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	Part No./Name	K – Enforcement of Support
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	Document No./Name	K-1210 Seizure of Assets-Property
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I. STATEMENT OF POLICY

[LA R.S. 46:236.15 \(D\)\(1\)](#) provides authority for CSE to intercept, encumber, freeze, and/or seize the following:

- periodic or lump sum payments from a state or local agency, including, but not limited to, unemployment compensation benefits, worker's compensation, and other benefits;
- judgments, settlements;
- lottery winnings, cash gaming winnings, progressive slot machine annuities, beginning with the second annuity payment;
- assets held in financial institutions; and
- public and private retirement funds.

This authority applies to assets that are held in institutions licensed to operate or do business in Louisiana as well as institutions in states with laws allowing direct encumbrance. The authority to administratively seize and freeze assets, property, judgments, settlements, and other funds is a very powerful tool, and one that should be utilized in appropriate cases. However, great care should be taken to ensure that the case is appropriate before an asset is frozen or seized.


* These actions may only be pursued if:

- There is an available balance of more than:
 - \$500 in the savings, money market, IRA/KEOGH, or trust/escrow accounts; or
 - \$2000 in the checking account.
- The noncustodial parent does not receive SSI, SSI/SSR or a combination of SSI and SSDI benefits.
- Louisiana is not listed as the initiating state on CACI.

If the assets in the account do not meet the specified threshold, then no action should be taken to freeze, seize, or encumber the assets.

For CSE purposes, consider seizing assets only when one of the following conditions are present:

- Arrears are more than six months delinquent or;
- There has been no payment received on the arrearages in the last six months or;
- The NCP is making regular payments on the arrearage, but the arrearage is so large that it will not be paid off in a reasonable period of time or;
- The arrearage is fairly small, but the NCP is not making any payments at all, or is making sporadic or partial payments or;
- The NCP is not complying with the court order or a written agreement entered with the child

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support office.

The FIDM Supervisor/CSE Manager must sign off on any actions to freeze assets initiated by their office. When the NCP has cases in multiple offices, refer the cases to State Office FIDM Unit for processing by sending an email to DCFS-SES-ProgramSupport@la.gov.

K-1211 FINANCIAL INSTITUTION DATA MATCH (FIDM)


CSE has entered into cooperative agreements with financial institutions in Louisiana and states enrolled in the Interstate Data Exchange Consortium (IDEC) to provide information concerning accounts maintained by NCPs who are delinquent in paying child support. Cases with arrears of \$500.00 or more are submitted quarterly to IDEC and the Financial Institutions (FIs) in Louisiana.

OCSE has also entered into agreements with multi-state financial institutions to provide asset information on cases which are referred to the Bureau of the Fiscal Services (Fiscal Services) for offset. Information received as a result of the multi-state financial institution data match (MSFIDM) is forwarded to the appropriate state (see section K-1216, Processing MSFIDM Information). Information received may include, but is not limited to, the following types of accounts:

- savings accounts;
- checking accounts;
- money market accounts;
- IRA/KEOGH accounts; and
- trust/escrow accounts.

Information which is matched to LASES cases includes (1) the name of the primary and secondary owner(s) of any account which matches the SSN of the NCP on the LASES case; (2) the address of any other person whose name is also on the account; (3) the name and address of the institution; (4) the average daily account balance for the most recent 30 day period; and (5) the type of account.

NOTE: Accounts held in banks are not identifiable by primary and secondary owner(s). In this situation, it is considered a joint account, and all owners must be notified of any action to seize the asset. The [CSE 158](#) is mailed to the NCP at the address provided on the account. The [CSE 158A](#) is mailed to the joint account owner at the address provided on the account. It is the policy of the agency that a freeze on checking accounts will not be made unless there is evidence that the NCP maintains more than \$2000 in the account. Since checking accounts normally contain only enough funds to cover regular expenses, we do not want to tie up such funds since it would result in hardship on other entities and the individual.

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II. PROCEDURES

K-1212 ADVANCE NOTICE TO NCP

Prior to any action to intercept, encumber, freeze, and/or seize any of the assets/property listed above, use form [CSE 154](#) to advise the NCP of the existence of the arrears. This notice must be sent by certified mail to the last known address in LASES and the address on the account. The law does not require advance notice to the NCP of any action to intercept, encumber, freeze, and/or seize assets/property; it only requires that the NCP be advised of the existence of the arrears.

K-1213 NOTICE TO ENCUMBER/FREEZE ASSETS/PROPERTY

At least one day after the [CSE 154](#) has been mailed to the NCP, send form [CSE 157](#) to notify the entity to freeze the property until further notice.

Note: The [CSE 154](#) and [CSE 157](#) must be printed in the order listed in CAFÉ from the FIDM tab to begin tracking. However, 24 hours should have elapsed prior to mailing the [CSE 157](#) notice.


* NOTE: The CSE 154 must reach the NCP at a deliverable address, by certified mail, for appeal purposes. **

K-1214 NOTICE OF SEIZURE

After the agency encumbers or freezes the assets/property * using the CSE 157, ** the office shall notify the NCP that he/she has 30 days to appeal the seizure of the assets. Send advance notice form [CSE 158](#), advising the NCP of the seizure and send the [CSE 158A](#) to any other owner of the asset to advise that the property will be seized. The notices shall be sent by certified mail to the holders of the asset. If the NCP files for an appeal in writing, the agency shall schedule a hearing in accordance with the Administrative Procedure Act. The hearing may be conducted by telephone or by any other means of electronic media. The sole issue at the administrative hearing shall be whether the non-custodial parent is in compliance with the support order.

* NOTE: The CSE 158 must reach the NCP at a deliverable address, by certified mail, for appeal purposes. **

If the NCP fails to file an appeal within 30 days, the agency may begin proceedings through administrative process to seize or sell the property in accordance with Louisiana law. To seize the asset/property, send form [CSE 159](#) to the entity which has the asset/property instructing the entity to liquidate the asset/property and send the proceeds to CSE. Apply the proceeds toward arrears owed on the case. Form [CSE 159](#) is also used to notify the entity to cancel the notice to encumber and/or freeze assets/property.

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Note: The joint account owner may be added to the administrative hearing as an interested party. See section [K-1240](#) for procedures on administrative law hearing. The joint account owner will receive the [CSE 158A](#) (Joint Account Owner Notice for Freeze and/or Encumbrance of Property) advising that he/she must seek legal advice and advise this office within 60 days of any actions taken to prevent the property from being seized. If documentation is received from the joint account owner asserting ownership of the funds in the account by the FIDM Unit/District Office due to this notice, the documentation may be reviewed by field staff, FIDM workers, or referred to Legal staff to determine if release of the freeze is appropriate.

K-1215 RELEASE OF FREEZE

There may be situations in which the FIDM Unit/District Office may decide to release the freeze instead of seizing the asset. For example, (1) if the NCP responds to a notice of freeze and makes a substantial payment, the FIDM Unit/District Office may decide to release the freeze on the asset; (2) the NCP files an appeal as a result of the notice of seizure and it is determined that the action is inappropriate; (3) the Administrative Law Judge or district court orders the freeze to be lifted; (4) the FIDM Unit/District Office receives proof that the NCP is not the owner of the asset; and (5) the proceeds in the account were found to be less than the minimum requirements of \$500.00 in savings, money market, IRA/KEOGH, trust/escrow accounts and/or less than \$2,000.00 in checking. Use form [CSE 159](#) to inform the holding entity that the freeze is to be lifted.


When CSE becomes aware that a noncustodial parent is receiving SSI, concurrent SSI and SSR, or a combination of SSI and SSDI benefits, verify this information through FPLS. Once the information has been verified through FPLS that the NCP is a recipient of SSI, SSI/SSR, or a combination SSI/SSDI, CSE must not take action to freeze, seize, or encumber this money for nonpayment of support.

If the funds are inappropriately frozen or seized due to a FIDM/District Office request, CSE must take action to release the funds back to the noncustodial parent within 5 business days. However, if an NCP only receives SSDI or SSR benefits, CSE may take action to freeze the account for nonpayment of support.

Note: The NCP does not need to request an administrative hearing or wait for the outcome of the requested administrative hearing before the funds are released.

K-1216 PROCESSING MSFIDM INFORMATION

MSFIDM information is received via the Federal Case Registry (FCR) interface. LASER automatically adds any exact matches to NCP information to the Member Financial Assets (MEFA) screen. Since this is generated from the Fiscal Services certification file, on Louisiana initiating UIFSA cases, the responding state does not receive this information. On these cases the responding state must be provided the MSFIDM information.

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When reviewing case records for enforcement actions needed, check the MEFA screen for possible MSFIDM matches. If the case is a Louisiana intrastate action, refer to the procedure outlined in Document [P-220](#), Assets Located in Another State. When sending a request for administrative enforcement of such cases, use the form [OMB-TR #3 Child Support Enforcement Transmittal #3 Request for Assistance/Discovery](#). The state in which the assets are located will not open a IV-D case, but will only provide the service requested.

If the case is a Louisiana initiating UIFSA (two-state proceeding), provide the account information (includes assets located in a third state) to the responding state via CSENet Enforcement Request (see [X-5220](#)) for active CSENet states. If the responding state is not active CSENet, use [OMB-TR #2 Child Support Enforcement Transmittal #2-Subsequent Actions](#) to report the account information to the responding state. When sending the CSENet request, use action code "R", functional type "ENF", and reason code "ERALL". If response is not received, type the MSFIDM information in the comment section and type "Y" in the ATTACHMENT field. Follow up with form [OMB-TR #2 Child Support Enforcement Transmittal #2-Subsequent Actions](#). On the transmittal select "Other" action and type in the MSFIDM information. When the asset is located in a third state, follow this procedure for notifying the responding state. Enforcement actions and time frames are the responsibility of the responding state.

Potential matches are reported on the LED6485R1 INFOPAC report. Review this report for potential matches and attempt to match the claim information to the NCP. Note in CALO if this is not a match. If verified as a match, add the information to the MEFA screen (See [X-3330](#)) and proceed as discussed above.

K-1217 CHILD SUPPORT LIEN NETWORK (CSLN)


CSE has joined the Child Support Lien Network (CSLN) which is a consortium for the purpose of intercepting insurance settlements, both worker's compensation and casualty claims, owed to delinquent child support obligors.

CSLN combines data from delinquent child support obligor records into one accessible, easy-to-use database. The insurance industry has responded favorably to CSLN with more than 1,000 insurance companies now partnering with CSLN to help combat the national child support debt.

The Program Support Unit at State Office will manage this program. CSLN maintains a public website, customized for each state member, to provide information to the general public and to insurance company researchers at www.childsupportliens.com.

LASES will make an 'E' CALO entry at the time it creates a file to CSLN containing a list of cases that meet the criteria for submission including:

- Case status = ATV, PCL or SUS
- Case PA status = 1, 2, 3, 4, 5, or 6
- Case TYPE IV-D SERV REQ = FL or MO
- Case has active debt with debt type = AR, CS, MS, MX, or SS

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- Total arrears balance for the member is greater than \$500
- CAS1 screen CSLN EXC field = 'N'

CSLN will send notices to the NCP and insurance company. Notices will provide contact information for the Program Support Unit. Any questions received by the District Office should be referred to the Program Support Unit.

*** K-1218 THRIFT SAVINGS PLAN (TSP)**

The Thrift Savings Plan (TSP) is a retirement savings and investment plan for federal government employees and uniformed services members that is administered by the Federal Retirement Thrift Investment Board (FRTIB).


These accounts can be frozen and seized in an effort to collect child support payments. If a freeze is placed, the TSP will charge a one-time \$600 fee to the account holder when an initial order to freeze is received. The TSP will charge the \$600 fee regardless of whether they accept or reject the request. This is separate from the required 10% federal tax withholding taken from the seized amount.

The process of seizing a TSP account involves the agency completing a TSP-CS-1 Income Withholding for State Agencies form. Agencies sending the TSP-CS-1 must sign or stamp the form. Unsigned forms will be rejected. The TSP will continue to accept requests not on the TSP-CS-1 form.

The timeframe for mailing formal decision letters is 20 business days after receiving a complete order to freeze/seize a TSP account. If a denial decision letter is returned to the state, the regulation requires that a freeze be removed from the participant's account when a child support submission is either incomplete or non-qualifying, instead of the previous 30 day hold before the final rule. If you have an issue with a rejected request that needs escalation, please email fidm@ssa.gov, and include 'TSP Issue' in the subject line. TSP will forward your inquiry to our FRTIB liaisons who will work with you to resolve any issues.


Below are the new TSP addresses, fax number, and web link URL for receiving requests to freeze/seize TSP accounts. FRTIB will forward requests received at the previous addresses, but processing may be delayed.

- Portal URL: <https://qoc.rk.tsp.gov/qoc/b/CsHome010Home.htm>
- Secure Fax: (773) 915-6006
- Mailing Address:
 TSP Court Order Center
 C/O Broadridge Processing
 PO Box 120
 Newark, NJ 07101-0120 **


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- * Overnight Mail:
 Court Order Center
 C/O Broadridge Processing
 2 Gateway Center
 283-299 Market St 17th Fl
 Newark, NJ 07102

Frequently Asked Questions by Child Support Agencies Regarding TSP	
Fees	Example—Responses
<p>1. How will the fees and penalties be assessed against the account owner/participant? Example: NCP has \$10,000 in TSP account and the child support agency is requesting \$5,000</p> <p>2. What amount will be remitted to the Child Support Agency?</p> <p>3. What fees and penalties are assessed to the account holder?</p> <p>4. What will the remaining account balance be?</p> <p>5. What are the tax penalties and when are those paid?</p>	<p>1. The fee is deducted upon receipt of the initial order/legal process. A subsequent fee would be taken if a new order/process is received that names a different payee or agency.</p> <p>2. The agency would receive the \$4,500</p> <p>3. The TSP will deduct \$500 for the 10 percent federal tax withholding from the seized amount and \$600 for the fee from the remaining account balance</p> <p>4. After deducting the fee, the NCP's account balance would be \$4,400</p> <p>5. The existing federal tax withholding is still in place and is generated at the time of the asset transfer. The arrearage payment should not exceed the amount requested on the levy less Taxes (10%). Taxes (10%) will be withheld from all child support payments. Note: the freeze applies to the whole account, not just the portion being requested.</p>
<p>6. (a) How often is the \$600 fee assessed? How are fees assessed for rejections? (6b) Is it only one time or each time there is a request to freeze assets? (6c) Is the fee assessed if there is a modification?</p>	<p>6. (a) The \$600 fee is assessed once per case/process upon receipt of a draft or final order for review regardless of approval status. (6b) The fee is not assessed when freezes are placed or removed. (6c) If the order is from the same state agency and involves the same payee(s), no additional fee will be assessed. A new fee would be assessed if a new case/process is received naming a different agency or payee. **</p>

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7. * Does the fee/penalty come out of the levy amount issued to the Child Support Agency?	7. If there is enough money in the NCP's account, it comes out of the remaining balance. If not, it would come out of the amount being frozen.
8. Are there circumstances in which the \$600 fee can be waived?	8. A fee waiver is not part of the current process.
Modifying/Vacating Request	
1. (a.) The procedures indicated that levies cannot be reduced to a lesser amount, is this correct? (b.) Are there any other limitations to modifications?	(a) Once a payment is made to an agency, the awarded amount cannot be adjusted unless an additional amount is being awarded. (b) If a modification is received before payment is made, we can adjust the amount.
2. What form/process is used to request freeze/seize modifications and vacates?	2. Agencies can use the TSP-CS-1 form or can add language to the new model language indicating whether the new process is modifying or vacating the prior process. An award can only be vacated prior to payment.
Contacting FRTIB	
1. What is the preferred method for Child Support Agencies to contact TSP regarding withholding orders?	1. General inquiries can be submitted via phone to ThriftLine Court Order Center 1-877-968-3778 or to courtorder@tsp.gov .
2. Do you require a centralized/single point of contact in each state for the following processes? <ul style="list-style-type: none"> Initiating a child support withholding order Modifying/vacating an existing child support withholding order Sending "Decision Letters" (or similar notification) to inform Child Support Agencies of the amount held and the scheduled remit date 	2. We do not require a single point of contact for any of these processes but will include all requestors involved with a freeze/seize request on our correspondence.
3. Who should child support agencies and OCSE contact in urgent situations?	3. Mary Nelson: mary.nelson@afs.com Marques Lang: marques.lang@afs.com
Use of Qualified Domestic Relations Order (QDRO)	
1. Would FRTIB honor an order containing the Thrift Savings Plan (TSP) model language but using the title of "Qualified Domestic Relations Order" (QDRO)? This request takes into consideration that QDROs are specifically authorized by states' statutes and, other than the title, the FRTIB/TSP model language mostly	1. Yes, the model language form will be accepted. **

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*parallels the model QDRO used for several large defined contribution retirement plans.	
2. If the use of the QDRO title is permissible, please update the model language title to reflect, “Qualified Domestic Relations Order,” with FRTIB written instructions to its vendor approving the use of the QDRO title.	2. The CSCO Model Language can be updated if necessary. **

III. FORMS AND INSTRUCTIONS

[CSE 154 Form / Instructions](#) Notice of Arrearage
[CSE 157 Form / Instructions](#) Notice to Freeze, Intercept and/or Encumber Assets/Property
[CSE 158 Form / Instructions](#) Notice of Freeze and/or Encumbrance of Assets/Property
[CSE 159 Form / Instructions](#) Administrative Order to Seize or Release Assets/Property
[OMB-TR #2 Form / Instructions](#) Child Support Enforcement Transmittal #2 – Subsequent Actions
[OMB-TR #3 Form / Instructions](#) Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery
[CSE 158A Form / Instructions](#) Joint Account Owner Notice for Freeze and/or Encumbrance of Property
[TSP-CS-1 Income Withholding for State Agencies](#)

IV. REFERENCES

[LA R.S. 46:236.15 \(D\)\(1\)](#)
[Act 639](#)
[P-220](#)
[X-5220](#)
[X-3330](#)
[PIQ-18-02](#)