

441—95.14(252B) Termination of services.**95.14(1) Case closure criteria.**

a. Child support services to a recipient of public assistance may be terminated when one of the following case closure criteria is met:

(1) There is no ongoing support obligation and arrearages are under \$500 or unenforceable under state law.

(2) The noncustodial parent or putative father is deceased and no further action, including a levy against the estate, can be taken.

(3) Paternity cannot be established because:

1. The child is at least 18 years old and action to establish paternity is barred by the statute of limitations;

2. A genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified; or

3. The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the child support recovery unit with the recipient of services.

(4) The noncustodial parent's location is unknown, and the child support recovery unit has made diligent efforts to locate the noncustodial parent using multiple sources, in accordance with regulations in 45 CFR 303.3, as amended to March 10, 1999, all of which have been unsuccessful, within the applicable time frame:

1. Over a three-year period when there is sufficient information to initiate an automated locate effort.

2. Over a one-year period when there is not sufficient information to initiate an automated locate effort.

(5) The noncustodial parent cannot pay support for the duration of the child's minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential. The child support recovery unit must have determined that no income or assets are available to the noncustodial parent which could be levied or attached for the payment of support.

(6) The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets, and there is not a reciprocity agreement with that country.

(7) There has been a finding of good cause or other exception in a public assistance case as specified in 441—subrules 41.22(8) through 41.22(12) and 441—subrule 75.14(3), including a determination that support enforcement may not proceed without risk or harm to the child or caretaker relative.

(8) The child support recovery unit documents failure by the child support agency of another state which requested services to take an action which is essential for the next step in providing services.

(9) The non-IV-A recipient of services requests closure of a case and there is no assignment to the state of medical support under 42 CFR 433.146, as amended to October 1, 2002, or of arrearages which accrued under a support order.

(10) The case meets any other basis for case closure based upon federal law.

b. Child support services to a person who is not receiving public assistance may be terminated when one of the case closure criteria of subparagraphs 95.14(1)“*a*”(1) through (6) or (8) is met or for one or more of the following reasons:

(1) The child support recovery unit has received a written or oral request from the recipient to close the case, and there is no assignment to the state of medical support or arrearages which accrued under a support order.

(2) The child support recovery unit has received information that the address in the unit's record is no longer current, and the unit is unable to contact or otherwise locate the recipient within 60 days following receipt of this information, despite an attempt of at least one letter sent by first-class mail to the recipient's last-known address.

(3) The recipient of services has failed to cooperate with the child support recovery unit, the circumstances of the noncooperation have been documented, and an action by the recipient of services is essential for the next step in providing services. (See rule 441—95.19(252B).)

(4) The child support recovery unit has provided location-only services.

(5) The child support recovery unit has determined that it would not be in the best interest of the child to establish paternity in a case that involves incest or forcible rape or a case in which legal proceedings for adoption are pending.

(6) The case meets any other basis for case closure based upon federal law.

95.14(2) *Notification in public assistance cases.* In cases meeting one of the criteria of subparagraphs 95.14(1)“a”(1) through (6), (8), or (10), the child support recovery unit shall send notification of its intent to close the case to the recipient of services or the child support agency in the state which requested services in writing 60 calendar days before case closure. The notice shall be sent to the recipient of services or the state requesting services at the last-known address stating the reason for denying or terminating services, the effective date, and an explanation of the right to request a hearing according to 441—Chapter 7. Closure of the case following notification is subject to the following:

a. If, in response to the notice, the recipient of services or the state requesting services supplies information which could lead to the establishment of paternity or a support order or enforcement of an order, the case shall be kept open.

b. The recipient of services may request that the case be reopened at a later date if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application and paying any applicable fee.

95.14(3) *Reasons for termination of services to nonpublic assistance recipients.* Rescinded IAB 4/30/03, effective 7/1/03.

95.14(4) *Notification in nonpublic assistance cases.* The child support recovery unit shall provide notification to nonpublic assistance cases meeting the criteria for closure in paragraph 95.14(1)“b” in the manner and under the conditions stated in subrule 95.14(2), except for cases terminated for the reasons listed in subparagraphs 95.14(1)“b”(1) and (4). If the case is to be closed because the child support recovery unit was unable to contact the recipient of services as provided in subparagraph 95.14(1)“b”(2), the case shall be kept open if contact is reestablished with the recipient of services before the effective date of the closure.

This rule is intended to implement Iowa Code sections 252B.4, 252B.5 and 252B.6.