

Attachment 1
Required Duties and Performance Standards

CORPORATION COUNSEL DUTIES (Required for reimbursement of services)

Provide legal services to the CSA, as follows:

On behalf of the CSA, appear in court representing the State's interest, in matters related to establishing paternity, establishing, modifying or enforcing child support and/or medical support, maintenance, or any other matters related to services provided to IV-D cases.

If the attorney assigned to the child support case is absent or unavailable, the cooperative agency shall provide another attorney to appear for the CSA, so that all court calendar days made available to the CSA are used.

Prepare pleadings, including summons, petitions, orders to show cause, motions, etc. for scheduled IV-D court hearings. Utilize appropriate KIDS documents.

Draft interim orders.

Prepare court orders, temporary orders, and judgments. Utilize appropriate KIDS documents.

KIDS Data Entry - appropriately disposition court hearings and create a KIDS Case Event to document all contacts and case actions taken by the Cooperative Agency.

Attend, if available, training sessions provided by the County Child Support Agency, the Bureau of Child Support (BCS) and/or the Wisconsin Child Support Enforcement Association (WCSEA).

Negotiate settlement agreements.

Obtain prior approval from the Department of Children and Families (DCF) attorney for any compromise of support arrearages owed to the state.

Notify the DCF attorney of any appearance on behalf of the State in any appeal involving a IV-D case.

Ensure equal opportunity and equal access in service delivery – assist the CSA and the courts in identifying the need for translation and interpretation services and the need for the provision of reasonable accommodations or aids for people with disabilities.

CORPORATION COUNSEL STANDARDS OF PERFORMANCE

Reserve, at a minimum, at least (xx) hours of conference time per week for IV-D cases.

Reserve, at a minimum, (xx) hours per month of court time for child support activities and appear at hearings to represent the State's interest, up to (xx) hours per month.

A maximum of (xx) cases per hour will be scheduled for court during the child support court schedule. It is expected the Cooperative Agency will conduct these hearings during the allotted time period.

Prepare pleadings within (xx) days before the hearing.

Prepare court orders within (xx) days following the hearing.

Review and sign the draft IV-D court orders within (xx) working days.

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Meet all timeframes for taking legal actions and establishing and enforcing orders as set forth in the federal regulations and state policies to the extent possible.

Cooperate with the CSA to meet federal timeframes for IV-D services:

Within 90 calendar days of locating the alleged father or noncustodial parent, establish paternity and establish an order for support or complete service of process necessary to commence proceedings.

For cases in which service of process is necessary, establish paternity and establish an order for support:

- within six months in 75% of the cases, and
- within twelve months in 90% of the cases,

From the date of service of process.

Within 180 calendar days of receiving a request for review or locating the non-requesting parent, review and adjust the order or determine that the order should not be adjusted.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.

FAMILY COURT COMMISSIONER (FCC) DUTIES (Required for reimbursement of services.)

As the designated Income Withholding (IW) Agency, process all IW assignments on IV-D cases including changes and terminations of assignments.

Order immediate income withholding in every case in which a support order is entered or make appropriate finding of irreparable harm.

Whenever an order for support is issued which deviates from the percentage standard, the FCC will include in the order and state on the record:

- The reason that use of the percent standard would be unfair to the child or the party,
- The amount of support that would have been required under the percent standard,
- How the order deviates from the standard,
- Reasons for the amount of deviation, and
- The basis for the deviation

Whenever a child support order is entered or revised in a IV-D case, express the terms of said order as a fixed dollar amount, rather than as a percentage of income.

Assure financial orders are compatible with KIDS Court Order entry by including in the order a calendar begins date. If past support is ordered, clearly designate said amount as past support.

Enter an order for health insurance coverage and provisions regarding responsibility for uninsured medical bills in all IV-D cases involving minor children.

Draft interim orders.

Maintain court files in the manner prescribed by law and the State Office of Courts.

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Notify the CSA of any address change, any change in job status and/or any other substantial changes in income on IV-D cases which come to the attention of the FCC.

Provide applications for IV-D services to all new family cases where minor children are involved (and include direct deposit information in application packet).

Provide staff to attend court sessions and make proper minutes pertaining to paternity, child support establishment, child support modification, and/or enforcement hearings.

Provide a court reporter to attend court sessions and make proper minutes pertaining to paternity, child support establishment, child support modification, and/or enforcement hearings.

Adjourn any court proceeding in which the IV-D Agency is a party to that action and has not been properly noticed.

Upon request of the CSA, provide access to all temporary orders, judgment and income withholding orders for purposes of photo copying.

Provide the CSA with a copy of all temporary and non-temporary restraining orders which shall include the name of both parties, pursuant to Wis. Stat. § 49.22(12).

Cooperate in the development of expedited procedures for the establishment of paternity and child support orders as required by State or Federal regulations.

Upon request of a party, provide the party with written information and a pro se packet that sets forth procedures for modifying child support awards.

Provide hearing dates to the clerk of courts for all pro se motions to modify a child support order involving a IV-D case.

File an interim child support order after pro se hearings for modification of child support (Or ensure that the petitioner in a pro se action to modify a child support order files the order within 30 days of the hearing.)

Meet regularly with the CSA director regarding policy and procedural issues.

Ensure equal opportunity and equal access in service delivery – this includes the use of interpreters or procedures for acquiring translation and interpretation services when needed and the provision of reasonable accommodations or aids for people with disabilities.

FAMILY COURT COMMISSIONER STANDARDS OF PERFORMANCE

Reserve at a minimum, approximately (xx) hours of time for paternity establishment related hearings for IV-D cases, subject vacations and other time off.

Reserve at a minimum, approximately (xx) hours of time for all establishment, order modification, and enforcement related hearings for IV-D cases, subject to vacations and other time off.

Process all IW assignments and provide a copy of IW orders on IV-D cases to the CSA within (xx) days of the entry of an order or of any reported job change.

Order medical support in 100% of cases involving minor children.

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Notify the CSA of any address change, any change in job status and/or any other substantial changes in income on IV-D cases which come to the attention of the FCC, within (xx) days.

Meet regularly (identify timeframe) with the CS Director regarding policy and procedural issues.

Return a copy of all signed pleadings, with the court date and time added, within (xx) days of setting them on the calendar.

Provide access to all temporary order, judgment and income withholding orders for purposes of photo copying, within (xx) days of CSA request.

Cooperate with the CSA to meet federal timeframes for IV-D services:

- Within 90 calendar days of locating the alleged father or noncustodial parent, establish paternity and establish an order for support or complete service of process necessary to commence proceedings.
- For cases in which service of process is necessary, establish paternity and establish an order for support:
 - within six months in 75% of the cases, and
 - within twelve months in 90% of the cases,
- From the date of service of process.
 - Within 180 calendar days of receiving a request for review or locating the non-requesting parent, review and adjust the order or determine that the order should not be adjusted.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.

Provide a party with written information and a pro se packet that sets forth procedures for modifying child support awards within 3 working days of the request.

For all pro se motions for a modification returned by IV-D case participants, set a hearing date which is not more than 60 days from the date the appropriately completed motion is received.

File an interim child support order after pro se hearings for modification of child support within working 10 days after the hearing.

SHERIFF'S DEPARTMENT DUTIES

(Required for reimbursement of services under 45 CFR 304.20(b)(2) through (8).)

Process Service

Service of process fees are subject to statutory limitations. Under Wis. Stat. § 814.70, *unless a higher fee is established by the county board*, sheriff's charges may not exceed \$12 per attempt, plus \$6 for each additional defendant or person at the same address. Service of process fees that exceed the statutory rate may not be charged to the IV-D program by the sheriff, unless the county board has specifically authorized a higher fee.

With due diligence, attempt to serve all civil process forwarded by the CSA or FCC in IV-D cases. Provide affidavits of service, noting the date and place of service.

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Make diligent attempts to serve legal papers on IV-D participants believed to be residing in the county. Due diligence includes, but is not limited to, at least three (3) attempts at each possible location furnished by the CSA. However, if in one of the attempts it is determined that further attempts at a given location would be futile, further attempts are not required.

Document all service of process and attempted service of process by providing a proof of (attempted) service in the form of a server's affidavit or certificate of service. The affidavit or certificate must state the date, time and place of service, whether the respondent was personally served.

For serving a summons, the server must also endorse the summons and indicate thereon the time and date, the place and manner of service, and upon whom service was made. Failure to make the endorsement shall not invalidate the service, but no fees shall be paid for the service (Wis. Stat. § 801.10(2)).

When personal service is required, serve the named party (not substituted service).

Execution of Warrants (45 CFR 304.20 (b)(3))

Enter into the NCIC, Enforcer, TIME and other appropriate systems all child support warrants which have the required identifiers.

Check the records for outstanding child support warrants, whenever civil papers are served on any person or an arrest is made for any reason.

With due diligence, execute bench warrants, and orders for arrest or commitment in IV-D cases. If there are questions about the validity of said orders or the identity of the party, contact the CSA immediately.

Return all withdrawn IV-D warrants to the CSA.

Locate Services (45 CFR 340.20 (b)(5))

Respond to CSA requests for location information by accessing available resources such as, Crime Information Bureau and out of county and out of state law enforcement agents.

Security Services

Upon request, provide special security service to the CSA and to the courts.

Escort respondents who are in custody to hearings scheduled by the CSA and arrange for transportation of persons arrested in other counties.

Other Services

Provide daily jail and Huber rosters, and upon request, provide information to CSA about inmates' dates of incarceration, employment status, address information and any other relevant information.

Conduct polygraph tests upon request of the CSA. (45 CFR 304.20(b)(2))

Meet regularly with the CS Director regarding policy and procedural issues.

Ensure equal opportunity and equal access in service delivery – this includes the use of interpreters or procedures for acquiring translation and interpretation services when needed and the provision of reasonable accommodations or aids for people with disabilities.

SHERIFF'S DEPARTMENT STANDARDS OF PERFORMANCE

Process Service

Execute due diligence by making at least three attempts to serve the respondent at each possible location furnished by the CSA, unless it is determined that further attempts at a given location would be futile.

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Effectuate service of process to meet due process requirements as set forth under Wisconsin statutes.

Execution of Warrants

Within xx days of the warrant, enter into the NCIC, Enforcer, TIME and other appropriate systems all child support warrants which have the required identifiers.

With due diligence, execute bench warrants and arrest/commitment orders in IV-D cases.

If there are questions about the validity of any warrant or the identity of the party, contact the CSA within xx days.

Return all withdrawn IV-D warrants to the CSA within xx days of withdrawal.

Locate Services

Respond to CSA requests for location information by accessing available resources such as, Crime Information Bureau and other automated resources within xx days of the request.

Security Services

Upon xx days advance notice, provide special security service to the Child Support Agency and to the courts.

Other Services

On a daily basis, provide daily jail and Huber rosters, and upon request, provide information to CSA about inmates' dates of incarceration, employment status, address information and any other relevant information.

Meet with the CS Director at least xxxxy, regarding policy and procedural issues.

Cooperate with the CSA to meet federal timelines for IV-D services:

Within 75 days of determining that location is necessary, access appropriate locate sources.

If service of process is necessary, service must be completed or unsuccessful attempts must be documented within 60 calendar days of identifying a delinquency, or of locating the noncustodial parent, if location is necessary.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with the Department of Children and Families.

CLERK OF COURTS (COC) DUTIES (Required for reimbursement of services.)

Note: Also see CSB 02-01 Subject: Filing Fees for Revision of Judgment for treatment of COC fees.

Provide copies of all Orders for Protection to the Child Support Agency.

Provide copies of temporary orders, judgments, modifications to orders, and interim disbursement orders for non IV-D cases for each action that comes related to setting and/or modifying child support, maintenance or property settlements payable through the SDU.

Upon request, provide the CSA with copies or certified copies of court documents, including: temporary orders, judgments, modifications to orders, and interim disbursement orders.

Upon request, complete Vital Statistics forms for paternity judgments.

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Accept cash payments. Convert cash payments to a county check and transmit any payments to the SDU by *regular mail* within 48 hours of receipt.

Provide staff to attend court sessions and take proper minutes pertaining to paternity, child support establishment, child support modification, and/or enforcement hearings.

Provide a court reporter to attend court sessions and make proper minutes pertaining to paternity, child support establishment, child support modification, and/or enforcement hearings.

Ensure equal opportunity and equal access in service delivery – by arranging for interpreters in court, or translation and interpretation services when needed, and providing reasonable accommodations or aids for people with disabilities.

Upon docketing an appropriately completed pro se motion for a revision of the child support order submitted by a IV-D case participant, notify the CSA of the date of filing and the date of the hearing.

Provide access to or a copy of the Confidential Petition Addendum (CPA) containing the social security numbers (ssn) of case participants to the CSA to assist the CSA in setting up non-IVD case on the KIDS system pursuant to Wis. Stat. §§ 767.215(5) and 59.40(2)(p).

CLERK OF COURTS STANDARDS OF PERFORMANCE

Provide copies of the following documents within the required schedules:

- Copies of Orders for Protection to the CSA within (xx) days after the order is rendered.
- Copies of Interim Disbursement Orders within (xx) days after the hearing.
- Copies of other requested court documents, including certified copies, within (xx) days of the request.

Provide copies of completed Vital Statistics Forms for Paternity Judgements within (xx) days or within reasonable time frames.

Transmit any payments to the SDU by *regular mail* within 48 hours of receipt. Federal regulations require all payments must be processed by the SDU within 48 hours of receipt.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.

Notify the CSA of filing of a pro se motion to modify child support within five working days.

COUNTY STAFF IN DISTRICT ATTORNEY'S OFFICE DUTIES
(Required for reimbursement of services for *county administrative staff only*.)

Provide secretarial services to answer phone calls, take messages, and refer callers to appropriate prosecutor or child support agency staff.

Provide reception services and direct visitors to appropriate prosecutor or child support agency staff.

Provide secretarial services to prepare and file appropriate documents to commence non-support actions in circuit court.

Ensure that DA secretaries maintain sufficient records and systems in order to ensure proper tracking of IV-D criminal cases. Document case files in accordance with federal regulations.

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Maintain statistics and reports as may be needed by the county, state or federal office of child support enforcement.

Ensure equal opportunity and equal access in service delivery – assist the CSA and the courts in identifying the need for translation and interpretation services and the need for the provision of reasonable accommodations or aids for people with disabilities.

STANDARDS OF PERFORMANCE: DISTRICT ATTORNEY’S OFFICE (For County Administrative Staff)

Assist the prosecutor in maintaining records related to IV-D criminal non-support cases in accordance with Wis. Stat. § 978.07 which defines records requirements for district attorneys and the record retention requirements as set forth by the State Records Board.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.

FINANCE DEPARTMENT DUTIES

Note: These expenditures are allowable as direct costs only if they are not included in indirect costs.

Prepare the expenditure report and forward to the CSA.

Advise the CSA concerning good record-keeping systems, budget materials, and other financial management matters.

Maintain records of the CSA revenues and disbursement in accordance with generally accepted accounting principles and all relevant state and federal laws.

Assist in preparations for state and federal audits.

FINANCE DEPARTMENT STANDARDS OF PERFORMANCE

Submit the prepared expenditure report to the CSA by the (xx) day of the month following the month of expenditure.

Establish and maintain an accounting system that ensures that only appropriate IV-D expenditures are claimed for state and federal reimbursement.

Respond to audits and assure that all records maintained for the IV-D program are available to the Department on request, with adequate notice for inspection. The Department will provide at least 5 working days notice.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.

INFORMATION MANAGEMENT SERVICES DUTIES

Note: These expenditures are allowable as direct costs only if they are not included in indirect costs. Cooperative Agreements are not required for IT costs if they do not exceed reasonable and necessary costs, and said costs are reasonably assignable to IV-D services. This must be fully documented in CSA financial record.

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Provide maintenance of Personal Computers (PCs) for Child Support staff connected to the County Network. Install and update as necessary all software and equipment required for the administration of the Child Support Enforcement Program.

Ensure the County computer network is functioning and available for connectivity to entities within and outside of the County network (including the State KIDS system).

Respond to CSA computer and printer problems.

Provide additional technical support as required by the CSA.

Upon request by the CSA, develop computer programs related to child support cost reporting and other financial data for the administration of the IV-D program.

Assist the CSA and other county departments in following all security directions and procedures on state hardware and software.

INFORMATION MANAGEMENT STANDARDS OF PERFORMANCE

Acknowledge and respond within required schedule requests for:

- Database support functions required for the IV-D program, within (xx) days
- Assistance for child support computer and printer problems, within (xx) days
- Requests for additional technical support within (xx) days
- Development of computer programs related to child support cost reporting and other financial data for the administration of the IV-D program, within (xx) days

Acknowledge and respond within (xx) days, CSA and other county departments/cooperative agencies requests for assistance in matters regarding security directions and procedures on state hardware and software as specified in the State/County contract.

Comply with the Civil Rights Compliance standards for agencies that deliver services under contract with or sub-contracts/cooperative agreements with the Department of Children and Families.