

Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 3—County Reimbursement

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Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 40—Family Support Division Chapter 3—County Reimbursement

13 CSR 40-3.010 Reimbursable Expenditures

PURPOSE: The purpose of this rule is to define those expenditures for which the Family Support Division will provide federal financial participation through reimbursement and also to provide, in certain instances, criteria or prerequisites for claiming that reimbursement.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. As used in this regulation—

(A) Division means the Family Support Division;

(B) State agency means the Missouri Department of Social Services; and

(C) Director means the person serving as director of the Missouri Family Support Division.

(2) Cooperative Agreements. To qualify for federal financial participation, a city or county must have entered into a cooperative agreement with the division. Under section 454.405, RSMo, the director shall offer cooperative agreements to city or county governing bodies or officers, including, but not necessarily limited to, circuit courts, circuit clerks, and prosecuting attorneys. Federal financial participation shall be available for costs incurred as of the first day of the calendar quarter in which a cooperative agreement or amendment is signed by all parties, provided the party claiming reimbursement files timely and proper claims. The division shall set the standards where claims for reimbursement are deemed timely and properly filed. Cooperative agreements shall provide, at a minimum, for—

(A) The governing body of the city or county to hire additional investigative, clerical, and/or secretarial staff needed to fulfill its responsibilities assumed under the agree-

ment or, if the city or county is a participant in a multiple-county agreement, to participate in the cost of this additional staff;

(B) The city or county, upon the prosecuting attorney's recommendation, to hire additional assistant prosecuting attorneys needed to fulfill its responsibilities assumed under the agreement or, if the city or county is a participant in a multiple-county agreement, to participate in the cost of attorneys retained for that purpose;

(C) The city or county to furnish office space and other administrative requirements needed to fulfill its responsibilities assumed under the agreement or, if the city or county is a participant in a multiple-county agreement, to participate in the costs of office space and other administrative requirements;

(D) The division to reimburse the county at the applicable federal rate from monies received from the federal government for reasonable and necessary costs, as determined by the director, associated with the establishment and enforcement of support obligations by the city or county or, if applicable, the multiple-county unit; and

(E) The city or county or, if applicable, the multiple-county unit to maintain financial and performance records required by federal regulation. The city or county or multiple-county unit is required to make these records available for inspection to representatives of the state agency, the state auditor, or the United States Department of Health and Human Services.

(3) Activities for Which Federal Funds are Available. Federal funds are available at the applicable rate for reasonable and necessary costs, as determined by the director, for the following activities:

(A) Establishment of paternity upon referral from the division. Reimbursable activities include reasonable and necessary attempts to determine the identity of the child's father, such as investigation; the development of evidence, including the use of blood tests; pre-trial discovery; court proceedings or other actions necessary to establish paternity under procedures established by state statutes or regulations having the effect of law; and referral of cases to other states' child support enforcement agencies to establish paternity, when necessary;

(B) Establishment and enforcement of support obligations upon referral from the division. These activities include investigation, development of evidence, and, when appropriate, bringing court actions; determination of child support obligation amounts, including the development of information that is needed for financial assessments; establish-

ment of medical support obligations when they will not reduce absent parents' abilities to pay current child support; referral of cases to other states' child support enforcement agencies to establish child support obligations when necessary; enforcement of child and spousal support obligations, including those activities associated with collection and enforcement of court orders, issuance of warrants, wage withholding or other civil or criminal actions, as necessary; investigation and prosecution of fraud related to child and spousal support; and defense of modification proceedings and other legal actions related to support obligations that have been assigned to the state under section 208.040, RSMo, or that the division is enforcing under section 454.425, RSMo;

(C) Collection, recording, and disbursement of child and spousal support collections under sections 454.415 and 454.430, RSMo, including collections made for other states' child support enforcement agencies;

(D) Establishment and maintenance of case records as required by federal regulations and the division;

(E) Activities related to requests for certification of collection of support delinquencies by the secretary of the treasury under 45 CFR 303.71;

(F) Reasonable and essential short-term training of court and law enforcement staff assigned on a full- or part-time basis to child support enforcement activities, provided that prior written approval is obtained from the director;

(G) Necessary travel expenses relating to the performance of reimbursable child support enforcement activities, provided that prior approval for out-of-state travel is obtained from the director. The same spending limitations that the division imposes on its employees for subsistence and other expenses will apply to county and court staff claims;

(H) Expenses related to indirect costs, as provided in the Office of Management and Budget Circular A-87;

(I) Activities directly related to the successful completion of referred cases; and

(J) Activities that have received prior approval for reimbursement by the division.

(4) Activities for Which Federal Funds Are Not Available. Federal funds are not available for the following activities:

(A) Service of process fees, court filing fees, and other court costs unless the court or law enforcement agency normally would be required to pay these costs. These costs include deposits or other filing fees, court fees, library fees, fees for making copies of



documents, fees for certified copies of documents, guardian *ad litem* fees, and fees for appointed counsel;

(B) Compensation costs (salary and fringe benefits) for judges;

(C) Travel and training costs that judges incur, if related to the judicial determination process;

(D) Office-related costs, such as space, equipment, furnishings, and supplies, that judges incur;

(E) Compensation (salary and fringe benefits), travel and training, and office-related costs that judges' administrative and support staffs incur;

(F) Costs associated with the processing of interstate referrals which a county receives directly from other states' child support enforcement agencies. Upon receipt, counties must forward referrals to the division's Interstate Collections Unit. Costs associated with interstate cases become reimbursable only upon referral from the division;

(G) Costs associated with otherwise reimbursable activities in the absence of adequate documentation as required by the division or by federal regulations;

(H) Costs of arrest and incarceration when no purchase of service agreement exists;

(I) Costs associated with construction and major renovations;

(J) Costs of space rental in publicly owned buildings;

(K) Personnel expenses for employees whose wages or salaries are paid for with other federal funds not eligible as match for IV-D funds;

(L) Any costs that a parent reimburses through fees or payments, including interest earned on undisbursed child support payments and recovered blood testing costs; and

(M) Educational and training programs and educational expenditures, except direct costs of short-term training as allowed by federal regulations and with the division's prior approval.

(5) Additional Criteria or Prerequisites for Claiming Certain Reimbursable Expenses.

(A) Rent. The director's written approval shall be required for participation in the cost of rent in the private sector. Counties can claim these costs only if public space is unavailable; the county actually incurs the expense by the actual expenditure of county general revenue; the county also participates in the rent costs for private space in which other public work is conducted; and rental costs claimed do not exceed the market value established in the community by competitive bid. When rent is paid to a county official, the county shall provide documentation of

compliance with sections 105.454(2) and (3), RSMo.

(B) Blood Testing Costs. Costs of blood tests used to establish paternity are reimbursable at the applicable rate for federal financial participation. The prosecuting attorney shall seek recovery of blood testing costs from the putative parent. When collected, the recovery costs must be shared with the division, at the same applicable rate, as a credit to current claims or remitted by check to the director.

(C) Travel and Subsistence. In those instances where county subsistence maximums are less than state maximums, these costs can be claimed only up to the maximum cost actually incurred by the county.

(D) Equipment Purchases. Equipment, for the purpose of this rule, is nonexpendable personal property with an initial cost of twenty-five hundred dollars (\$2,500). Reimbursement for equipment shall be available only through straight-line depreciation. The depreciation claimed will be based on the Internal Revenue Service's Table of Class Lives and Recovery Periods set forth in Publication 946, *How to Depreciate Property*, dated 2007, which is incorporated herein by reference. A copy of the information may be obtained from the Internal Revenue Service, 3702 W. Truman Blvd., Jefferson City, MO 65109, any local Internal Revenue Service office, or at their website, <http://www.irs.gov/formspubs/index.html>. The reference material does not include any later amendments or additions. To claim depreciation in the purchase of equipment with an initial cost of twenty-five hundred dollars (\$2,500) or more, the county must request and receive (in writing) the director's prior approval for federal financial participation in the cost of equipment. The director will not grant retroactive approval. The county will claim depreciation annually after the first full year of use.

(E) Clerical Staff Time. For any clerical employee who is compensated for both IV-D and non-IV-D related activities, the clerical employee must maintain detailed daily time records supporting personnel costs claimed, including IV-D case name, actual time, and specific activity; or in place of this requirement, the employee may claim IV-D time at the same ratio as the documented time of the professional(s) for which the clerical position provides support.

(F) Interest. Interest earned on county bank accounts containing funds collected for IV-D-child support cases must be remitted monthly to the state, by check, for distribution to state general revenue and federal funds.

(G) Reimbursable Activities in Prosecutors' Offices. Activities eligible for reimbursement for employees who are compensated for both IV-D- and non-IV-D-related activities in counties are those activities directly related to establishment or enforcement of orders for payment of child support in Title IV-D cases. Review of the case file is reimbursable only when—1) As a result of the review, some establishment or enforcement action is taken and time claimed for those actions is claimed concurrent with the time claimed for review; or 2) It is determined by the prosecuting attorney that no action should be taken and the case is returned to the division. The review shall be claimed in the same month the resulting establishment or enforcement action is taken or in the same month the case is returned to the division.

(H) Timely Claims for Reimbursement. All reimbursement claims must be submitted for payment no later than ninety (90) calendar days after the close of the calendar month for which IV-D reimbursement is claimed. Untimely claims submitted shall not be paid unless written waiver is granted by the director. This waiver may not extend the time for filing initial primary (regular) claims for more than thirty (30) calendar days.

(I) Supplemental claims for overhead and operating costs may be submitted beyond ninety (90) days provided the original primary (regular) claim for the month for which the supplemental is claimed was filed within the required time frame.

AUTHORITY: section 454.400, RSMo 2000.* This rule originally filed as 13 CSR 30-3.010. Original rule filed Oct. 18, 1988, effective Jan. 13, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 11, 1990. Amended: Filed May 17, 2000, effective Dec. 30, 2000. Moved to 13 CSR 40-3.010 and amended: Filed Nov. 26, 2008, effective June 30, 2009.

*Original authority: 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997.

13 CSR 40-3.020 Minimum Record-Keeping Requirements for County Reimbursement and Standardization of Claims Submissions

PURPOSE: The purpose of this rule is to establish minimum record-keeping requirements to document reimbursement claims received from county and city governing bodies under cooperative agreement with the Family Support Division (IV-D) and to standardize claims submissions.



(1) County government units which enter into cooperative agreements to provide child support enforcement (IV-D) services under section 454.405, RSMo, and federal regulations and which submit reimbursement claims under those agreements, will maintain records, available for audit, for five (5) years from the date the claims are presented to the Family Support Division for payment. If any litigation, claim, negotiation, audit, or other action involving the records is started before the end of the five (5)-year period, the county will keep the records until the action is completed and all issues which arise from it are resolved, or until the end of the regular five (5)-year period, whichever is later. For documentation, the records will include at a minimum:

(A) All receipts or vouchers for expenses claimed under operating and overhead (direct and indirect costs);

(B) Any employee who is compensated for both IV-D- and non-IV-D-related activities must maintain detailed daily time records supporting personnel costs claimed, including actual time and date, IV-D case name and case activity. In place of this requirement, a county may request permission from the division to sample personnel time using a method prescribed by the division. If approved by the division, these sampling results may be used to allocate IV-D personnel costs on a quarterly basis; and

(C) All records required by this rule must be available and adequate to verify expenditures. When documentation is not adequate, reimbursement may be denied or recovered if already paid. For the purpose of this rule, the term adequate records means that the required documents are legible and that the information they contain can be readily discerned through reasonably careful examination without resort to extrinsic sources of data or special explanations not contained in the documents.

(2) Counties must submit and document claims in a manner prescribed by, and on forms provided by, the division.

AUTHORITY: section 454.400, RSMo 2000. This rule originally filed as 13 CSR 30-3.020. Original rule filed Oct. 18, 1988, effective Jan. 13, 1989. Moved to 13 CSR 40-3.020 and amended: Filed Nov. 26, 2008, effective June 30, 2009.*

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