



Tip of the Month May 2010

Passport Suspension for Child Support Arrears

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One of many tools granted to child support agencies to enforce child support orders is the suspension of passports when child support arrears exceed \$2,500.¹ Child support agencies can ask the U.S. Department of State (DoS), also known as the State Department, not to issue or renew a noncustodial parent's passport. In Minnesota, the passport can be denied if the payer a) owes or owed more than \$2,500 in arrears and b) is not complying with an existing passport denial payment plan approved by the court, a child support magistrate or the child support agency.²

This tip describes the process by which passports are suspended and ways in which child support payers can get their passport reinstated or ask for an exception to the suspension.

OVERVIEW

The Minnesota Child Support Enforcement Division (which is within the Minnesota Department of Human Services) tracks child support owed by obligors. Once the Division determines that a noncustodial person owes \$2,500 arrears, the Division sends that parent the Administrative Offset and Federal Tax Refund Offset Programs notice.³ The notice tells the noncustodial parent that if their child support arrears are in excess of \$2,500, their debt will be certified to the State Department. Debts are reported and certified to the U.S. State Department on a monthly basis.

The Administrative Offset and Federal Tax Refund Offset Programs letter informs the non-custodial parent of their right to contest the determination of the amount of past support owed. To request an administrative review the non-custodial parent must contact the agency indicated on a page enclosed with the notice. If the support order was not issued in Minnesota the parent has the choice of Minnesota or the issuing state conducting the administrative review. If review by the issuing state is requested, the Minnesota Department of Human Services will contact the state issuing the order within 10 day of the request and notify the non-custodial parent of the time and place of administrative review by the issuing state.

After the debt is certified, the Secretary of State will refuse to issue the noncustodial parent a passport and may revoke, restrict, or limit a passport that was previously issued.⁴ When the noncustodial parent applies for a passport or renews their passport, they will receive a letter from the National Passport Center stating that the State Department has

determined that they are ineligible to receive passport services because they owe arrears in excess of \$2,500.

The letter from the National Passport Center (1) informs the noncustodial parent that they must pay their child support arrears to have the child support hold on their passport released and (2) includes a list of state child support agencies and their telephone numbers, but does not say which child support agency has a hold on their passport.

In Minnesota in order for the full hold to be released, the person must pay the entire amount of child support in arrears (not just to below \$2,500). Once the noncustodial parent pays the entire amount of owed child support and the child support agency reports it to them, the Minnesota Child Support Enforcement Division will report that information to the State Department. That occurs at the monthly meeting between Child Support Enforcement Division officials and State Department officials. Finally, once the child support hold is released, the payer must make arrangements with the State Department for delivery of their passport.

An obligor can request an expedited lifting of the hold by contacting Minnesota Child Support Enforcement Division. Please note the expedited lifting of the hold may still take up to 10 days for administrative processing.

EXCLUSIONS & EXCEPTIONS

The Minnesota Child Support Enforcement Division allow for exclusions for a limited number of non-custodial parents owing more than \$2,500 in arrears: (1) the case does not meet the criteria, (2) a court order does not allow the use of passport denial, (3) the noncustodial parent filed for bankruptcy and remains protected, and (4) the *custodial* parent has claimed or been granted Good Cause.⁵ A representative from the Division indicated there is not a time limit from when the non-custodial parent received the notice to when they must contact the Division. However, the representative indicated persons should contact the office regarding an exclusion well in advance of applying for a passport.

In an emergency situation, such as the death or serious illness of a close relative (think immediate family) the Child Support Enforcement Division will inform the State Department to grant a temporary passport to the noncustodial parent. In order to get this exclusion, a person needs to present the Division with proof of the emergency, such as a doctor's note or proof of the death. They will also need to present an itinerary with plane tickets showing the short time-frame the person plans to leave the country.

Finally, in rare circumstances, the Division will allow someone owing arrears in excess of \$2,500 to get a passport if that parent has a job in a foreign country. This is rare and only after the person proves that they have a job waiting for them and that this job will allow them to pay child support will the Division and the State Department grant this exception.

Persons interested in applying for an exclusion should contact Minnesota Child Support Enforcement Division at (651) 431-4400.

¹ 42 U.S.C. §652(k)

² http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectonMethod=LatestReleased&dDocName=dhs16_145182

³ See attached sample letter attached at the end of this tip.

⁴ 42 U.S.C. 652(k)(2)

⁵ See website listed in footnote 2.

Doc ID:
OFC_NAME_BUS
OFC_ADDR_STREET1
OFC_ADDR_STREET2
OFC_ADDR_CSZ

TELEPHONE: OFC_ADDR_BUS_PHONE1_OFC EXTN: OFC_ADDR_BUS_PHONE1_EXT_OFC

REC_NAME_FULL
C/O REC_NAME_COF
REC_ADDR_STREET1
REC_ADDR_STREET2
REC_ADDR_CSZ
REC_FOREIGN_CNTRY

01/02/0000

Participant: NCP_ID_PERSON
SSN: XXX-XX-NCP_SSN_PERSON_L4

Administrative Offset and Federal Tax Refund Offset Programs

This information is available in other forms to people with disabilities by contacting us at (651) 431-4199 or toll free at (800) 657-3954. TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.

The case(s) below has/have been submitted for Administrative Offset and Federal Tax Refund Offset as the enclosed notice describes.

If FRE03_TEXT_ARRAY NE ''
Then

FRE03_TEXT_ARRAY
FRE04_TEXT_ARRAY

End If

If FRE05_TEXT_ARRAY
Then

FRE05_TEXT_ARRAY
FRE06_TEXT_ARRAY

End If

If FRE07_TEXT_ARRAY NE ''
Then

FRE07_TEXT_ARRAY
FRE08_TEXT_ARRAY

End If

```
If FRE09_TEXT_ARRAY NE ''
Then
    FRE09_TEXT_ARRAY
    FRE10_TEXT_ARRAY
```

```
End If
If FRE11_TEXT_ARRAY NE ''
Then
```

```
    FRE11_TEXT_ARRAY
    FRE12_TEXT_ARRAY
```

```
End If
If FRE13_TEXT_ARRAY NE ''
Then
```

```
    FRE13_TEXT_ARRAY
    FRE14_TEXT_ARRAY
```

```
End If
If FRE15_TEXT_ARRAY NE ''
Then
```

```
    FRE15_TEXT_ARRAY
    FRE16_TEXT_ARRAY
```

```
End If
```

```
Total Arrears Submitted For State $ FRE01_TEXT_ARRAY
Total Arrears Submitted For Client $ FRE02_TEXT_ARRAY
```

```
Set SYS_NAME_FULL_CWK = 'F0936_USER20'
Set SYS_TBL_CWK_TITLE = 'F0936_USER21'
Set SYS_PHONE_CWK = 'F0936_USER22'
```

```
SYS_NAME_FULL_CWK
SYS_TBL_CWK_TITLE
SYS_PHONE_CWK
TDD: OFC_TDD_PHONE
Fax: OFC_FAX_PHONE
```

Notice Of Claim/Rights To Review

Purpose

This notice tells you that you owe past due support, and tells you what will happen if you don't take action.

We Will Refer or Have Already Referred Your Past-Due Support For Collection

The agency identified on the enclosed page(s) has determined that you owe past-due child and/or spousal support. Our records show that you owe at least the amount shown on the enclosed page(s). If your case was submitted to the United States Department of the Treasury for collection in the past, this amount is subject to collection at any time by Administrative Offset and/or Federal Tax Refund Offset. If your case has not already been submitted to the United States Department of the Treasury and you do not pay in full within 30 days from the date of this notice, this amount will be referred for collection by Administrative Offset and/or Federal Tax Refund Offset.

Under Administrative Offset (31 U.S.C. 3716), certain Federal payments that might otherwise be paid to you will be intercepted, either in whole or in part, to pay past-due child and/or spousal support. Under Federal Tax Refund Offset (42 U.S.C. 664; 26 U.S.C. 6402) any Federal income tax refund to which you may be entitled will be intercepted to satisfy your debt.

Your Current Spouse May Be Able to Receive a Part of the Payment

If you are filing a joint Federal income tax return, your spouse may be entitled to receive his or her part of a joint refund. Your spouse may request his or her part of a joint refund by filing (IRS) Form 8379 - Injured Spouse Allocation.

Information on who may file and instructions on how and when to file is included on Form 8379.

Your Right to an Administrative Review

You have a right to contest our determination that this amount of past due support is owed and you may request an administrative review. To request an administrative review you must contact us in writing within 30 days of the date of this notice at the address or phone number listed on the enclosed page(s). If your support order was not issued in our State, we can conduct the review or, if you prefer, the review can be conducted in the State that issued the support order. If you request, we will contact that State within 10 days after we receive your request and you will be notified of the time and place of your administrative review by the State which issued the order. All requests for administrative review must be made by contacting the agency identified on the enclosed page(s).

Owing Support May Affect Your Passport and Consumer Reporting Agencies

If you owe arrearages of child support in an amount exceeding \$2,500, the agency identified above will certify your debt to the State Department pursuant to 42 USC 654(31). Once you are certified, the Secretary of State will refuse to issue a passport to you, and may revoke, restrict or limit a passport that was previously issued. The amount of your past-due support will also be reported to consumer reporting agencies.

Offset Of Your Debt

Your debt will remain subject to collection by Federal Tax Refund Offset, Administrative Offset, and/or passport certification until it is paid in full. If you owe current support, any further arrears accruing due to payments missed may be added to your debt and will be subject to collection by Federal Tax Refund Offset and/or Administrative Offset now or in the future without further notice.

To determine additional amounts owed or the total amount past-due which the agency has submitted for collection, or with any questions regarding this notice, you may contact us at the address or phone number listed on the enclosed page(s).