

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

# GUIDANCE DOCUMENT

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to  
Neb. Rev. Stat. § 84-901.03

**April 2024**

## **Rights and Responsibilities**

### **CSE SERVICES**

Services include:

- Locating parents;
- Establishing paternity;
- Establishing court orders for child support and medical support;
- Enforcing support orders;
- Review and modification of support orders; and
- Collection, distribution, and disbursement of support payments.

CSE will take action to perform the appropriate services listed above.

### **CSE ATTORNEYS**

- The child support attorneys are either county attorneys or authorized attorneys.
- Any legal action that is taken is at the discretion of the county/authorized attorney.
- There is not a privilege of confidentiality to you that would otherwise exist as a result of an attorney-client relationship.
- The county/authorized attorney cannot represent you in visitation, custody or other domestic relations issues if they arise.
- You have the right to obtain the legal services of a private attorney.

### **YOUR RIGHTS**

You have the right to receive child support services that are appropriate for your case. Appropriate services provided may include:

- Locating custodial or non-custodial parties
- Establishment of paternity
- Establishment of court ordered child support and medical support
- Enforcement of a support order
- Modification of a support order
- Receipt of any support payments due to you

You also have the right to contact your Economic Assistance or CSE worker at any time if you believe that cooperation with CSE or proceeding to establish or secure support is against the best interest of your children and could bring harm to the children or yourself. See Cooperation and Good Cause sections listed below.

You have the right to contact your CSE worker to request that your personal information be safeguarded if you believe that you or your children are in danger.

## YOUR RESPONSIBILITIES

### Your responsibilities include the following:

- **Locating Parents:** It is your responsibility to cooperate in the identification and location of the other parent. This includes providing any information about residence, employment, property, insurance, or any other information that you may have.
- **Establishing Paternity:** It is your responsibility to cooperate in the establishment of paternity for your children. CSE will pursue establishment of paternity in all cases where it is necessary to obtain a support order and the child is born out-of-wedlock. If there is more than one father, you must identify and assist in locating all alleged fathers. You may be required to appear with your children to provide blood or tissue samples for the purpose of genetic testing to establish paternity.
- **Establishing Court Orders for Child Support:** It is your responsibility to cooperate in the establishment of a support order. The Child Support Program does not establish spousal support orders. You must appear and testify in court and provide any financial information about yourself or the other parent when requested to do so by CSE. If you receive Medicaid only, you are required to accept and receive child support services that relate to securing medical support. If, as a Medicaid only recipient, you wish to refuse other CSE services, i.e., establishment or enforcement of a child support order, you must notify CSE in writing that you are requesting only CSE services that relate to securing medical support.
- **Establishing Court Orders for Medical Support:** It is your responsibility to cooperate with the Child Support Enforcement Program in the establishment and enforcement of medical support obligations. You must appear and testify in court when requested to do so by CSE. You may be required to provide CSE with information regarding health care coverage, and medical information regarding your children for the purpose of obtaining coverage.
- **Enforcing Orders for Child, Spousal and Medical Support:** It is your responsibility to cooperate in the enforcement of any court-ordered support. You must appear and testify in court when requested to do so by CSE for the purpose of enforcing your support order. If you receive Medicaid only benefits, you must cooperate in the establishment of paternity and the establishment and enforcement of medical support. If you receive Medicaid only benefits, you can refuse other child support services, i.e., establishment or enforcement of a child support order, by notifying CSE, in writing, that you are requesting services that relate only to securing medical support.
- **Collections Paid in Error:** It is your responsibility to return any collections paid to you in error. See the Collection, Distribution and Disbursement of Support Payments section listed below.
- **Modifying Child Support Orders:** It is your responsibility to cooperate with the CSE which may review your court order, to determine if the amount of support ordered

should be modified. You are required to cooperate in completing any forms and supplying financial information to assist in this process. The child support obligation could be increased or decreased in accordance with the Nebraska Child Support Guidelines.

- **Reporting Changes:** It is your responsibility to provide any changes of address, employment or other information related to your child support case to CSE and the appropriate Nebraska Clerk of the District Court.
- **Cooperation:** It is your responsibility to cooperate with CSE in all matters pertaining to the location of non-custodial parties, paternity determination, and the establishment, enforcement, and modification of a support order. Your failure to cooperate may result in a decrease in your TANF grant; loss of your Medicaid benefits; a reduction or loss of your SNAP benefits, or loss of Child Care Subsidy benefits. The exception to this cooperation requirement is a claim and establishment of a Good Cause exemption.
- **Good Cause:** You have the right to claim good cause for refusing to cooperate in establishing and enforcing child support orders if you believe that cooperating would not be in the best interest of your children or yourself. To claim good cause, you must tell your Economic Assistance or CSE worker that you think harm would come to you or your children if you pursue child support services. You may request this at any time you believe you have Good Cause. You will be required to provide information to support the reasons for a Good Cause exemption.

## **COST RECOVERY**

Federal regulations allow each state to recover any costs incurred in excess of any fees collected to cover administrative costs under the State's CSE program. Nebraska does NOT recover administrative costs for the Child Support Enforcement Program.

## **COLLECTION, DISTRIBUTION, AND DISBURSEMENT OF SUPPORT PAYMENTS**

**Assignment of Rights:** Your application for and acceptance of Economic Assistance transfers your rights to child, spousal, and medical support to the Nebraska Department of Health and Human Services.

1. **Temporary Assistance to Needy Families (TANF):** If you apply for, accept, and receive TANF benefits your child, spousal, and medical support payments will be assigned. This includes all child, spousal, and medical support currently due and that may become due during the period you receive TANF.
2. **Medicaid:** Your application for Medicaid transfers your right to cash medical support payments to the Nebraska Department of Health and Human Services.

**Collection of Support:** Support collections are made directly by an obligor, or as a result of an enforcement action taken by CSE, such as income withholding. Payments must be made to the Nebraska Child Support Payment Center. In cases with qualifying arrearages, CSE will submit the name of the party ordered to pay support to the Internal

Revenue Service (IRS) and Nebraska Department of Revenue to intercept his or her tax refund for delinquent support. Tax intercept payments are processed by CSE.

**Yearly Fee:** The payee of the support order will be charged a \$35 yearly fee once \$550 of child support has been disbursed. When a minimum of \$550 has been disbursed, the \$35 fee is subtracted from the payee's next child support payment or payments until the \$35 is paid. If the payee of the support order has more than one child support case, they will be charged a \$35 fee for each case. Once the \$35 fee has been paid, collections will be forwarded to the payee. The payor of the support order will be given full credit for any payments received.

A \$35 fee will not be charged if a case meets the following exceptions:

1. Custodial party or dependents previously received, Temporary Assistance to needy Families (TANF) in Nebraska or another State;
2. Custodial party is required to cooperate with child support as a condition of receiving Supplemental Nutrition Assistance Program (SNAP) benefits;
3. Child support case including dependents currently or previously receiving IV-E foster care services; or
4. A \$35 fee has already been collected in another State during the current Federal Fiscal Year (October through September).

**Distribution of Support Payments:** Distribution of child support payments is governed by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Support payments, except for amounts collected through federal income tax refund offset, must be distributed as follows:

Distribute the amount collected to satisfy the current monthly support obligations in the following order:

1. Child support, spousal support, and lastly medical support;
2. Toward any arrearages owed, in the following order: Child support arrearage, spousal support arrearage, and lastly medical support payment arrearage; and
3. Toward the interest on any payment arrearage, in the same order of priority listed in (2) above; and
4. If an obligor has more than one order, collections must be allocated proportionately across all orders.

### **Federal Tax Refunds:**

If you and/or your children are currently receiving TANF, Medicaid, or Foster Care Benefits: Any payments from federal tax refunds are retained by the State to pay past due child support assigned to the State of Nebraska. If there is any money left after all past due support is paid, that amount is returned to the taxpayer.

When a TANF, Medicaid, or Foster Care Case is closed and there is a debt owed to the State of Nebraska: Payments from federal tax refunds are paid first to the past due support assigned/owed to the State of Nebraska. Any remaining money is then paid to

past due child support owed to the family. If there is any money left after all past due support is paid, that amount is returned to the taxpayer.

When a TANF, Medicaid, or Foster Care Case is closed with no state debt owed: All payments made through the federal tax refund program will be applied to arrears due to the court ordered payee.

### **Nebraska State Tax Refunds:**

If you and/or your children are currently receiving TANF, Medicaid, or Foster Care Benefits: Any payments from state tax refunds are retained by the State. They are first applied to current support and then to past due support.

When a TANF, Medicaid, or Foster Care Case is closed and there is a debt owed to the State of Nebraska: State tax refunds pay first to any current child support due to the family. Any remaining amounts are then paid to any past due child support owed to the family. If money remains, it is then paid to past due child support owed to the State of Nebraska. If there is any money left after all past due child support is paid, that amount is returned to the taxpayer.

When a TANF, Medicaid, or Foster Care Case is closed with no state debt owed: Payments from state tax refunds pay first to current support to the court-ordered payee. Any remaining amounts are then paid to past due child support owed to the court ordered payee. Any remaining money after all past due support is paid is returned to the taxpayer.

**Disbursement:** The actual payout of child support by the Nebraska Child Support Payment Center will be in the form of a warrant, or via an Electronic Fund Transfer to the custodial party. The amount paid out is based upon the priority ranking established in the Distribution formula and could be split between multiple orders. Federal requirements state “that an identifiable payment must be processed through the Payment Center within two business days.”

**Recoupment and/or Recovery of Support Payments:** If you receive support payments that you are not entitled to keep, or that were sent to you in error, you will be required to return or repay these payments. CSE must take action to recover direct support payments made by a non-custodial party, or payments paid out to you in error by the Nebraska Child Support Payment Center. If you are currently receiving Economic Assistance benefits, failure to return child support payments you are not entitled to keep may result in a decrease in your future TANF grant payments. If you are not receiving TANF grant payments, failure to return or repay these payments may result in your future child support payments being retained to repay these amounts.