

ATTACHMENT 1 PROCEDURES AND ROLES AND RESPONSIBILITIES

ENHANCED PSOC LOCATE REQUEST PROCEDURES

- a. The CSE agency certifies that the request is being made as part of an investigation for an interstate child support case that appears to be appropriate for criminal non-support action and that the state has exhausted all state and FPLS locate resources.
- b. State PSOC Coordinator completes a PSOC Locate Request form and sends it to the OCSE PSOC Locate Analyst.
- c. Upon receipt of the referral, the OCSE PSOC Locate Analyst will:
 - o Assign a PSOC case number;
 - o Establish a case folder;
 - o Enter the appropriate referral information into the case tracking log, and
 - o Obtain multiple years of wage data using the SSADARS system available through the FPLS and query commercial databases for locate and asset information.
- d. The OCSE PSOC Locate Analyst will send a memorandum to the State PSOC Coordinator indicating which databases were searched and attach a copy of the results to the memorandum.

Please remember that any Annual Wage Record (AWR) obtained from 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.

The PSOC Locate Services Request form and template instructions are provided as attachments to AT-11-01.

Timeframe: the maximum time between receipt of a PSOC locate request and return of results to the state is two weeks.

CRIMINAL PROSECUTION FOR NON-SUPPORT REFERRAL PROCEDURES

- a. Before referring a case for federal criminal prosecution for non-support, the IV-D agency must:
 - o Determine the case meets the statutory criteria for federal prosecution under 18 U.S.C. §228, including that the referral is part of an investigation for an interstate child support case.
 - o Exhaust all available and reasonable alternative enforcement remedies.
- b. State PSOC Coordinator completes PSOC Criminal Prosecution for Non-Support Referral form and sends it to the OCSE PSOC Coordinator.
- c. Upon receipt of the referral, the OCSE PSOC Coordinator will:
 - o Assign a PSOC case number.
 - o Establish a case folder.
 - o Enter the appropriate referral information into the case log.
 - o Forward the referral to the appropriate OIG agent via a cover letter.
- d. The OCSE 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 their

discretion, the OIG or the AUSA may contact the CSE agency directly to exchange information.

The PSOC Criminal Prosecution for Non-Support Referral form and template instructions are provided in Attachment 3 to this AT.

Timeframe: the maximum time between receipt of a criminal non-support referral and forwarding to the OIG is two days.

PSOC ROLES AND RESPONSIBILITIES

State PSOC Coordinator

Coordinates enhanced PSOC locate request activities with the OCSE PSOC Locate Analyst and coordinates referral activities for criminal non-support prosecutions with the OCSE PSOC Coordinator.

OCSE PSOC Locate Analyst

Receives enhanced PSOC locate requests from State PSOC Coordinators and performs appropriate locate activities and provides results to State PSOC Coordinators.

OCSE PSOC Coordinator

Receives PSOC criminal non-support referrals from State PSOC Coordinators and ensures that the referrals are received by the correct OIG field office. The OCSE PSOC Coordinator also coordinates information between the OIG and the states.

OIG Investigative Branch

Responsible for PSOC investigations. Receives PSOC criminal non-support referrals from the OCSE PSOC Coordinator. Generally each HHS Region has an Assistant Special Agent in-charge (ASAC) who assigns cases to a Special Agent (SA) and supervises their activities. SAs perform investigations and present cases for prosecution to an AUSA; SAs also have discretion to reject referrals based on internal judgment.

DOJ Child Exploitation and Obscenity Section (CEOS)

Headquarters entity for child exploitation statutes (pornography, domestic prostitution, child support enforcement, international parental kidnapping).

The CEOS:

- Provides expertise and training to Assistant US Attorneys (AUSA) in the districts that prosecute cases.
- Produces a child support handbook to assist AUSAs in its endeavor to prosecute child support cases.
- Provides input to executive and legislative branches on policy and legislation regarding child support case prosecutions.

Each judicial district has a chief U.S. Attorney who manages many divisions, including a criminal division under which child support cases are assigned to AUSAs.

- AUSAs determine prosecutorial merit of cases.
- Cases are assigned based on availability.
- In some states, referrals are made directly to the AUSA office.