

**WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES
Division of Family and Economic Security
Bureau of Child Support**

**To: Child Support Directors
Child Support Supervisors or Lead Workers
Child Support Attorneys**

**From: Director
Bureau of Child Support**

**CHILD SUPPORT
BULLETIN**

No.: 09-34

Date: 11/09/2009

Subject: PASSPORT ZERO-TOLERANCE / MINIMUM \$2,500 PAYMENT POLICY

Purpose:

This bulletin informs child support agencies (CSAs) that effective January 1, 2010; Wisconsin will require either payment in full or a minimum payment of \$2,500 to issue a passport. This bulletin obsoletes and replaces the policy outlined in CSB 06-16.

Background:

The passport denial program became a new enforcement tool under PRWORA in 1996. For a paying parent to be eligible for passport denial the payer must be certified for federal tax offset (FTO) and the certified amount must meet or exceed \$2,500. When the FTO amount meets the \$2,500 threshold, the NCP's name is submitted to the US Department of State, and at the time of application for any passport documentation, the passport will be denied.

The Western Hemisphere Travel Initiative made several changes to traveling by land and by sea with respect to requiring a passport. In January 2007 the initiative required a valid passport, passport card, or WHTI-compliant document to travel by air between the USA and Canada, Mexico, and Central and South America. Since June 1, 2009, a valid passport is also required to travel by land and sea from the same entry points. This has increased the number of persons applying for passports.

Currently, there is no state-wide policy to determine the amount to be paid before an NCP's passport can be released. CSA practices vary widely, and a significant number of passport denials are lifted with minimal or no payment required. Current Wisconsin statistics indicate the following payments for passport releases:

10% - payment in full
66% - partial payment
24% - with no payment

After the denial is lifted and the passport issued, the passport is valid for 10 years and cannot be revoked or suspended. According to national statistics, after the passport has been released most payers discontinue paying support.

Many states have enacted zero-tolerance policies requiring full payment of the FTO balances before a passport is released. These states report significant increases in collections after enacting a zero-tolerance passport policy. Nationwide, over \$23 million has been collected in passport release payments. States that have a zero-tolerance policy have reported that payers frequently make the full payment, which has increased their collections from passport releases by as much as 45%.

The Policy Advisory Committee (PAC) met on May 9, 2009 to discuss whether Wisconsin should adopt a zero-tolerance passport policy. During these discussions, PAC representatives expressed concern that demanding the full federal tax offset payment amount in all court cases would eliminate their ability to collect a small portion of past-due child support in cases where the payer was unable to pay the full amount. PAC discussed whether interest might be excluded from the calculation, or if the lien amount might be the minimum required payment before a passport should be released. BCS considered the various alternatives that were discussed, and whether a simple policy might be easier to administer. The following policy was developed.

Policy

Effective **January 1, 2010**, Wisconsin's passport payment policy will require full payment of the federal tax offset (FTO) amount before the passport is released. If the NCP is incapable of paying the full FTO amount, the CSA may negotiate a lesser payment, but *no less than \$2,500*. If the NCP owes less than \$2,500, then the full amount owed must be paid.

Payment Exceptions

Exceptions to the passport payment policy will be made **only** for mistake in identity, mistake of fact, or, life-or-death situations involving a member of the payer's immediate family. In cases meeting these exceptions, the NCP should be advised to pay the certified amounts in full or to request a negotiated settlement. The NCP will be required to supply proof that these exceptions apply.

Life or death situations mean imminent death or funeral, serious illness, or dangerous operation for the payer's immediate family member. Family members include parent, guardian, or step-parent; child (natural or adopted), step-child; grandparent, sibling or step-sibling; aunt, uncle, or spouse. This requires proof in the form of a letter from a doctor or the Red Cross to verify the circumstances.

In a **life-or-death situation**, the CSA must FAX proof to BCS, including a physician's statement or Red Cross statement, and the *Request to Withdraw Passport Denial* form, located on the CS Workweb, on the Passport resource page.

If a **mistake in fact or identity**, the CSA should update or correct KIDS, then immediately contact BCS by emailing the proof and a completed *Request to Withdraw Passport Denial* form to kidpol. BCS will work with the CSA and the NCP to ensure that the passport is released promptly.

CSA General Responsibilities

CSAs must inform NCPs that state policy requires that the full amount certified for federal tax intercept (FTO amount) must be paid before the passport will be released. CSAs must determine the full FTO amount owed by adding up the amounts owed for each court case listed on the List Arrears Certification (KATFIA) screen in KIDS (Path 05, 13). The CSA may negotiate a reduced payment with the payer, but never less than \$2,500.

The NCP must pay the full amount or the required minimum payment, which must be receipted in KIDS before releasing the passport. CSAs must instruct payers to mail a **cashiers check or money order** for the required amount to the Wisconsin Support Collections Trust Fund (WI SCTF). The CSA should give the NCP a payment coupon listing the NCP PIN, or instruct the payer to use the payment coupon on the Child Support On-line Services (CSOS) website. The Trust Fund will apply the payment to the NCP PIN, and it will be distributed among the NCP's cases following the standard hierarchy. If a personal check is used, the standard 10-day hold for all checks over \$5,000 will be applied before the passport is released.

When the payment has been receipted in KIDS, or after the CSA receives the cashier's check or money order, the CSA supervisor should enter a passport bar (PD) (Path 07, 10) in KIDS. The passport release will automatically be processed during the next weekly federal tax offset cycle, and will be updated at the Department of State (DOS).

CSAs should inform the NCP that it can take between two to four weeks from the date the payment is applied and the bar is entered before the DOS releases the passport. A cashier's check or money order will eliminate the 10-day hold period on personal checks. If a personal check is used for payments over \$5,000, it will take up to 6 weeks.

CSAs should report known collections made for passport releases to BCS on a periodic basis, by sending an email with the amount collected and reason for the release to kidpol.

If an exception applies, the CSA must obtain proof and supply that information to BCS.

Early Release Following Payment

In *urgent cases*, the CSA may request that BCS release a NCP's passport using the **manual release** process, after the NCP's payment. CSAs will use the Passport Release Fax on the CS Workweb to make this request. No request for early release will be honored before the payment has been receipted into KIDS, unless the CSA has the cashier's check or money order in-hand. An *urgent case* example is when the payer pays the entire amount owed or has paid the required minimum payment as negotiated, and the passport is required for travel before the next weekly cycle runs.

BCS Responsibilities

BCS will review and approve all payment-exception requests, including mistake of fact, mistake in identity, and life-or-death situations.

If the CSA requests early release following payment, BCS will review the CSA's request and release the passport outside of the normal weekly federal tax offset cycle, as long as the payment has been receipted or the CSA has mailed to the WI SCTF the money order or cashier's check, or proof has been provided in life-or-death situations.

Passport Denial Bar

KIDS does not currently contain an end-date field for passport bars, therefore CSAs should always delete the passport bar after the NCP has secured his/her passport, or within 6 months from the start date of the bar. BCS is working to add a Passport Denial bar end-date field to KIDS and will delete all existing passport bars with start dates before November 30, 2009. This will be announced via KIDS Bulletin Board.

Resources:

- To review the WHTI-compliant document requirements, or for additional information about the Western Hemisphere Travel Initiative, visit the [US Department of State](#)