsible parent must be given notice in writing by the State Tax Assessor of:

1. An intended income tax refund setoff; and

2. The right to an administrative hearing on the intended setoff, as long as such hearing is requested within 60 days following the responsible parent's receipt of the notice. Such a hearing is deemed to be a review for all purposes within the meaning of 19-A M.R.S. §2451 and this Manual.

**4. FINALIZATION OF OFFSET**

If within 90 days of the Tax Assessor's notice to the responsible parent the Division certifies to the State Tax Assessor either that the responsible parent did not make a timely request for an administrative review hearing, or that an administrative review hearing was held and a liquidated debt was determined after hearing to be due the Department, the State Tax Assessor shall offset the liquidated debt against the refund due the responsible parent. Otherwise, the Tax Assessor shall release the entire refund to the responsible parent.

**5. ACCOUNTING**

The entire amount of any offset made against a child-support debt shall be credited to the account of the responsible parent whose refund has been offset.

**6. EXCESS PAYMENT**

If the amount received as a result of the refund offset exceeds the support debt, the excess shall be repaid to the responsible parent whose refund was offset as soon as possible after the payment is received and identified as being excessive.

**7. DISTRIBUTION OF COLLECTIONS FROM STATE INCOME TAX REFUND OFFSET**

Collections from Maine state income tax refund offset shall be applied first to the satisfaction of any support currently due, then to past-due support for public assistance owed by the responsible parent to the Department or other payor of public assistance, and then toward reduction of any past-due support due a non-TANF client by the responsible parent. The Department shall inform persons applying for services under 45 C.F.R. §302.33 of the foregoing by means of its non-welfare contract, and shall inform persons entitled to support enforcement services under Section 3.5 of this manual by means of the notice informing them of their entitlement to such services.

**8. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER NON-TANF OFFSET MONIES WHICH A NON-TANF CLIENT IS NOT ENTITLED TO RETAIN**

The Department shall be entitled to the return of and may recover from a non-TANF client any offset monies which have been distributed to the client but to which the client is not entitled. If the client fails to comply with a demand in writing by the Department for the return of the offset monies he or she incorrectly received, the Department may proceed by set-off as well as by court action to recover the monies from the client.

# CHAPTER 18 - UNEMPLOYMENT COMPENSATION

**1. STATUTORY AUTHORITY**

Pursuant to 26 M.R.S. §1191(7), the Department, acting as the State's child support enforcement agency, and the Commissioner of the Department of Labor are required to take action that results in the withholding of unemployment compensation benefits from responsible parents who owe child support obligations payable to the Department.

**2. PROCEDURE**

A. The Division shall provide the Department of Labor with a data file no less often than bi-weekly that identifies each responsible parent who owes a child support obligation payable to the Division. The Division's file shall include the amount of the responsible parent's current parental support obligation and the amount of the responsible parent's debt for past-due support.

B. If a responsible parent reported by the Division pursuant to paragraph A receives unemployment compensation benefits from the Department of Labor, the Department of Labor shall withhold benefits that exceed the state income exemption amount as calculated under 19-A M.R.S. §2356, up to the amount of the responsible parent's child support obligation, which includes the current parental support obligation and any debt for past-due support. The Department of Labor shall send benefits withheld to the Department within 10 days of the withholding for credit against the responsible parent's child support obligation.

C. Paragraph A notwithstanding, the Division may seek to withhold unemployment compensation benefits by legal process if a responsible parent owes a child support obligation being enforced under the State's Title IV-D state plan. The Division may initiate withholding by issuing the payor an Income Withholding Order or other valid legal order, writ, process, or instrument for withholding as and when authorized by law.

# CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

## 1. PURPOSE

Not less frequently than once every 36 months, the Division shall send written notice to parents who are subject to a support order being enforced by the Division of the right to have the order reviewed and, if appropriate, modified according to the applicable child support guidelines. Any parent may request the Division to review his or her support order.

**2. PROVISIONS SUPPLEMENTAL**

The requirement to send notice under this Chapter is used in conjunction with existing procedures that permit modification of child support orders, including the provisions in Chapter 12 of this Manual.

# CHAPTER 20 - DISCLOSURE OF INFORMATION PURSUANT TO 19-A M.R.S.A. §2152

## 1. REQUESTS FOR INFORMATION

Unless an alleged responsible parent is a putative father of a child conceived and born out-of-wedlock, the Division may request of any person information relating to the following matters concerning a responsible parent or alleged responsible parent:

### A. Complete name;

### B. Date and place of birth;

### C. Social security number;

### D. Current or last known address;

### E. Present and past employment status;

### F. Earnings;

### G. Assets and liabilities;

### H. Availability and description of present or previous health insurance coverage for a dependent child; and

### I. Health insurance benefits paid or applied for under a policy of health insurance for a dependent child.

## 2. NOTICE TO THE RESPONSIBLE PARENT

Whenever the Division makes a request under 20.1 it shall notify the responsible parent or alleged responsible parent by regular mail at his or her last known address.

## 3. PENALTY FOR KNOWING FAILURE TO RESPOND, KNOWING FAILURE TO DISCLOSE, OR KNOWING REFUSAL TO DISCLOSE

Knowing failure to respond to a request for information within 10 days after service is a civil violation for which a forfeiture not to exceed $1,000 may be adjudged. Knowing refusal or knowing failure to disclose to the Department any of the information described in 20.1 or that is sought in a request for information by the Department, the disclosure of which is not prohibited by federal or State statute, or which is not privileged under the *Maine Rules of Evidence*, is a civil violation for which a forfeiture not to exceed $1,000 may be adjudged.

## 4. LIMITATION IF ALLEGED RESPONSIBLE PARENT IS A PUTATIVE FATHER

If an alleged responsible parent is a putative father of a child conceived and born out-of-wedlock, the Division may only request information relating to the following matters concerning the alleged responsible parent:

### A. Complete name;

### B. Date and place of birth;

### C. Social security number;

### D. Current or last known address; and

### E. Present and past employment status.

## 5. IMMUNITY FROM LIABILITY

A person may disclose to the Division any of the information described in 20.1 that is sought in a request by the Division, the disclosure of which is not prohibited by federal or State statute or which is not privileged under the *Maine Rules of Evidence*, without incurring any liability to any other person because of the disclosure.

## 6. FACILITATION OF RESPONSES

A request must be accompanied by a prepaid, pre-addressed envelope.

## 7. AFFIRMATION OF RESPONSES

The Division may require that a request be affirmed under the penalties for unsworn falsification (17-A M.R.S.A. §453).

## 8. CONFIDENTIALITY OF INFORMATION; UNLAWFUL DISSEMINATION

All information collected pursuant to this chapter is confidential. It is available for use by appropriate Division personnel and legal counsel only. It may only be used for carrying out official duties of the Division. A person may be guilty of unlawful dissemination if that person knowingly disseminates information collected by the Division pursuant to this chapter. Unlawful dissemination is a class E crime which is punishable by a fine of not more than $500 or by imprisonment for not more than 30 days.

## 9. ADMISSIBLE EVIDENCE

Information provided by any person pursuant to 19-A M.R.S.A. §2152 is admissible as a public record pursuant to the *Maine Rules of Evidence* 803(8)(A) and is not within the investigative report exception found in the *Maine Rules of Evidence* 803(8)(B) because the information is provided pursuant to a duty imposed by law and is inherently reliable.

# CHAPTER 21 - REVOCATION AND NONRENEWAL OF OCCUPATIONAL OR RECREATIONAL LICENSES; PROCEEDINGS UNDER 19-A M.R.S.A. §2201

## 1. DEFINITIONS

For purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings:

### A. **Board**. "Board" means any bureau, board, or commission listed in 10 M.R.S.A. §§ 8001 or 8001-A, any other licensor that is affiliated with or is a part of the Department of Professional and Financial Regulation, the Board of Overseers of the Bar, and any other state agency or municipality that issues a license authorizing a person to engage in a business, occupation, profession, or industry and any state agency, bureau, board, commission or municipality that issues a license or permit to hunt, fish, operate a boat or engage in any other sporting or recreational activity.

### B. **Compliance with a support order**. "Compliance with a support order" means that the support obligor is: no more than 60 days in arrears in making payments in full for current support or no more than 30 days in arrears if the obligor has been more than 30 days in arrears at least 2 times within the past 24 months or, if applicable, is making periodic payments in accordance with a written agreement with the Division of Support Enforcement and Recovery or a support order issued by a court; and has obtained or maintained health insurance coverage if required by a support order.

### C. **Support order**. "Support order" means any judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

### D. **License**. "License" means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry, and a license or permit to hunt, fish, operate a boat or engage in any other sporting or recreational activity, but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

### E. **Licensee**. "Licensee" means any individual holding a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry, and to hunt, fish, operate a boat or engage in any other sporting or recreational activity, except an individual holding a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

## 2. NOTICE

The Division may serve notice upon a support obligor who is not in compliance with a support order that informs the obligor of the Division's intention to submit the obligor to any appropriate board as a licensee who is not in compliance with a support order. The notice must inform the obligor that:

### A. The obligor may request an administrative hearing to contest the issue of compliance;

### B. A request for hearing must be made in writing and must be received by the Division within 20 days of service;

### C. If the obligor requests a hearing within 20 days of service the Division shall stay action to certify the obligor to any board for noncompliance with a support order pending a decision after hearing;

### D. If the obligor does not request a hearing within 20 days of service and is not in compliance with a support order the Division shall certify the obligor to any appropriate board for noncompliance with a support order;

### E. If the Division certifies the obligor to a board for noncompliance with a support order the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's order of support. And that a revocation by an agency or board or a refusal by an agency or board to reissue, renew or otherwise extend the obligor's license or certificate of authority is deemed a final determination within the meaning of 5 M.R.S.A. §10002; and

### G. The obligor can come into compliance with a court order of support by:

#### 1. Paying current support;

#### 2. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement with the Division; and

#### 3. Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 9. The Division shall attach a copy of the obligor's order of support to the notice.

## 3. PAYMENT AGREEMENT

For purposes of this chapter, if an obligor demonstrates a present inability to pay all past-due child support, the Department, upon request or upon its own initiative, shall enter into a reasonable payment agreement with the obligor that takes into account the obligor's income, assets, reasonable expenses and ability to borrow. An obligor who is unable to pay all past-due support may come into compliance with the support order by executing a written payment agreement with the Division and by complying with that agreement. A condition of a written payment agreement must be that the obligor pay the current child support when due. Before a written agreement is executed, the obligor shall disclose fully the obligor’s financial circumstances, including income from all sources, assets, liabilities and work history for the past year and provide documentation.

Failure to comply with a written payment agreement is grounds for license revocation unless the obligor notifies the Division that the obligor is unable to comply with the agreement and provides the Division with evidence of the obligor’s current financial circumstances to support the claim.

## 4. HEARING

An obligor may request an administrative hearing upon service of the notice described in section 2 or upon receiving a notice under section 13. The request for hearing must be made in writing and must be received by the Division within 20 days of service. A request for hearing is deemed timely if the 20th day after service is a weekend, holiday or other non-business day for the Department and the request is received by the Division on the next business day. The Department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter 4 of the Maine Revised Statutes Annotated. The issues that may be determined at hearing are limited to whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

## 5. DECISION AFTER HEARING

The Department shall render a decision after hearing without undue delay as to whether the obligor is in compliance with the obligor's support order. The only issues that may be decided are whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order. The decision must be based on the hearing record and the rules adopted by the Commissioner. The decision must inform the obligor that the obligor may file a petition for judicial review of the decision within 30 days of the date of the decision. The Department shall send an attested copy of the decision to the obligor by regular mail to the obligor's most recent address of record.

The obligor is presumed to have received the decision within three (3) days of mailing.

## 6. JUDICIAL REVIEW

If the obligor files a timely petition for review of final agency action with the court, the court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

## 7. STAY

If an obligor who is served notice under section 2 or who is notified under section 13 timely requests a hearing to contest the issue of compliance, the Division shall not certify to a board that the obligor is not in compliance with a support order unless the Department issues a decision after hearing that finds the obligor is not in compliance with the support order.

## 8. CERTIFICATION OF NONCOMPLIANCE

The Division may certify in writing to any appropriate board that a support obligor is not in compliance with a support order if:

### A. The obligor does not timely request a hearing upon service of a notice issued under section 2 or upon receipt of a notice under section 12 and is not in compliance with the order of support 21 days after service of the notice;

### B. The Department issues a decision after hearing that finds the obligor is not in compliance with a support order and the obligor has not appealed the decision within the 30 day appeal period provided in section 5; or

### C. The court enters a judgment on a petition for judicial review that finds the obligor is not in compliance with a support order.

The Division shall send by regular mail a copy of any certification of noncompliance filed with a board to the obligor at the obligor's most recent address of record.

## 9. NOTICE FROM BOARD; FINAL DETERMINATION

A board shall notify an obligor certified by the Division under section 7, without undue delay, either that the obligor's application for the issuance or renewal of a license may not be granted, or that the obligor's license has been revoked, as applicable, because the obligor has been certified by the Division as a support obligor who is not in compliance with a support order. A revocation or refusal to reissue, renew or otherwise extend the license by a board for noncompliance with a support order is deemed a final determination within the meaning of Title 5 M.R.S.A. §10002.

## 10. STATEMENT OF COMPLIANCE

When an obligor who is served notice under section 2, who is notified under section 13 or who is certified to a board subsequently complies with the support order, the Division shall issue the obligor a written statement that confirms the obligor is in compliance with that support order.

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## 11. MOTION TO MODIFY OR REQUEST TO AMEND A SUPPORT ORDER

Nothing in this chapter prohibits a support obligor from filing a motion to modify support with the court or from requesting the Department to amend a support obligation established by an administrative decision.

## 12. REPORTING OF LICENSEES

On or before April 1, 1994, or as soon as economically feasible and at least annually thereafter, all boards subject to this section, and the Department of Professional and Financial Regulation, Division of Administrative Services shall provide to the Division the following information about all applicants for licensure and all current licensees:

### A. Name;

### B. Address of record;

### C. Federal employer identification number or social security number;

### D. Type of license;

### E. Effective date of license or renewal;

### F. Expiration date of license; and

### G. Active or inactive status.

The information must be provided on magnetic tape or other machine-readable form unless the Division agrees to accept the information in an alternative form. The Department of Professional and Financial Regulation, Securities Division shall provide the information specified by this section for only those current licensees that are residents of this State.

## 13. NOTICE; EFFECT OF NONCOMPLIANCE

### **A. Notice.** Upon receipt of the information provided pursuant to section 12, the Division may issue a written notice to each licensee who is a support obligor who is not in compliance with a support order. The notice must inform the obligor that:

#### 1. The obligor may request an administrative hearing to contest the issue of compliance;

#### 2. A request for hearing must be made in writing and must be received by the Division within 20 days of the date the notice is sent;

#### 3. If the obligor requests a hearing within 20 days of receipt of the notice the Division shall stay action to certify the obligor to the appropriate board for noncompliance with a support order pending a decision after hearing;

#### 4. If the obligor does not request a hearing within 20 days of receipt of the notice and is not in compliance with a support order the Division may certify the obligor to the appropriate board for noncompliance with a support order;

#### 5. If the Division certifies the obligor to a board for noncompliance with a support order the board must refuse to renew, issue or reissue a license until the obligor provides the board with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's support order. And that a refusal by an agency or board to reissue, renew or otherwise extend the obligor's license or certificate of authority is deemed a final determination within the meaning of 5 M.R.S.A. §10002; and

6. *(Not in use)*

#### 7. The obligor can come into compliance with a court order of support by:

##### i. Paying current support;

##### ii. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement; and

##### iii. Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 9. For purposes of identifying the order of support, the notice must state when the order was issued. The notice also must state the name of the licensing board that reported the obligor as a licensee and the type of license. The Division shall send the notice to the obligor at the obligor's most recent address as evidenced by the Division's records. A notice sent to the obligor's address of record is deemed adequate notice of the Division's action. The Division need not prove at hearing that the obligor actually received the notice.

**B. Certification.** The Division may certify to the appropriate boards all licensees who are not in compliance with a support order in accordance with the requirements of section°7. For each obligor certified by the Division, the Division shall provide the appropriate board with the obligor's name, address, social security number and any other information mutually agreed upon between the Division and the board. The Division shall provide the boards with the name, address and telephone number of the Division's designee for implementing this section.

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## 14. SUBSEQUENT REISSUANCE, RENEWAL OR OTHER EXTENSION OF LICENSE

A board may reissue, renew or otherwise extend an obligor's license in accordance with that board's rules after the board is presented with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's order of support. A board may waive any applicable requirement for reissuance, renewal or other extension if it determines that the imposition of that requirement places an undue burden on the licensee and that the waiver of the requirement is consistent with the public interest.

# CHAPTER 22 - REVOCATION OF MOTOR VEHICLE OPERATORS LICENSES; PROCEEDINGS UNDER 19-A M.R.S.A. §2202

## 1. DEFINITIONS

For purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings:

### A. **Compliance with a support order**. "Compliance with a support order " means that the support obligor is: no more than 60 days in arrears in making payments in full for current support or no more than 30 days in arrears if the obligor has been more than 30 days in arrears at least 2 times within the past 24 months or, if applicable, is making periodic payments in accordance with a written agreement with the Division of Support Enforcement and Recovery or a support order issued by a court; and has obtained or maintained health insurance coverage if required by a support order.

### B. **Support order**. "Support order" means any judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

## 2. NOTICE

The Division may serve notice upon a support obligor who is not in compliance with a support order that informs the obligor of the Division's intention to certify the obligor to the Secretary of State as an individual who is not in compliance with a support order. The notice must inform the obligor that:

### A. The obligor may contest the issue of compliance at an administrative hearing;

### B. A request for hearing must be made in writing and must be received by the Division within 20 days of service;

### C. If the obligor requests a hearing within 20 days of service the Division shall stay action to certify the obligor to the Secretary of State for noncompliance with a support order pending a decision after hearing;

### D. If the obligor does not timely request a hearing to contest the issue of compliance, the Division shall certify the obligor to the Secretary of State for noncompliance with a support order;

### E. If the Division certifies the obligor to the Secretary of State, the Secretary of State must suspend any motor vehicle operator's licenses that the obligor holds and the obligor's right to apply for or obtain a motor vehicle operator's license;

### F. If the obligor requests a hearing, the obligor shall direct the request to the Division's support enforcement office that is responsible for handling the obligor's case; and

### H. The obligor can come into compliance with a court order of support by:

#### 1. Paying current support;

#### 2. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement; and

#### 3. Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 8. The Division shall attach a copy of the obligor's order of support to the notice.

## 3. PAYMENT AGREEMENT

For purposes of this chapter, if an obligor demonstrates a present inability to pay all past-due child support, the Department, upon request or upon its own initiative, shall enter into a reasonable payment agreement with the obligor that takes into account the obligor's income, assets, reasonable expenses and ability to borrow.

## 4. HEARING

An obligor may request an administrative hearing within 20 days of service of the notice described in section 2. The request for hearing must be in writing and must be received by the Division within 20 days. A request for hearing is deemed timely if the 20th day after service is a weekend, holiday or other non-business day for the Department and the request is received by the Division on the next business day. The Department shall conduct the hearing in accordance with the requirements of Title 5, chapter 375, subchapter 4 of the Maine Revised Statutes Annotated. The issues that may be determined at hearing are limited to whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

## 5. DECISION AFTER HEARING

The Department shall render a decision after hearing without undue delay as to whether the obligor is in compliance with the obligor's support order. The only issues that may be decided are whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and whether the obligor is in compliance with that support order. The decision must be based on the hearing record and rules adopted by the Commissioner. The decision must inform the obligor that the obligor may file a petition for judicial review of the decision within 30 days of the date of the decision. The Department shall send an attested copy of the decision to the obligor by regular mail to the obligor's most recent address of record. The obligor is presumed to have received the decision within three (3) days of mailing.

## 6. JUDICIAL REVIEW

If the obligor files a timely petition for review of final agency action with the court, the court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

## 7. STAY

If an obligor who is served notice under section 2 timely requests a hearing to contest the issue of compliance, the Division shall not certify to the Secretary of State that the obligor is not in compliance with a support order unless the Department issues a decision after hearing that finds the obligor is not in compliance with the support order.

## 8. CERTIFICATION OF NONCOMPLIANCE

The Division may certify in writing to the Secretary of State that a support obligor is not in compliance with a support order if:

### A. The obligor does not timely request a hearing upon service of a notice issued under section 2 and is not in compliance with the support order 21 days after service of the notice;

### B. The Department issues a decision after hearing that finds the obligor is not in compliance with a support order and the obligor has not appealed the decision within the 30 day appeal period provided in section 5; or

### C. The court enters a judgment on a petition for judicial review that finds the obligor is not in compliance with a support order .

The Division shall send by regular mail a copy of any certification of noncompliance filed with the Secretary of State to the obligor at the obligor's most recent address of record.

## 9. STATEMENT OF COMPLIANCE; CLAIMS OF SPECIAL NEEDS

When an obligor who is served notice under section 2 or who is certified under section°7 subsequently complies with the support order, the Division shall issue the obligor a written statement that confirms the obligor is in compliance with that support order. An obligor whose motor vehicle operator's license is under suspension for noncompliance with a support order may request the Division to issue a written statement that permits the Secretary of State to issue a temporary license valid for a period not to exceed 120 days. The Division may grant such requests only upon a showing of substantial need to obtain a temporary license and only if the obligor demonstrates his or her intention to comply with or seek amendment of the support order.

## 10. MOTION TO MODIFY COURT ORDER; REQUEST TO AMEND ADMINISTRATIVE DECISION

Nothing in this chapter prohibits a support obligor from filing a motion to modify support with the court or from requesting the Department to amend a support obligation established by an administrative decision.

# CHAPTER 23 - EMPLOYER REPORTING

**1. Duty to report**

By authority of and in accordance with19-A M.R.S. §2154, any employer doing business in the State of Maine shall report to the Division the hiring of a newly hired employee. An "employer" for New Hire reporting purposes is the same as for Federal income tax purposes (as defined by 26 U.S.C. §3401(d)) and includes any governmental entity or labor organization. Accordingly, included in the population of employers doing business in this State are schools, municipalities, operators of fairs, non-profit organizations, employers of three or fewer employees and all others. For the purposes of this Chapter, “newly hired employee” means a person who resides or works in this State to whom the employer anticipates paying earnings and who:

A. Was previously employed by the employer but who has been separated from that prior employment for at least 60 consecutive days; or

B. Has not previously been employed by the employer.

**2. Method of report**

Information for employers regarding reporting new hires may be found online at <http://www.maine.gov/dhhs/ofi/dser/employer/new-hire.html>. The New Hire Report Form may be found online at <http://www.maine.gov/dhhs/ofi/dser/employer/pdf/NewHireReport.pdf>. Reporting may be accomplished by one of the following methods:

1. Via the internet at <https://portal.maine.gov/newhire/> ;
2. By mailing a copy of the completed New Hire Report Form to the Division of Support Enforcement and Recovery at 11 SHS, Augusta, ME 04333-0011; or
3. By faxing a copy of the completed New Hire Report Form to the Department at (207) 287-6882 (Toll-free in state only at (800) 437-9611).

Employers without access to the internet may request forms or information by calling (207) 624-4100.

**3. Timing/Content of Report**

Employers required to report under this Chapter shall submit reports to the Division, in the manner described in Section 2, above, within 7 days of the date that services for remuneration are first performed by a newly hired employee. The report must contain the following information:

A. The employee's name, address, social security number, date of birth and the most recent date that services for remuneration were first performed by the employee; and

B. The employer's name, address and Federal Employer Identification Number (FEIN).

**4. Independent Contractors**

An employer who reports under Section 1 above shall also report the contracting for services in the State with an independent contractor when reimbursement for such services is anticipated to equal or exceed $2,500. The procedure and requirements for reporting independent contractors may be found at 19-A M.R.S. §2154(4-B) and (10).

**5. Enforcement; Penalties**

The Division shall issue a written warning to an employer who knowingly fails to report as required by this Chapter. For violations that occur after a written warning is issued, the Division, through the Office of the Attorney General, may begin a court action against the employer to enforce the employer's duty to report. The court may impose a civil penalty of up to $200 per month for each violation and award the Department damages, costs, interest and attorney’s fees.

**6. Use of New Hire Information**

The Department shall use the information it receives pursuant to §2154 to locate persons and identify sources of income for the purposes of:

A. Establishing, enforcing and modifying child support obligations;

B. Collecting overpayments of public assistance and overissue of food supplement payments when benefits are no longer being paid; and

C. Determining eligibility and enforcing eligibility rules for cash assistance, food supplement payments, Medicaid (“MaineCare”) and other benefit programs funded or administered by the Department.

**7. Access to Information**

The Department of Labor, the Workers’ Compensation Board and the State Tax Assessor may have access to the information reported to the Division for purposes of program administration.

# CHAPTER 24 - NATIONAL MEDICAL SUPPORT NOTICE

## 1. NATIONAL MEDICAL SUPPORT NOTICE

The Division on its own behalf, on behalf of a custodial parent who applies for the Division's support enforcement services, or on behalf of another state's title IV-D agency, political subdivision or agent, shall use the National Medical Support Notice (NMSN) to transfer notice of the provision for healthcare coverage of the child(ren), pursuant to a child support order, to employers known to the Division. The Division must transfer the NMSN to the employer within two business days after the date of entry of an employee who is an obligor in a IV-D case in the State Directory of New Hires. The Division must promptly notify the employer when there is no longer a current order for medical support in effect for which the Division is responsible.

## 2. MISTAKE OF FACT; AFFIRMATIVE DEFENSES

A responsible parent may claim a mistake of fact or assert affirmative defenses after the issuance of a NMSN.

### A. **Claims**. To claim a mistake of fact or assert affirmative defenses the responsible parent must tell the Division in writing why the responsible parent believes he or she is not subject to the NMSN. Affirmative defenses must be asserted within 30 days of the date of mailing of the order to the responsible parent. The Department shall not review affirmative defenses that are asserted more than 30 days from the date of mailing of the order. A claim of mistake of fact supported by documentation that tends to prove the responsible parent's claim may be made at any time. If a responsible parent claims a mistake of fact, the responsible parent must provide the Division with documentation that tends to prove the claim if such documentation is reasonably available. All claims must be sent to the Division's representative who issued the NMSN. All claims received by the Division's representatives must be forwarded without undue delay to that person's immediate supervisor for review.

### B. **Review**. A District Supervisor or other qualified individual employed by the Division shall review each claim received without undue delay. A review must consist of an objective evaluation of all available evidence that indicates whether the claimant is a responsible parent subject to the order or whether the NMSN was issued in error. The District Supervisor or other qualified individual shall take reasonable steps to investigate the factual bases of any affirmative defenses raised by the claimant. Upon completing a review and/or investigation the District Supervisor or other qualified individual shall compile a record of the claim that consists of the claim itself and all evidence considered as part of the review. Based upon the record compiled, the District Supervisor or other qualified individual must prepare a written report that contains recommended findings and a recommended decision. The report must be issued to the responsible parent and the Division's Regional Manager or other qualified individual designated by the Division's Director. The report issued to the responsible parent must include a notice that the responsible parent may comment or provide additional evidence to the Division's Regional Manager or other individual designated by the Division's Director within 30 days. After the comment period ends, the Regional Manager or other designated individual must issue a final decision without undue delay.

C. **Appeal**. The issuance of a final decision under this section is final agency action for purposes of 5 M.R.S.A. §11001. The decision must inform the responsible parent of the right to judicial review.

# CHAPTER 25 – SECURING AND ENFORCING MEDICAL SUPPORT

**1. DEFINITIONS**

For purposes of this chapter:

A. Medical support means an amount ordered to be paid toward the cost of health care coverage provided by a public entity or by another parent through employment or otherwise, or for other medical costs not covered. Medical support specifically includes medical costs included within the child support schedule itself and an apportionment between the parents of uninsured medical expenses.

B. Health care coverage includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

C. Health insurance is presumed to be accessible if it enables medical services to be provided to the child(ren) within 30 miles or 30 minutes travel of the child(ren)’s primary residency.

D. Medical support or the cost of health insurance is presumed to be reasonable in cost if the cost to the parent responsible for providing medical support does not exceed 6% of his or her gross income or, if his or her gross income does not exceed 150% of the federal poverty level for one person, 0% of their gross income. If the responsible parent has multiple cases, this standard shall be applied separately to each case. The cost shall be prorated if more than one child is covered.

**2. DUTY OF DEPARTMENT**

The Department shall:

A. Petition the Court or Administrative authority to:

1. Include health insurance which is accessible to the child(ren) and available to the parent responsible for providing medical support, and can be obtained for the child at reasonable cost, to be included in new or modified orders for support; and

2. Allocate the cost of coverage between the parents.

B. If health care coverage is not available at time a support order is entered or modified, petition to include medical support in new or modified orders until such time as health care coverage that is accessible and reasonable in cost becomes available. Medical support may be sought in addition to health care coverage.

C. Identify orders that do not address the health care needs of the child(ren) pursuant to the following criteria:

1. The order does not require health care coverage to be provided if it is available at reasonable cost and accessible to the child(ren), or does not require medical support if health care coverage is not available or provided; or

2. Reasonable evidence exists that health care coverage may be available to either parent at reasonable cost and is not being provided by either parent.

D. Petition to modify support orders, which have been identified pursuant to the above criteria, to include health care coverage and/or medical support if modification would constitute a substantial change of circumstances pursuant to 19-A M.R.S. §2009(3).

E. Periodically communicate with the Medicaid agency to determine whether there have been lapses in health care coverage for Medicaid applicants and recipients.

1. Inform an individual who is eligible for services pursuant to 45 C.F.R. §302.33 that medical support services will be provided and shall provide the services specified in this chapter.

**1. CONFIDENTIAL INFORMATION**

"Confidential information" means any information relating to a specified individual or an individual who can be identified by reference to one or more factors specific to the individual, including but not limited to the individual's Social Security number, residential and mailing addresses, employment information, and financial information.

**2. INDEPENDENT VERIFICATION**

"Independent verification" means the process of acquiring and confirming confidential information through the use of a second source.

**3. SCOPE**

The requirements of this section apply to all employees of the Department, any other State or local agency to whom the Department delegates any of its Title IV‑D functions, any official with whom the Department enters into a cooperative agreement regarding its Title IV-D functions, and any person or private agency from whom the Department has purchased services regarding its Title IV-D functions.

**4. GENERAL RULE**

Except as otherwise authorized by this chapter or the *Social Security Act* (42 USC §301 *et seq*.), any entity described in section 3 shall not disclose any confidential information, obtained in connection with the performance of Title IV‑D functions, outside the administration of the IV-D program.

**5. AUTHORIZED DISCLOSURES**

A. Upon request, to the extent that it does not interfere with the performance of IV‑D functions and subject to such requirements as OCSE may prescribe, confidential information may be disclosed to State agencies as necessary to carry out State agency functions under plans or programs under Title IV (including tribal programs under Title IV), Titles XIX, or XXI of the *Social Security Act*, and the Supplemental Nutrition Program (SNAP), including:

(1) Any investigation. prosecution or criminal or civil proceeding conducted In Connection with the administration of any such plan or program;

(2) Information on known or suspected instances of physical or mental injury. sexual abuse or exploitation. or negligent treatment or maltreatment of a child under circumstances which indicate that the child's health or welfare is threatened;

B. Upon request. pursuant to sections 653a and 1337 of the *Social Security Act*. information in the State Directory of New Hires may be disclosed to State agencies for purposes of income and eligibility verification:

C. Authorized disclosures under paragraphs A and B of this section shall not include confidential information from the National Directory of New Hires or the Federal Case Registry. unless authorized by section 7 ("Security and confidentiality of computerized support enforcement system") or unless it is independently verified information. No financial institution data match information may be disclosed outside the administration of the Title IV-D program and no IRS information may be disclosed. unless independently verified or otherwise authorized in Federal statute.

**6. PROHIBITION OF RELEASE OF INFORMATION WHEN THERE IS EVIDENCE OF DOMESTIC VIOLENCE**

A. Disclosure of information that could be harmful to a party or child is prohibited if the Department has reasonable evidence of domestic violence or child abuse against the party or child.

B. The family violence indicator shall be used as required by 45 CFR §307.11(f)(1)(x).

**7. SECURITY AND CONFIDENTIALITY OF COMPUTERIZED SUPPORT ENFORCEMENT SYSTEM**

A. Department personnel shall be permitted access to and use of data only to the extent necessary to carry out Title IV-D functions.

B. Specific data which may be used for particular IV-D program purposes shall be permitted to be accessed only by specific personnel.

C. Information may be exchanged with State and Tribal agencies administering programs under Titles IV, XIX, and XXI of the *Social Security Act*, and SNAP, to the extent necessary to carry out those State and Tribal agency responsibilities under such programs in accordance with section 654a(f)(3) of the *Social Security Act*, and to the extent that it does not interfere with the Department meeting its obligations under Title IV-D.

D. Disclosure of National Directory of New Hires (NONE), Federal Case Registry (FCR), financial institution, and Internal Revenue Service (IRS) information outside of the Title IV-D program is prohibited except that:

(1) IRS information is restricted as specified in the *Internal Revenue Code*;

(2) Independently verified information other than financial institution information may be released to authorized persons;

(3) NDNH and FCR information may be disclosed without independent verification to Title IV-B and Title IV-E agencies to locate parents and putative fathers for the purposes of establishing parentage or establishing parental rights with respect to a child;

(4) NDNH and FCR information may be disclosed without independent verification to Title IV-D, IV-A, IV-B and IV-E agencies for the purpose of assisting to carry out their responsibilities to administer Title IV-D, IV-A, IV-B and IV-E programs.

**8. CONFIDENTIALITY OF INFORMATION OBTAINED THROUGH THE STATE OR FEDERAL PARENT LOCATOR SERVICE**

A. Information obtained through either the State Parent Locator Service or Federal Parent Locator Service shall be treated and safeguarded as confidential information.

B. Information obtained through either the State Parent Locator Service or Federal Parent Locator Service shall only be disclosed to authorized persons specified in sections 653(c) or 663(d) of the *Social Security Act* for authorized purposes specified in section 653(a)(2) or 663(d)(1) of the *Social Security Act* in accordance with 45 CPR §302.35.

**9. PENALTIES FOR UNAUTHORIZED ACCESS, DISCLOSURE OR USE OF CONFIDENTIAL INFORMATION**

In addition to any legal sanctions imposed by State or Federal statute. Department personnel may be subject to discipline. up to and including dismissal from employment, for unauthorized access to, disclosure or use of confidential information.

**CHAPTER 27 – PROVISION OF SERVICES IN INTERGOVERNMENTAL CASES**

1. **PROVISION OF SERVICES IN INTERGOVERNMENTAL IV–D CASES**
2. In accordance with this Chapter and 45 C.F.R. §303.7, the Department will extend the full range of services available under its IV–D plan to:
3. Any other State;
4. Any Tribal IV–D program operating under 45 C.F.R. §309.65(a); and

(iii) Any country as defined in this chapter.

B. The Department will establish a central registry for intergovernmental IV–D cases in accordance with the requirements set forth in this Chapter and 45 C.F.R. §303.7(b).

1. **DEFINITIONS**

When used in this Chapter, unless the context otherwise indicates:

**Central authority**means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country (FRC) pursuant to section 459A of the *Social Security Act*.

**Controlling order State**means the State in which the only order was issued or, where multiple orders exist, the State in which the order determined by a tribunal to control prospective current support pursuant to the UIFSA was issued.

**Country**means a foreign country (or a political subdivision thereof) declared to be a FRC under section 459A of the *Social Security Act* and any foreign country (or political subdivision thereof) with which the State has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with Federal law pursuant to section 459A(d) of the *Social Security Act*.

**Foreign Reciprocating Country (FRC)** means a country with which the U.S. government has negotiated federal-level reciprocity arrangements to provide child support services on behalf of U.S. jurisdictions.

**Form**means a federally-approved document used for the establishment and enforcement of support obligations whether compiled or transmitted in written or electronic format, including but not limited to the Income Withholding for Support form, and the National Medical Support Notice. In interstate IV–D cases, such forms include those used for child support enforcement proceedings under the UIFSA. *Form* also includes any federally-mandated IV–D reporting form, where appropriate.

**Initiating** *agency* means a State or Tribal IV–D agency or an agency in a country, as defined in this rule, in which an individual has applied for or is receiving services.

**Intergovernmental IV–D case**means a IV–D case in which the noncustodial parent lives and/or works in a different jurisdiction than the custodial parent and child(ren), that has been referred by an initiating agency to a responding agency for services. An intergovernmental IV–D case may include any combination of referrals between States, Tribes, and countries. An intergovernmental IV–D case also may include cases in which a State agency is seeking only to collect support arrearages, whether owed to the family or assigned to the State.

**Interstate IV–D case**means a IV–D case in which the noncustodial parent lives and/or works in a different State than the custodial parent and child(ren), that has been referred by an initiating State to a responding State for services. An interstate IV–D case also may include cases in which a State is seeking only to collect support arrearages, whether owed to the family or assigned to the State.

**One-state remedies**means the exercise of a State’s jurisdiction over a non-resident parent or direct establishment, enforcement, or other action by a State against a non-resident parent in accordance with the long-arm provision of UIFSA or other State law.

**Register** means to file in a tribunal in this State another state or foreign country’s support order or judgment determining parentage of a child.

**Responding agency**means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV–D case.

**Tribunal** means a court, administrative agency, or quasi-judicial entity authorized under State law to establish, enforce, or modify support orders or to determine parentage.

***Uniform Interstate Family Support Act (UIFSA)***means the model act promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and mandated by section 466(f) of the *Social Security Act* to be in effect in all States.

**3. GENERAL RESPONSIBILITIES**

The Department must:

A. Establish and use procedures for managing its intergovernmental IV–D caseload that ensure provision of necessary services as required by this chapter and include maintenance of necessary records in accordance with 45 C.F.R. §303.2;

B. Periodically review program performance on intergovernmental IV–D cases to evaluate the effectiveness of the procedures established under this section;

C. Ensure that the organizational structure and staff of the Department are adequate to provide for the administration or supervision of the following functions specified in 45 C.F.R. §303.20(c) for its intergovernmental IV–D caseload: intake; establishment of paternity and the legal obligation to support; location; financial assessment; establishment of the amount of child support; collection; monitoring; enforcement; review and adjustment; and investigation;

D. Use federally-approved forms in intergovernmental IV–D cases, unless a country has provided alternative forms as part of its chapter in *A Caseworker’s Guide to Processing Cases with Foreign Reciprocating Countries.* When using a paper version, this requirement is met by providing the number of complete sets of required documents needed by the responding agency, if one is not sufficient under the responding agency’s law;

E. Transmit requests for information and provide requested information electronically to the greatest extent possible;

F. Within 30 working days of receiving a request, provide any order and payment record information requested by a State IV–D agency for a controlling order determination and reconciliation of arrearages, or notify the State IV–D agency when the information will be provided;

G. Notify the other agency within 10 working days of receipt of new information on an intergovernmental case; and

H. Cooperate with requests for the following limited services: quick locate, service of process, assistance with discovery, assistance with genetic testing, teleconferenced hearings, administrative reviews, high-volume automated administrative enforcement in interstate cases under section 466(a)(14) of the *Social Security Act*, and copies of court orders and payment records. Requests for other limited services may be honored at the Department’s option.

**4. CENTRAL REGISTRY**

A. The Department maintains a central registry responsible for receiving, transmitting, and responding to inquiries on all incoming intergovernmental IV–D cases.

B. Within 10 working days of receipt of an intergovernmental IV–D case, the central registry must:

(i) Ensure that the documentation submitted with the case has been reviewed to determine completeness;

(ii) Forward the case for necessary action either to the central State Parent Locator Service for location services or to the appropriate agency for processing;

(iii) Acknowledge receipt of the case and request any missing documentation; and

(iv) Inform the initiating agency where the case was sent for action.

C. If the documentation received with a case is incomplete and cannot be remedied by the central registry without the assistance of the initiating agency, the central registry must forward the case for any action that can be taken pending necessary action by the initiating agency.

D. The central registry must respond to inquiries from initiating agencies within 5 working days of receipt of the request for a case status review.

**5. INITIATING STATE IV–D AGENCY RESPONSIBILITIES**

When acting as the initiating State IV–D agency, the Department must:

A. Determine whether there is a support order or orders in effect in a case by reviewing the Federal and State Case Registries, Department records, information provided by the recipient of services, and other relevant information available to the Department;

B. Where multiple orders exist, determine which State holds the controlling order and reconciliation of arrearages;

C. Determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use that jurisdiction’s one-state remedies to establish paternity and establish, modify, and enforce a support order, including medical support and income withholding;

D. Within 20 calendar days of completing the actions required in paragraphs (A) through (C) and, when applicable, receipt of any necessary information needed to process the case:

(i) Ask the appropriate intrastate tribunal, or refer the case to the appropriate responding State IV–D agency, for a determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and

(ii) Refer any intergovernmental IV–D case to the appropriate State Central Registry, Tribal IV–D program, or Central Authority of a country for action, if one-state remedies are not available or appropriate;

E. Provide the responding agency sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the responding agency;

F. Within 30 calendar days of receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided;

G. Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on overdue support under an initiating State order being enforced in the responding jurisdiction;

H. Submit all past-due support owed in IV–D cases that meet the certification requirements under 45 C.F.R. §303.72 for Federal tax refund offset,

I. After determining that a request for review of a support order is merited, send the request to the other State within 20 calendar days, in accordance with section 466(a)(10) of the *Social Security Act* and 45 C.F.R. §303.8;

J. Distribute and disburse any support collections received in accordance with this Chapter and 45 C.F.R. §§ 302.32, 302.51, and 302.52, sections 454(5), 454B, 457, and 1912 of the *Social Security Act*, and instructions issued by the Federal Office of Child Support Enforcement;

K. Notify the responding agency within 10 working days of case closure that the Department has closed its case pursuant to Chapter 3.7, and the basis for case closure;

L. Before transmitting a withholding order or notice to an employer in an interstate case, instruct the responding agency to close its case, and to stop any withholding order or notice that the responding agency has sent to an employer, unless the Department and the other agency reach an alternative agreement on how to proceed; and

M. If the Department has closed its case pursuant to Chapter 3.7 and has not notified the responding agency to close its corresponding case, make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute and disburse any payment received from the responding agency.

**6. RESPONDING STATE IV–D AGENCY RESPONSIBILITIES**

Upon receipt of a request for services from an initiating agency, the Department must:

A. Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected to use remedies that may be available under the law of that jurisdiction;

B. Within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry:

(i) Provide location services in accordance with 45 C.F.R. §303.3 if the request is for location services or the form or documentation does not include adequate location information regarding the noncustodial parent;

(ii) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation;

(iii) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;

C. Within 10 working days of locating the noncustodial parent in a different State, the Department must return the forms and documentation, including the new location, to the initiating agency; or, if directed by the initiating agency, forward/transmit the forms and documentation to the central registry in the State where the noncustodial parent has been located and notify the Department’s central registry where the case has been sent.

D. If applicable, within 10 working days of locating the noncustodial parent in a different political subdivision within the State, forward/transmit the forms and documentation to the appropriate political subdivision and notify the initiating agency and the Department’s central registry of its action;

E. If the request is for a determination of controlling order:

(i) File the controlling order determination request with the appropriate tribunal in the State within 30 calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later; and

(ii) Notify the initiating State agency, the Controlling Order State and any State where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within 30 calendar days of receipt of the determination from the tribunal;

F. Provide any necessary services as it would in an intrastate IV–D case;

G. Provide timely notice to the initiating agency in advance of any hearing before a tribunal that may result in establishment or adjustment of an order;

H. Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency;

I. Within 10 working days of receipt of instructions for case closure from an initiating State agency under section (5)(L) of this Chapter, stop the Department’s income withholding order or notice and close the intergovernmental IV–D case, unless the Department and the other agency reach an alternative agreement on how to proceed; and

J. Notify the initiating agency when a case is closed pursuant to Chapter 3.7(A)(12) through (14) and paragraph (I) of this section.

**7. PAYMENT AND RECOVERY OF COSTS IN INTERGOVERNMENTAL IV–D CASES**

A. As a responding IV–D agency, the Department must pay the costs it incurs in processing intergovernmental IV–D cases, including the costs of genetic testing. If paternity is established, the Department, at its election, may seek a judgment for the costs of testing from the alleged father who denied paternity.

B. The Department may recover its costs of providing services in intergovernmental non-IV–A cases in accordance with 45 C.F.R. §302.33(d), except that the Department may not recover costs from an FRC or from a foreign obligee in that FRC, when providing services under sections 454(32) and 459A of the *Social Security Act*.

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February 8, 2014 – Chapter 6, filing 2014-015

March 2, 2014 – Chapters 1 and 2, filing 2014-024

March 2, 2014 – Chapter 10, filing 2014-025

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June 15, 2016 – Ch. 6, filing 2016-102, EMERGENCY, overrides 2016-029’s version of the Chapter 6 “Child Support Table”. Filing 2014-015 Table kept in place until July 29, 2016, when the new Table version is inserted.

July 6, 2016 – Ch. 7, 13 repealed and replaced, filing 2016-114

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