

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 43-08, Change 1
Date:	May 12, 2009
Keyword:	Child Care
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Documenting Child Support Income and Parent Cooperation with the Office of the Attorney General — Update**

PURPOSE:

This WD Letter provides information and guidance to Local Workforce Development Boards (Boards) on documenting a parent's child support income and cooperation with the Office of the Attorney General (OAG), specifically:

- **OAG's decision not to enter into individual contracts with Boards for CSD portal access;**
- local administrative procedures for documenting child support income and cooperation with OAG, ~~including Boards' option to enter into their own contracts with OAG for CSD portal use;~~
- Board sanction policies for noncompliance with the child support provisions of the parent responsibility agreement (PRA); and
- termination of the Texas Workforce Commission's (Commission) state-level umbrella contract with OAG for use of the Child Support Division (CSD) portal, effective August 31, 2009.

CHANGES TO WD LETTER 43-08:

New information in this WD Letter is indicated by:

- A ~~striketrough~~ of the original language, which indicates that language has been deleted; and
- **Bold** typeface, which indicates new or clarifying language.

BACKGROUND:

Commission Child Care Services rule §809.44(a)(11) requires that receipt of child support be included in the calculation of income used to determine eligibility for child care services and in assessing the parent share of cost.

Commission rule §809.76 requires that parents sign a PRA, which in part requires the custodial parent to cooperate with OAG to:

- establish paternity; and
- enforce child support on an ongoing basis.

Commission rule §809.76(c) requires that Boards establish a sanction policy for parents who fail to comply with the provisions of the PRA.

In July 2006, to assist in the documentation of child support income and parent cooperation with OAG, the Commission entered into an Interagency Contract (IAC) with OAG. The IAC allows Board-designated staff to access the OAG's Child Support Income Verification Application on the CSD portal.

The IAC with OAG for access to the CSD portal expired on August 31, 2008. OAG agreed to a one-year extension of the current IAC. However, due to increased security requirements for accessing the CSD portal, the Commission is unable to oversee OAG's security requirements; therefore, the Commission will not enter into a new IAC with OAG following the one-year extension.

PROCEDURES:

Use of the Child Support Division Portal

Boards must be aware that, under the Commission's IAC with OAG, access to the CSD portal for all Texas Workforce Commission, Board, and Board-designated staff will terminate on August 31, 2009.

NLF

Boards must not submit new applications requesting access to the CSD portal under the Commission's state-level umbrella contract after July 31, 2009. Any Texas Workforce Commission User Account forms submitted after this date will not be processed by OAG under the current IAC.

NLF

Local Administrative Procedures for Documenting Child Support Income and Cooperation with the Office of the Attorney General

By July 31, 2009, Boards must:

- determine requirements for documenting a parent's child support income and cooperation with OAG, as described in Commission rule §809.76; and
- establish local administrative procedures for these documentation requirements.

NLF

Boards' local administrative procedures for such documentation may include, but are not limited to, the following:

LF

- ~~Entering into an agreement with OAG to access the CSD portal;~~
- Requiring parents who have an open OAG case or are required to open an OAG case to provide documentation of child support and cooperation with OAG by accessing the Child Support Interactive (CSI) application on OAG's Web site at <http://childdsupport.oag.state.tx.us/>; and

- Requiring parents who are required to open an OAG case to apply online using the CSI application on OAG's Web site.

~~Boards may enter into direct agreements with OAG to access the CSD portal by contacting either of the following individuals:~~

LF

~~Louanna Barbosa
(512) 460-6670~~

~~louanna.barbosa@cs.oag.state.tx.us~~

~~Kevin Miskell
(512) 460-6242~~

~~kevin.miskell@cs.oag.state.tx.us~~

~~An agreement between OAG and the Board for accessing the CSD portal is a non-financial agreement. Therefore, Boards do not incur costs for accessing the CSD portal through such agreements.~~

Boards may terminate use of the CSD portal before August 31, 2009, at their discretion.

LF

If a Board chooses to terminate use of the CSD portal at any time, the Board must:

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- have local administrative procedures for documentation of the parent's child support income and cooperation with OAG in place before terminating CSD portal use;
- notify the Board's contract manager by e-mail of the decision and the effective termination date; and
- e-mail ChildCareOAGPortal@twc.state.tx.us, no later than 24 hours after the effective termination date, requesting the termination of all CSD portal user accounts for Board and Board-designated staff.

Boards must ensure that Board-designated staff does not access the CSI application on OAG's Web site to obtain documentation. The Customer Identification Number used for accessing CSI is exclusively for the use of parents, and only parents with an open OAG case are authorized to access and use CSI to obtain documentation.

NLF

Boards must be aware that parents who do not have an open OAG case can furnish other documentation providing evidence of child support history, including in-kind child support, as stated in Commission rule §809.76(b)(1)(B).

NLF

Boards must ensure that documentation of a parent's child support income and OAG cooperation is retained in the case file.

NLF

Board Sanction Policies for Noncompliance with the Child Support Provisions of the Parent Responsibility Agreement

Boards must be aware that documentation of the parent's child support income and cooperation with OAG are requirements of the PRA and that parents who do not comply with PRA requirements are subject to sanctions. Each Board must

NLF

determine sanction policy locally. [As required by Commission rules §809.13(16) and §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.]

Before instituting a sanction during initial eligibility, Boards may allow parents to receive child care services, for up to three months, in order to allow the parent to open an OAG case and demonstrate cooperation with OAG.

LF

Boards must not allow parents more than three months of noncompliance with the child support or OAG cooperation requirements of the PRA without instituting a sanction.

NLF

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicyclarifications@twc.state.tx.us.

RESCISSIONS:

WD Letter 43-08

REFERENCE:

Texas Workforce Commission Child Care Services Rules: 40 TAC §809.44

Texas Workforce Commission Child Care Services Rules: 40 TAC §809.76

WD Letter 10-07, issued February 2, 2007, and entitled “Adoption of Local Workforce Development Board Policies in Open Meetings”

WD Letter 19-07, issued March 7, 2007, and entitled “Access to the Child Support Income Verification Application on the Office of the Attorney General Child Support Division’s Portal”

WD Letter 17-08, Change 1, issued May 14, 2008, and entitled “Verification of Child Support Using the Office of the Attorney General Child Support Division Portal: Clarification”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”