

**FAMILY COURT
ENFORCEMENT BRANCH**

**PROCEDURES FOR COMPLIANCE WITH D.C. OFFICIAL CODE § 46-214(c),
TERMINATION OF WITHHOLDING**

PROCESS: The refunding of child support payments to an absent parent when the whereabouts of the custodial parent have been unknown for a period of two (2) payments being returned.

OBJECTIVE: To ensure timely compliance with the Court's obligations under the D.C. Code and to garner the public's trust and confidence by treating all parties with equality, fairness and integrity.

AUTHORITY: D.C. Official Code (2001) § 46-214(c)

PROCEDURES:

1. Identify cases wherein the custodial parents' whereabouts have been unknown for thirty (30) days or more and/or two (2) payments are being returned and/or are on hold. This identification is made by an Excel spreadsheet. A letter will be sent to the absent parent to inform him or her that the whereabouts of the custodial parent are unknown. The letter will ask that the absent parent provide a valid address for the custodial parent or other information that may assist in locating the custodial parent. If the whereabouts are not known, information will be forwarded to the Locate Unit of the Child Support Enforcement Division (CSED). (See the following Form 1: Notification Letter.)
2. A list of such cases will be sent to CSED with a single copy of the notice as a substitute for individual notices in each case. (See the following Form 2: Notice to Child Support Enforcement Division.) This notice will state the Court's intent to return payments on hold to the absent parent and terminate wage withholding unless the location of the custodial parent can be determined. The notice will also state the Court's intent to suspend the child support order and provide 30 days for CSED to locate the custodial parent. If necessary, CSED may request a hearing on the issue.
3. If the custodial parent is located within the 30 days, the payments will be released to her/him.
4. If the custodial parent *has not* been located within 30 days, a proposed order will be forwarded to the presiding judge of the Family Court. (See the following Form 3: Proposed Order.) This order will seek authorization to return the payments on hold to the non-custodial parent, terminate wage withholding and suspend the support order.

5. Upon the signing of the order, it shall be recorded in the case tracking system and forwarded to the Collection and Disbursement Unit where the suspension shall be effected and the Notice and Order to Terminate Wage Withholding shall be generated and issued to the absent parent's employer. The undisbursed funds will be returned to the absent parent.

FORM 1: NOTIFICATION LETTER

(Name)

(Address)

(Address)

(Address)

Dear Absent Parent:

You are the named obligor in case number _____ and wage withholding is either currently in place or has been in place pursuant to an order of this Court. Please be advised that the Court no longer has a valid address for the custodian parent in this case, and support payments have been received but have not been disbursed for a period equaling two (2) payment cycles or more.

You are directed to D.C. Official Code (2001) § 46-214(c), which reads:

“If, because of the failure of a payee to give notice under this section, the Court is unable, for a 3-month period, to deliver payments owed pursuant to the withholding order, the Court shall return each undeliverable payment to the obligor and inform the holder to cease the withholding.”

We are seeking your assistance to facilitate our compliance with the above statute. We ask that you provide a current address for the custodial parent so that the Court will be able to disburse the appropriate payments. If you do not have this information, please provide any other information that may serve useful in locating the custodial parent. We are making every effort to ensure that the support is delivered to your child(ren).

Please contact our Customer Service Unit at 202-879-4856 with the proper information. If we do not hear from you or the custodial parent by _____ **(insert a date certain, 30 days plus 3 days for mailing)**, we will initiate action to terminate wage withholding until the whereabouts of the custodial parent are known.

Sincerely,

Clerk of the Court

FORM 2: NOTICE TO CHILD SUPPORT ENFORCEMENT DIVISION

District of Columbia Superior Court
Family Court
Paternity & Child Support

INFORMATION TRANSMITTAL

TO: Child Support Enforcement Division
5th Floor
441 4th Street, NW 20001

FROM: Paternity and Child Support, DC Superior Court
Room 4335
500 Indiana Ave., NW 20001

RE: ***DC Code 46-214(c), Termination of Withholding***

The Superior Court hereby requests that the Child Support Enforcement Division utilizes all of its available resources to locate the custodial parent in Superior Court case number _____ by ___(date)__. It is further requested that this locate information, when found, be updated into the District of Columbia Child Support Enforcement System so that payments that have been on hold for a period of at least two (2) payments may be released to the custodial parent.

If current and accurate locate information is not obtained by___(date)__; the Court shall return the payments on hold to the absent parent and shall terminate wage withholding. It is also the Court's intent to consider entering an order for the suspension of the child support in this matter.

Thank you.

Deputy Clerk

FORM 3: PROPOSED ORDER

**District of Columbia Superior Court
Family Court
Paternity & Support**

Plaintiff

v.

Case Number: _____

Respondent

ORDER

In light of the failure of the payee to give notice of a change of address and the fact that the Court has been unable, for a 3-month period, to deliver payments owed pursuant to the withholding order in this case, it is, this (date), hereby

ORDERED, that pursuant to District of Columbia Code § 46-214(c), wage withholding in this matter is terminated and the Clerk's Office is to issue such administrative order as is necessary to so inform the absent parent's employer; it is further

ORDERED, that each undeliverable payment on hold, which has been received as a result of the wage withholding, shall be returned to the obligor; it is further

ORDERED, that the child support obligation in this matter is hereby suspended until further order of the Court; and it is further

ORDERED, _____

Judge

Copies to: Office of the Corporation Counsel
Respondent