	Division/Section	Family Support
	Chapter No./Name	9 – Child Support Enforcement (CSE)
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I. STATEMENT OF POLICY

[Section 228 of Title 18, U.S.C., the "Deadbeat Parents Punishment Act of 1998,"](#) establishes federal misdemeanor and felony violations for failure to pay legal child support obligations. The penalty for a misdemeanor under this statute is a fine and/or imprisonment for not more than six months. The penalty for a felony under this statute is a fine and/or imprisonment for not more than two years.

The misdemeanor provision of the law applies to:

any person who willfully fails to pay a support obligation with respect to a child who resides in another state, if such obligation has remained unpaid for a period longer than one year or is greater than \$5,000.

The felony provisions of the law apply to any person who:

- *** Travels** in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than one year or is greater than \$5,000; or
- **Willfully** fails to pay a support obligation with respect to a child who resides in another state, if such obligation has remained unpaid for a period longer than two years or is greater than \$10,000; or
- **Is** found guilty of a second misdemeanor offense.

Although the law provides for federal charges in cases that meet the criteria shown above, the three U.S. Attorney Districts have set special criteria for cases to be referred to them.


K-681 PROJECT SAVE OUR CHILDREN

Project Save Our Children (PSOC) is a joint venture involving the Department of Justice (U. S. Attorneys), the Federal Office of Child Support **Services (OCSS)**, the U.S. Department of Health and Human Services Office of the Inspector General (OIG), and the states. **OCSS ****, has established a PSOC Unit that processes all referrals for possible prosecution from the states before they are sent to the U.S. Attorneys and investigates all referrals for enhanced locate assistance. The PSOC Unit will review the referrals, attempt to use their resources to obtain more detailed information on the NCP, and decide whether the case will be referred to the U.S. Attorney or returned to the state. The PSOC Unit has access to more data bases and other federal agencies than the states.

II. PROCEDURES

K-682 CRITERIA FOR REFERRAL FOR CRIMINAL PROSECUTION

Before referring a case for federal criminal prosecution for non-support, the IV-D agency must determine that the case meets the statutory criteria for federal prosecution under 18 U.S.C. §228,

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including that the referral is part of an investigation for an interstate support case, and that it has exhausted all available and reasonable alternative enforcement remedies. The state PSOC Coordinator completes the PSOC Criminal Prosecution for Non-Support Referral form and sends it to the *OCSS PSOC Coordinator. The OCSS PSOC Coordinator then acts as a coordinator of requests and information between the OIG or the Assistant U.S. Attorney (AUSA) and the referring state. However, at its discretion, the OIG or the AUSA may contact the CSE agency directly to exchange information.

Upon receipt of the referral, the OCSS PSOC Coordinator will:


- Assign a PSOC case number;
- Establish a case folder;
- Enter the appropriate referral information into the case log;
- Forward the referral to the appropriate OIG agent via a cover letter.

The maximum timeframe between receipt of a criminal non-support referral and forwarding to the OIG is two days.

Since these are federal charges, the cases for possible prosecution must be referred to one of the three U.S. Attorney Districts in Louisiana by the PSOC Unit. The three Districts are the Eastern District in New Orleans, the Middle District in Baton Rouge, and the Western District in Shreveport. Refer to K-688 for a listing of U.S. Attorney Districts by CSE Regions. More than one U.S. Attorney District serves two of the District CSE Offices.

For a case to be referred to the Eastern District, arrears must equal or exceed \$20,000. Arrears must equal or exceed \$15,000 for a case to be referred to the Western District. For a case to be referred to the Middle District, arrears must equal or exceed \$10,000. However, under extenuating circumstances, the U.S. Attorney may make exceptions on individual cases. An example that may qualify as an exception is when the NCP uses another name or another social security number or when the financial situation of the CP has suffered greatly due to the lack of payments. If the District Office feels that a case which does not have arrears as indicated above has extenuating circumstances, the case is to be referred to CSE Policy Unit at DCFS-CSE-Policy@la.gov.

It is the policy of CSE that ALL cases which meet the minimal criteria and are not producing results are referred to CSE Policy Unit for possible referral to PSOC and the U.S. Attorneys. The fact that a case has been referred to CSE Policy Unit does not release the District Office from continuing to work the case. Collection efforts must continue on the case unless the U.S. Attorney's office requests that they cease. The CSE Policy Unit will review the case and make the final determination concerning referring the case to the U.S. Attorney and may need periodic updates to respond to the U.S. Attorney, if referred **.

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The basic criteria for a case to be referred to CSE * **Policy Unit** is certainty that the arrears equal or exceed the minimal amounts set by the three U.S. Attorney Districts. Even cases with minimal information may be submitted since the PSOC Unit may be able to obtain the additional information that is necessary for the case to ultimately be referred to the U.S. Attorney.

K-683 CRITERIA FOR REQUESTING PSOC LOCATE SERVICES


When a State IV-D agency has been unable to locate the person or assets of an obligor who appears to be appropriate for PSOC criminal action using all available state and Federal Parent Locate Service (FPLS) locate resources, the state CSE agency may refer the case to the **OCSS** PSOC Locate Analyst to obtain multiple years of wage data and/or additional location information from commercial online sources. Staff will complete a PSOC Locate Request form and send it to the PSOC Coordinator within the CSE Policy section who then sends it to the PSOC Locate Analyst. This process may also be used for locating a child's custodian, if needed, in order to distribute collections

Upon receipt of the referral, the **OCSS **** Locate Analyst will:

- Assign a PSOC case number;
- Establish a case folder;
- Enter the appropriate referral information into the case tracking log;
- Obtain multiple years of wage data using the SSADARS system available through the FPLS and query commercial databases for locate and asset information, and
- Send a memorandum to the State PSOC Coordinator indicating which databases were searched and attach a copy of the results to the memorandum.

The maximum timeframe between receipt of a PSOC locate request and return of results to the state is two weeks. Upon the state's receipt of this locate information, prior to entering data into LASES or referring for PSOC criminal prosecution, initiate third party verification (postal or employer verification).

Please note that any Annual Wage Record (AWR) obtained from the Social Security Administration Data Acquisition Retrieval System (SSADARS) is considered by the IRS to be federal income tax data and must be treated as such. The state must verify this data with another source (i.e. the employer) before including the information in a referral for prosecution. The information provided by the third party may be included with the referral, but the AWR report may not.

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K-684- VENUE

The venue for these crimes may be in any of the following:

- the district where the child resided during a period of nonpayment;
- the district where the obligor resided during a period of the nonpayment; or
- any other district that has jurisdiction. In two-state cases such as UIFSA, Louisiana may refer the case even though another state issued the order and even though the other state is enforcing the order. If another state is enforcing the order, the District Office must notify that state when the case is referred.

K-685 REFERRAL PROCEDURE

The CSE District Offices must send all referrals to CSE * Policy Unit for review and processing. Prior to referring a case to the PSOC Unit for investigation for prosecution, CSE Policy Unit will first request W-2 information and verify the information. Only independently verified W-2 information may be included in the State PSOC referral. All referrals will then be signed by the State PSOC Coordinator in CSE Policy Unit before CSE Policy Unit refers the cases to the PSOC Unit. When the case is received in the PSOC Unit, the OCSE PSOC Coordinator will attempt to obtain additional information on the NCP. Since the PSOC Unit has access to more data bases and other Federal agencies than the State, cases can now be referred that previously could not.

There are two distinct PSOC referrals (forms and processes) depending on the service needed:


- PSOC Locate Services
- Criminal Prosecution for Non-Support

PSOC Locate referrals forwarded to CSE Policy Unit must contain the following:

- form PSOC;
- indication that all reasonable enforcement remedies have been exhausted;
- independent verification of wage and income history, and location of NCP, if available, or evidence of inability to locate;

PSOC Criminal Prosecution referrals forwarded to CSE Policy Unit ** must contain the following:

- form PSOC;

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- * **CSE 130**;
- independent verification of wage and income history, and location of NCP, if available, or evidence of inability to locate;
- all relevant legal documents, including a certified copy of the underlying court order (the order being enforced or the controlling order), if possible;
- proof of service of the underlying court order;
- printouts of appropriate LASES case logs;
- a printout of the complete LASES payment history, and
- copies of any relevant correspondence.

CSE **Policy Unit** will review the case and make the final determination concerning referring the case to the U.S. Attorney and may need periodic updates to respond to the U.S. Attorney. The U.S. Attorney may also contact the District Office as needed. The Analyst assigned to the case will provide additional information and give testimony as requested.


It is the responsibility of the **CSE Manager** to notify CSE **Policy Unit** immediately of any new information in the case that would affect the referral. For example, the NCP pays the past due support or makes satisfactory arrangements to do so.

K-686 REQUESTS FROM U.S. ATTORNEYS AND OTHER FEDERAL OFFICIALS

When CSE **Policy Unit in** State Office sends a case to the PSOC Unit, and ultimately on to the U.S. Attorney, a Federal official may contact the Analyst or the **CSE Manager **** in the District Office to discuss the case. When this occurs, the District Office is required to cooperate fully with the Official and release any information requested.


K-687 CASES IN WHICH THE CP APPLIES DIRECTLY TO THE U.S. ATTORNEY

In some cases, a CP with a private case may contact the U.S. Attorney directly requesting Federal charges be filed. In those situations, the U.S. Attorney will probably refer the CP to the District Office. When this occurs, the payee must apply for services and pay the application fee. The case must be worked in the same manner as any other case. Before the case is referred to CSE Program Office for federal charges, the District Office must attempt to enforce the order using the tools available. Only after it has been shown that enforcement efforts will not be successful may the case be referred.

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K-688 U. S. DISTRICT OFFICE BY CSE REGIONS

District Office	Parish	U.S. Attorney District
Baton Rouge	All parishes except St. James	Middle District
	St. James	Eastern District
New Orleans	All parishes	Eastern District
Alexandria	All parishes	Western District
Monroe	All parishes	Western District
Amite	Livingston St. Helena	Middle District
	St. Tammany Tangipahoa Washington	Eastern District
Shreveport	All parishes	Western District
Lafayette	All parishes	Western District
Tallulah	All parishes	Western District
Lake Charles	All parishes	Western District
Thibodaux	All parishes	Eastern District
Natchitoches	All parishes	Western District
Ville Platte	All parishes	Western District
Jefferson Parish DA	Jefferson	Eastern District
Orleans Parish DA	Orleans	Eastern District

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III. FORMS AND INSTRUCTIONS

CSE 130 [Frm/Ins](#) Custodial Parent Affidavit

IV. REFERENCES

[Section 228 of Title 18, U.S.C., the "Deadbeat Parents Punishment Act of 1998,"](#)