

ADAIR COUNTY COMMISSION MINUTES MONDAY, FEBRUARY 27, 2017

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- 2.8.2 The contractor must complete and submit Exhibit # 2, Certification Regarding Debarment, prior to executing the contract.
- 2.9 **Subrecipient Determination and Requirements**
- 2.9.1 For the purposes of this contract, the contractor has been determined to be a subrecipient of federal funds.
- 2.9.2 The contractor shall comply with Federal Funds Subrecipient Requirements, attached hereto as Attachment A.
- 2.9.3 As used in Attachment A, the term "subrecipient" shall refer to the contractor and the term "state agency" shall refer to the Department.
- 3 **Specific Performance Requirements**
- 3.1 **General Program Requirements**
- 3.1.1 Pursuant to 13 CSR 30-2.010, and for the purpose of this contract, the following definitions shall apply:
- a. Level A County - A county which is designated to have sole responsibility for the entire operation of the IV-D program in that county and also performs specific legal functions on cases referred to them by the Department.
 - b. Level B County - A county in which the prosecuting attorney is designated to have sole responsibility for a specific portion of the IV-D program in that county and also performs specific legal functions on cases referred to them by the Department.
 - c. Level C County - A county in which the Department is designated to have sole responsibility for the entire operation of the IV-D program, in that the contractor performs specific legal functions on cases referred to them by the Department.
 - d. Multi-County Project - A designated group of Level C counties that have individually entered into a contract with the Department, and have agreed to expand their local resources for the purpose of establishing, enforcing and collecting child support obligations.
 - e. Referral or Referred Cases - Any child support case under the state IV-D program sent to the Prosecuting Attorney by the Department for a requested action, and shall include all cases requiring legal referral for "requested action" pursuant to the Department's Missouri Child Support Procedural Manual (<http://dswebch/bs/cspolicy/manpolivd/cs/index.htm>).
- 3.1.2 Pursuant to 13 CSR 30-2.010, the Department has identified the contractor's County Level designation(s) on the signature page of the contract. The contractor shall provide services for each IV-D case in accordance with the requirements stated herein, including any additional requirements specified in Attachment B (IV-D County Additional Requirements), as applicable.
- 3.1.3 The Department is vested with the sole ownership, control and authority of the IV-D program in Missouri. The policies and procedures adopted by the Department shall be controlling for all IV-D activities and purposes to be performed by the contractor.
- a. The Department policies and procedures can be located at: <https://10.60.16.82/bsd/programs/cse/index.htm#policy>
- 3.1.4 No provisions of this contract shall be construed to alter the statutory, constitutional or common law powers and duties of the Prosecuting Attorney, including but not limited to, the power to use his/her discretion in determining the course of action to be taken in a case.
- 3.1.5 The contractor shall maintain records as required by the Department and federal regulations, including 45 CFR 302.15 and 45 CFR part 74.
- 3.1.6 The contractor shall not subcontract with any other business, organization, or governmental body to perform any or all portions of the requirements stated herein without the prior written approval of the Department.
- 3.1.7 All outside child support inquiries, with the exception of inquiries made by custodial or non custodial parents on their own cases, (e.g. media, legislator, vendor, and other governmental agencies) made to the

- contractor regarding the statewide child support program, its policies, procedures or performance shall be forwarded to the Department for response.
- a. In the event the Department must formally respond to an inquiry, at the request of the Department, the contractor must within five (5) business days draft a response or provide all necessary case information in order for the Department to respond.
 - b. When requested by the Department, the contractor shall provide a written response to outside inquiries, and must provide the Department a copy within five (5) business days of the request.
- 3.1.8 The contractor may respond appropriately to all media and/or legislative inquiries made to the contractor regarding the contractor's program and any case within said program. The contractor shall provide notice of a contractor program inquiry and its response immediately to the Department.
- 3.1.9 The contractor shall notify the Department by e-mail of the following personnel changes: within ten (10) calendar days, the names and e-mail addresses of all new personnel; and within three (3) business days of personnel departures.
- 3.1.10 The contractor shall utilize the Department's Microsoft Outlook system for electronic mail (e-mail) for contract documents and other correspondence related to the contract.
- 3.2 **Prosecuting Attorney's (PA) Office Responsibilities**
- 3.2.1 The PA must take action pursuant to Chapters 210, 452, and 454 RSMo and within the time frames specified in 13 CSR 30-2.010 on all cases referred to them from the Department. Case action shall include, but is not limited to:
- a. filing a co-respondent petition when the custodial parent fails to cooperate in paternity action;
 - b. pursuing arrears due the Department, with or without the custodial parent's cooperation; and
 - c. pursuing all enforcement referrals either criminally or civilly.
- 3.2.2 The PA shall meet stricter time requirements than those specified herein upon notification by the Department of any change(s) in federal law or regulation requiring the stricter time frames.
- 3.2.3 The PA shall be responsible for all direct communication with the custodial parent, non-custodial parent, and, if ethically appropriate based upon the rules bound by the Missouri Bar, the attorney(s) on all active referrals.
- 3.2.4 The PA shall use the Department's Missouri Automated Child Support System (MACSS) to:
- a. accept referrals from the Department;
 - b. record all IV-D activities;
 - c. comply with the requirements of 13 CSR 30-2.010;
 - d. document the reason for return or rejection of any referral for any reason upon closing and returning the referral; and
 - e. enter such information as is required for the state case registry pursuant to section 454.412 RSMo.
- 3.2.5 The PA's personnel shall attend all training courses identified mandatory training by the Department.
- 3.2.6 The PA must retain and monitor all referrals accepted, for enforcement of existing orders, for a period of not less than three (3) months after initial judicial action is completed in cases where the obligor has complied with the court's order for three (3) consecutive months.
- a. Referrals must be retained and monitored for a period of not less than six (6) months after initial judicial action is completed for all other cases to ensure compliance with the court's order or other agreement entered into between the contractor and obligor.
 - b. Referrals may be ended and returned in cases where it is known that the obligor cannot make payments as ordered due to incarceration, disability, or in cases that are dismissed by the court.

- 3.2.7 The PA shall return referrals to the Department only when there is lack of jurisdiction, a conflict of interest exists, no reasonable legal remedy is available, the referral packet is incomplete and the Department fails to provide necessary information requested by the contractor within fourteen (14) calendar days, or in other extenuating circumstances upon mutual agreement between the Department and the contractor.
- a. Referrals must be returned within fifteen (15) calendar days of request of the Department.
- 3.2.8 The PA shall have the same authority as referenced in the child support policy procedural manual as Department personnel to forgive or reduce unreimbursed assistance paid by the Department prior to the entry of an order for child support. The contractor shall not have the authority to forgive or reduce post-judgment principal or arrearages assigned to the Department, or judgments or arrearages due to the family. The PA may only agree or consent to forgive or reduce post-judgment principal or arrearages after obtaining settlement authority and settlement approval from the Director or the Deputy Director of the Family Support Division.
- 3.2.9 The PA shall petition for a judgment against the non-custodial parent in all actions that include declaration of paternity for the cost of genetic testing paid directly or indirectly by the Department. Judgments for genetic testing must reflect that payment is made to:
- FSD Genetic Testing Unit
P.O. Box 2320
Jefferson City MO 65102
- 3.2.10 Pursuant to the Supreme Court Rule 68.01, the PA shall apply the child support guidelines in all cases referred by the Department to establish a support obligation. Any deviation from the required MO Form 14, Child Support Calculation Worksheet, must be noted in the child support order; in MACSS; and the information must be forwarded to the Department's office currently designated in MACSS.
- a. The MO Form 14 can be found at: <https://www.courts.mo.gov/court/clerk/handbooks/Final%20Policy%20Manual/10.60.16.82/bsd/programs/cse/index.htm#policy>
- 3.2.11 The PA shall review its "Referral Checklist" at least once per year by December 31st on the Department's Intranet site (<http://10.60.16.82/bsd/training/CSE/PA/Legal/ReferralCheck/index.htm>). Any and all changes that need to be made shall be coordinated through the Department's Prosecuting Attorney MACSS Liaison.
- 3.2.12 The PA shall not represent any interested party other than the Department in any matter referred to the contractor.
- 3.2.13 Pursuant to section 568.040 RSMo, the contractor shall report to the Department on a quarterly basis (April 15th, July 15th, October 15th, and January 15th) the number of charges filed and convictions obtained. The PA must submit the report in the format and manner specified by the Department.
- a. For purposes of this cooperative agreement, the term "conviction" is defined as a guilty plea or a conviction.
- 3.2.14 The PA shall inform the Department of any adverse decision made by the Court on a referral handled by that PA where it is the PA's legal opinion that the adverse decision is contrary to established law affecting the child support program. The harmed party may be the State, or a party to the underlying case, or both. This notification should be a timely email to the Department's Prosecuting Attorney Liaison and will include a written recommendation regarding whether an appeal is appropriate based on the law and the facts and the reasoning behind the recommendation. The Department will review the recommendation and make a final determination regarding whether the case should be appealed.
- 3.3 **Circuit Clerk (Clerk) Responsibilities**
- 3.3.1 The Clerk shall utilize MACSS:
- a. to the extent required by Chapters 452 and 454 RSMo, on all child support and/or spousal support cases; and
 - b. pursuant to section 454.412 RSMo, to enter such information as is required for the state case registry.

- 3.3.2 The Clerk shall provide the Missouri Department of Health and Senior Services, Bureau of Vital Records, with certified copies of all orders establishing paternity in accordance with section 454.485 RSMo within ten (10) business days of the filing date of the order.
- 3.3.3 The Clerk shall comply with 45 CFR 304.50 for the treatment of program income in such a manner that the Department meets its state plan requirements for the federal Office of Child Support Enforcement (OCSE).
- 3.3.4 The Clerk shall not charge any fees to the Department, or any attorney bringing action pursuant to a referral by the Department, for requests of copies, filing of any action or document necessary to establish paternity, or to establish, modify or enforce a child support obligation. (§454.445 RSMo) All requests must be completed within ten (10) calendar days.
- 3.4 **Department Responsibilities:**
- 3.4.1 The Department will refer appropriate IV-D cases to the contractor for establishment, enforcement, modification or outgoing cases pursuant to the Uniform Interstate Family Support Act (UIFSA).
- 3.4.2 The Department will review MACSS and www.courts.mo.gov/casenet for case information before making a status inquiry to the contractor.
- 3.4.3 Pursuant to section 454.440 RSMo, the Department will provide federal and state parent locator services to the contractor.
- 3.4.4 Upon filing with the Secretary of State, the Department will notify the contractor of any proposal rule or regulation impacting the child support enforcement program, pursuant to section 454.400 RSMo.
- 3.4.5 The Department, with the assistance of the state's Information Technology Services Division (ITSD), will provide the following services:
- a. Installation and problem resolution assistance for personal communication software;
 - b. Problem resolution assistance for MACSS-related printing problems;
 - c. Problem resolution assistance for Outlook e-mail as it relates to communication with the Department on child support activities; and
 - d. Microsoft Office application assistance related to child support business.
- 3.4.6 The Department, with the assistance of ITSD, will provide user ID's and passwords for the contractor's staff, assigned to carry out the requirements stated herein, within five (5) business days of receipt of the request. Request must be submitted through the Department's online security access unit.
- 3.4.7 The Department will notify the contractor, or their designee the following information:
- a. Key personnel changes at the Department;
 - b. Statewide statistical data;
 - c. Annual federal audit compliance reports;
 - d. MACSS changes;
 - e. Policy(s) issued; and
 - f. All program-related information distributed to Department supervisors or managers.
- 3.5 **Fiscal Requirements**
- 3.5.1 The contractor shall appropriate a sufficient amount of funds in accordance with the performance standards required pursuant to 13 CSR 30-2.010.
- 3.5.2 The contractor shall ensure that the only federal funds certified for use under this contract are federal revenue sharing funds available for this purpose.
- 3.5.3 Beginning with the calendar year 2015 and every odd year thereafter, the contractor may submit a cost allocation plan, which includes a proposed indirect cost rate, no later than six (6) months before year end.
- 3.5.4 Pursuant to 13 CSR 30-9.010(4), the contractor shall submit an annual budget request on or before July 1st of each year to the Department for approval. Annual electronic budget forms and formula calculations will be provided to the contractor no later than May 1st each contract period. The contractor shall utilize the new annual budget form in preparation of the annual budget.

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ATTEST:

County Clerk

Presiding Commissioner