
DCSE Policy & Procedures Unit
Policy Update
PPU 05-07-004
July 8, 2005

SUBJECT: Important Notice Regarding Administrative Enforcement Cases

Please contact the Policy Unit if you have any questions regarding these or any other changes at
*DCSE-POLICYQUESTIONS, CSE.POLICY or (602) 274-7951.

The IV-D PARTNERS should send POLICY inquiries directly to PGriffin@azdes.gov

This message is being sent to all IV-D staff and is effective immediately.

Administrative Enforcement Cases are cases in which the youngest child who is the subject of an Arizona child support order has emancipated more than three years ago and a final judgment and order for all of the child support arrears was not obtained by either the CP or DCSE.

A recent Arizona Supreme Court decision handed down on July 1, 2005, has created an opportunity for DCSE to revisit our approach to the enforcement of administrative cases. The Assistant Director's Office (AD) and the Policy Unit are working closely with the Attorney General's Office (AG) on the issues surrounding this decision and are finalizing the specific steps that IV-D staff will need to take in regards to the recent supreme court decision. Policy, Systems and Automation, Legal Services and Training are all working together to identify the needs of staff in this area in order to act on the direction that the AG will be providing. We will all do our best to keep staff informed as decisions are made about these cases.

However effective immediately, it is the directive of the AD's Office and AG that all IV-D staff will NO longer take ANY administrative enforcement actions on cases to collect arrears that were not reduced to judgment where the youngest child subject to an Arizona child support order has emancipated more than three years ago. It is recommended that staff attempting to process these cases suspend working on them until further direction is provided by the AG. At this time we ask staff to keep these cases open until a plan of action is released to staff.

Staff need to keep in mind that the fact that we cannot get a final judgment does not mean that we will not be able to work all of these cases. Many cases may have some intermediate judgment that remains unpaid that DCSE can still collect. In these cases, the case will remain open, but the debts will have to be adjusted to remove those arrears which accrued after the last judgment was obtained i.e. CCH arrears.

Enforcement caseworkers have always received the following CAAL worklist items 120 days prior to the youngest child on an order turning 21 years of age:

**M9809 LAST CHILD TURNS 21 <120 DAYS & NO JUDGMENT EXISTS or
M0909 LAST CHILD TURNS 21 <120D/GET JUDGMENT**

It extremely important for staff to diligently review and work cases where the statute of limitations will be running out as this court decision severely limits our ability to

continue administrative enforcement remedies in order to collect support on cases where the statute of limitations has expired.

We understand that due to this abrupt change in policy that many of you may already have cases that are very near or within 30 days or less of the expiration of the statute of limitations. Staff should prepare these cases for referral immediately and then HAND CARRY them to your Regional Office Managing Attorney for immediate attention. Do not just leave the Expedited JOA referrals in the AG baskets for regular processing. Most importantly, please do not hesitate to work with your office attorneys if you have questions or concerns about any of these types of cases.

In order to assist the caseworkers, Policy has attached the last version of the *Expedited Judgment on Arrears Policy* Desk Aid dated 5/15/2003. It contains the Expedited JOA Policy Desk Aid, Expedited JOA Document samples, Request for Hearing Cover Sheet, and the process server sheet. **All cases that are being worked for a judgment on arrears only should be processed using this expedited procedure rather than a standard enforcement action.**

Please do not hesitate to ask any questions that you may have about this PPU, by contacting the Policy Unit at *DCSE-POLICYQUESTIONS or (602) 274-7951.



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