Cost of Living Adjustment (COLA)

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COLA

Intro to COLA

What is a COLA?

A "COLA" – or *Cost of Living Adjustment* – is a modification of the obligation amount of a child support order in response to an increase over time in the cost of living in the United States (as measured by the U.S. Bureau of Labor Statistics).

Child Support Services has the authority to apply COLAs to child support orders administratively (i.e., without having to go to court) provided that:

1. All eligibility criteria are met

AND

2. Neither the CP nor the NCP (nor the SCU itself) objects to the increase.

The matter would go to court only if the CP, NCP, or SCU *objects* to the proposed COLA.

The ASSETS system automatically identifies ledgers eligible for a COLA, and then:

If the CP is on TA

- ASSETS generates a notice to the CP and NCP that a COLA ***will automatically be applied*** to their order unless one of them objects.
- If either party objects to the proposed COLA, a court hearing is held to determine the correct guidelines order.

If the CP is *NOT* on TA

- ASSETS generates a notice to the CP and NCP that they **have the *right to request*** a COLA.
- If neither party requests a COLA, no action is taken.
- If a request is made by either party, either party (even the one who made the request) has the right to object to the COLA.
- If the CP, NCP, or the SCU objects, a court hearing is held to determine the correct guidelines order.

If the NCP is on TA

- The case is not eligible for a COLA.

Note:

TA status of the NCP is indicated by the NCP's CAN and CIN numbers on ASSETS.

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ASSETS will know whether the NCP is on TA in the state of New York only if his/her CAN and CIN numbers are ***both*** in ASSETS.

If the NCP's CAN and CIN numbers are not in ASSETS, the NCP may be on TA i*n a state other than New York* -- but ASSETS would not know that ***unless the*** **Delinquency Switch is a 19** – which the caseworker would have had to set manually.

If ASSETS is unaware that the NCP is on TA, a COLA notice will be sent to both parties.

If an NCP who is on TA receives a ***Notice of Your Right to Request***, s/he should contact the help desk or his/her local CSEU.

If an NCP who is on TA receives an ***Adjusted Order of Support***, it would be up to the NCP to object to the COLA based upon the fact that s/he is on TA.

TA Accounts versus Non-TA Accounts: Different COLA Processes

COLA eligibility criteria for TA and Non-TA accounts are the same, but processes are different.

TA Cases	Non-TA Cases
Unless either party *objects* to a proposed COLA, the entire process is automatic. Neither the CP nor the NCP has to submit a request for a COLA – ASSETS (i.e. the SCU) does this for them. • ASSETS automatically recognizes when an order becomes eligible for a COLA. • ASSETS automatically requests a COLA on behalf of the CP • ASSETS sends an ***Adjusted Order of Support*** to both parties, with a notice telling them that their support order is eligible for a COLA. • Unless the CP, NCP, or the SCU files an objection to the proposed COLA, the COLA will automatically take effect 60	ASSETS informs the CP and NCP by mail when their order is eligible for a COLA, and provides them with a request form. CP or NCP *must request* a COLA for the process to move forward. • ASSETS automatically recognizes when an order becomes eligible for a COLA. • The COLA Notice informs the CP and NCP that they have the right to request a COLA. • Either party can request a COLA by mailing in the request form. • If neither the CP nor NCP mails in a request for a COLA, no further action is taken, and no COLA is processed. • If a request for a COLA is received by the Processing Center, when ASSETS next

days from the mailing of the ***Adjusted Order of Support***.	runs its COLA monthly process, an ***Adjusted Order of Support*** will be sent to all parties. (The worker does not need to take any action. learn more • When a CP or NCP mails a ***COLA Request Form*** to the Processing Center, workers at the Processing Center enter the appropriate request code into the *COLA Request Indicator* field. (**Code "2"** if the CP has made the request, or **Code "3"** if the NCP has made the request.). ***In this instance, the Caseworker does not need to take any action.*** • When ASSETS next runs its COLA monthly process (on the third full weekend

	of each month), it picks up that request code and causes the Processing Center to send an ***Adjusted Order of Support*** to all parties -- the CP, NCP, and the Court. • Upon receipt of the ***Adjusted Order of Support***, both parties have 35 days from the date of mailing to file an objection with the court. • If neither party (nor the SCU) files an objection, the COLA will automatically take effect 60 days from the mailing of the ***Adjusted Order of Support***. • If the CP, NCP, or the SCU files an objection to the COLA, the matter goes to court to determine the correct guidelines order.

In both TA and Non-TA cases, the ASSETS system automatically identifies orders eligible for COLAs.

TA and Non-TA accounts are processed on the same schedule -- on the third full weekend of each month.

Monthly COLA notices are mailed out in the month of the year corresponding to the month in which the order was first issued or most recently modified or adjusted.

learn more

Exceptions:

All COLA-eligible accounts with January and February order dates are processed during the third full weekend in February.

(No orders are processed in the month of January each year, as the CPI-U average annual percentage change is not available until the very end of January.)

Thereafter, COLA eligible accounts with March order dates are processed the third full weekend of March, cases with April order dates are processed the third full weekend in April...and so forth throughout the rest of the year.

(Note that cases will first appear on the *Cost of Living Adjustment Eligible Cases* screen two months *prior* to notices being mailed out to CPs and NCPs. This is in order to inform workers in advance of cases becoming eligible for a COLA, ***and to allow them to resolve any error codes or other issues that might prevent the COLA notices from going out on time***.)

How Is a COLA Calculated?

In child support, a COLA is determined based upon the sum of the percentage changes in CPI-Us for the years:

- since 1994,

OR

- since the original support order,

OR

- since the last year in which the order amount was adjusted or modified

-- *whichever is latest* –

if that sum is equal to or greater than 10%.

The support obligation is multiplied by such percentage. The product is the COLA.

-

For a full description, see New York SSL lll-n (l) (c)

-

Adding up CPI-U percentages to determine COLA eligibility

Below is an example of how CPI-U percentages add up to a sum equal to or greater than 10%, making an account eligible for a COLA.

In the example, the support order was originally established in 2010.

In 2016, the order obligation amount was still the same as it was in 2010 – but the cost of living had risen 10.1% since then. (That is, *the sum of* the CPI-Us of each year from 2010 through 2015 *adds up to* 10.1%.)

Therefore, in 2016, this support order was eligible for a COLA increase (of 10.1%).

Year	CPI-U Percentage
2015	0.1%
2014	1.6%
2013	1.5%
2012	2.1%
2011	3.2%
2010	1.6
2009	-0.4%
2008	3.8%
2007	2.8%
2006	3.2%
2005	3.4%
2004	2.7%
2003	2.3%

Eligible: Sum of CPI-U's from 2010 through 2015 equals 10.1%	Criteria met: Order established in 1994 is more than two years old, and sum of CPI-Us from 1994 (year of order) is 10% or above.

The same example, in dollars and cents:

A child support order for **$100** per month was established in 2010.

Sum of CPI-U's from 2010 (year of order) through 2015 = **10.1%**

10.1% X 100 = $10.10 (This is the amount of the COLA increase.)

$10.10 + 100.00 = $110 per month (This is the amount of the new, COLA-adjusted support order.)

Therefore, the new support order, including the COLA increase, would be $110 per month.

Note: The adjusted order amount is rounded to the nearest dollar, as required by law.

Negative CPI-U Years

In the table above, you can see that in 2009, there actually was a *negative* CPI-U. (i.e. According to the Bureau of Labor Statistics, the cost of living in 2009 was actually 0.4% *lower* than in 2008.) That is an unusual situation.

When adding up the CPI-Us for a range of years to determine whether their sum reaches the equal-to-or-greater-than-10% threshold required for a COLA, any *negative* CPI-Us must be *subtracted* from the sum.

For example, although CPI-Us from 2010 through 2015 add up to 10.1%, CPI-Us from 2009 through 2015 would add up to only 9.7%.

Factoring in of years with negative CPI-Us may affect the year in which an account becomes eligible for a COLA.

Ledgers Affected

Not all ledgers in an account will be affected by a COLA. See sections on:

- Eligible Ledgers
- Ineligible Ledgers

Eligibility

Orders Subject to COLA

Except as otherwise noted, the COLA is applicable to all orders enforced pursuant to **Title 6-A of the Social Services Law** on behalf of persons in receipt of temporary assistance (TA), and which include family assistance and safety net assistance and which meet the eligibility criteria. (See "Eligibility" section of this document.)

The COLA is applicable to all other orders receiving services under **Title 6-A**, including orders for **Title IV-E Foster Care** and Medicaid-only cases. Orders enforced on behalf of persons not in receipt of public assistance (Non-TA) are subject to COLA under **Section 111-g of the Social Services Law**, upon request of the CP or NCP.

In **Title IV-E Foster Care** cases where there is an assignment of support rights, the SSD shall be deemed to have requested the COLA review.

General Eligibility Criteria for a COLA

The child support program can increase the amount of a child support order administratively (i.e. without court involvement) by applying a COLA if:

1) It has been at least two years since the support order was established, **or** since the obligation amount has been adjusted or modified,

AND

2) the sum of the percentage changes in the CPI-U for the years since 1994, **or** since the original support order, **or** since the last year in which the order amount was adjusted or modified — ***whichever is latest*** — is equal to or greater than 10%.

When these two criteria are met, the case will appear on the *Cost of Living Adjustment Eligible Cases* screen in Worker Alerts.

You can use the *Child Support Standards Act (CSSA) Data and Consumer Price Index (CPI-U)* in ASSETS Utilities to view Child Support Standards Act data and Consumer Price Index information.

This information helps the worker determine whether or not a case is eligible for a COLA.

Other criteria for determining eligibility for a COLA are detailed later in this manual. (See sections on Eligibility and Ineligibility)

Decision Tree: Is This Order Eligible for a COLA?

Step #	Question	Where to Find the Answer	According the Answ Move to the Next St
Step 1	Has it been less than two years since the order was established or modified?	Check date in *Review Adjustment Date* field on Obligation Tab screen.	If **Yes**, it is not eligible for a COL If **No**, continue with Step #2
Step 2	**Is the sum of the** percentage changes in **CPI-U** for the years preceding the review (beginning with 1994 or the year the order was issued or most recently modified or adjusted, whichever is later) **equal to or greater than 10%?**	Check chart of CPI-U on *Child Support Standards Act (CSSA) Data and Consumer Price Index* utility of ASSETS.	If **Yes**, continue with Step #3. If **No**, it is not eligible a COLA.
Step 3	Is the current child support obligation amount $0.00 ?	Check obligation amount on *Obligation Tab screen* and *SA-Ind* field on *Child Support Standards Act (CSSA) Information* tab.	If **Yes**, it is not eligible a COLA. If **No**, continue with S #4.
Step 4	Is the **NCP** receiving **temporary assistance**	Use Name and SSN to search WRTS, and SSN	If **Yes**, case is not eli for a COLA.

	(TA)?	to search on the *Advanced Search* screen .	If **No**, case appears t eligible for a COLA.

Eligible Ledgers

Any given account may contain some ledgers that are subject to COLA increases and some ledgers that are not.

ASSETS displays on the *Cost of Living Adjustment Eligible Cases* screen all accounts that contain COLA-eligible ledgers, even if an account contains a mix of eligible and ineligible ledgers.

There are a total of 11 types of ledgers that are eligible for COLA increases. They are:

Ledger	Eligibility
11B_	Except for 11BM
21A_	Eligibile if there is another eligible ledger which is not 1_CB
21BC	Eligible if it has a status of 01
21BE	Eligible if it has a status of 01
21BF	Eligible if it has a status of 01
21BK	Eligible if it has a status of 01
21BP	Eligible if it has a status of 01
21BR	Eligible if it has a status of 01
21BT	Eligible if it has a status of 01
24CZ	24CZ is eligible only if there is also an eligible 11B_ ledger

Ineligible Ledgers

When an account contains some eligible and some ineligible ledgers, the ineligible ledgers do not render the entirety of the account ineligible for a COLA increase. However, only the eligible ledgers will be factored in to the calculations of the COLA.

Ledgers Codes: Meaning and Syntax

Ledger Types	
1st Position = Beneficiary	**Description**
1	Custodial Parent
2	DSS
3	3rd Party
4	4th Party
2nd Position = Type of Obligation	**Description**
1	Court-Ordered Current
2	Court-Ordered Arrears
3	Voluntary Agreement - Current
4	Voluntary Agreement - Arrears
3rd Position = Type of Collection	**Description**
A	IV-D TANF
B	IV-D Non-TANF
C	Non-IV-D
4th Position = Type of Collection	**Description**
A	Alimony
B	Child Care expenses
C	Foster Care
D	Administrative expense (i.e. genetic test)
E	Title IV-D foster care
F	Emergency Assistance to Families (EAF) Foster Care
G	Refugees
H	Hospitals
I	American Indian
J	Judgment

K	Correctional Schools
L	Mental hygiene release
M	Medical assistance
N	Nursing homes
O	Educational expenses
P	Pre-determination grant for Family Assistance
Q	Cuban-Haitian entrants
R	Home Relief
S	Supplemental Security Income
T	Training schools
U	Future reasonable medical expenses
V	Child Support out-of-wedlock
W	Child Support in wedlock
X	Administrative collection of arrears amount
TY	State charges
Z	Fee for service
5th position = Interest or Judgment	**Description**
I	Interest
J	Judgment
6th Position = Judgment number	**Description**
1-9	Same number as the ledger type

Multiple Ledgers, Different Payment Frequencies

Normalizing Ledgers with Different Payment Frequencies

Various eligible ledgers under any given account may have both different payment amounts and different payment frequencies. Some ledgers are weekly, some are every two weeks, some are twice a month, some are monthly, and so on.

For the purposes of calculating a COLA, the payment frequencies of all eligible ledgers are normalized to the frequency of the ledger with the shortest cycle.

For example, if an account has some ledgers that are annual, some that are monthly, and some that are weekly, all ledgers will be normalized to weekly rates for all eligible ledgers involved. The rates are then figured into a total [weekly] sum eligible for a COLA increase.

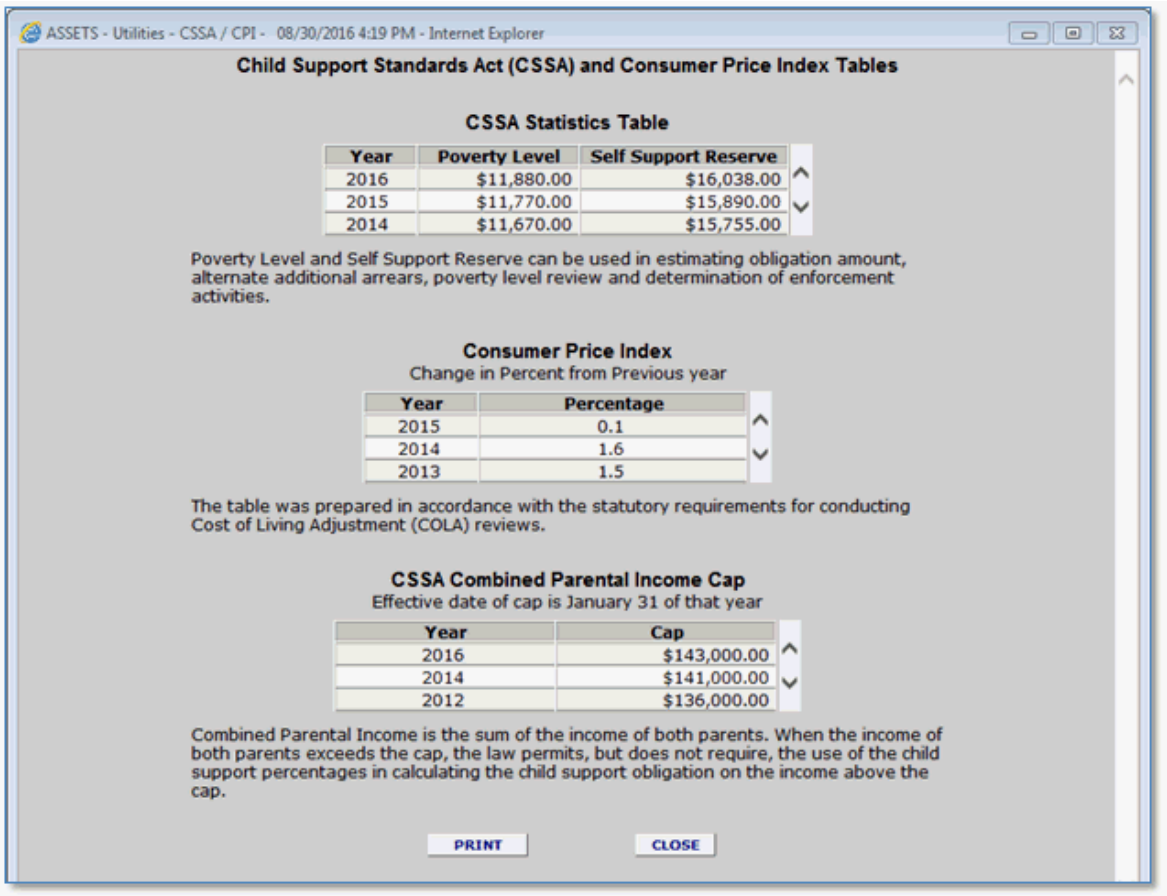
The total weekly sum is multiplied by the COLA percentage to arrive at a dollar amount for the COLA increase per week.

Then, all ledgers are recalculated back to their actual frequencies, and the COLA increase percentage is applied to each eligible ledger proportionately.

To View the CPI-U Data From Any Page In ASSETS:

Look on the *Child Support Standards Act (CSSA) and Consumer Price Index Tables* screen.

In ASSETS, go to: Home screen > Utilities > CSSA/CPI



Tables of the CPI-U are also available at the website of the Bureau of Labor Statistics (http://www.bls.gov/cpi/tables.htm).

Ineligibility

Ineligibility

The following types of orders are not eligible for a COLA:

- $0 obligation amount orders.
- Two-state orders in which New York does not have continuing exclusive jurisdiction (CEJ).
- Orders with a Status 02, 03, 04, or 05.

Also ineligible are accounts in which:

- The NCP is active on TA at the time of case selection for the year's COLA review.
- Neither party has a valid New York State address in the ASSETS system.
- The support order predates the CSSA (9-15-1989) and the child is in receipt of TA and the Worker determines that a COLA is not in the best interests of the child or the CP.
- Orders issued by another state and registered in NYS only for enforcement.

Note:

In these cases, the worker must enter the value for the state with CEJ in the *CEJ State* field.

If there is ***anything*** entered in the *CEJ State* field on the *Cost of Living Adjustment (COLA) Information Edit* screen, the order will not be selected by ASSETS for the COLA process.

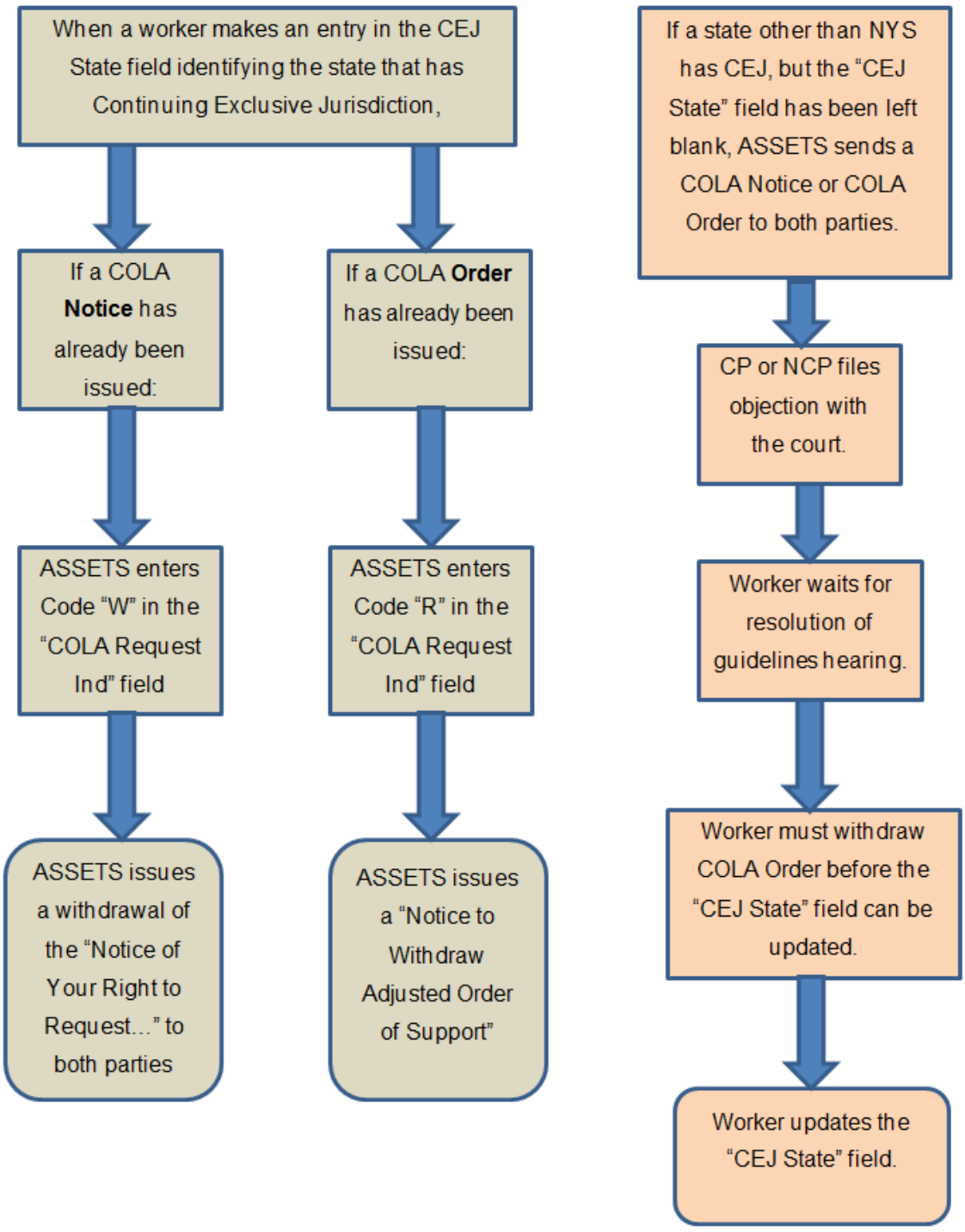
If a COLA Notice or COLA Order has already been mailed out by the Processing Center at the time that the worker enters data in the *CEJ State* field, ASSETS will systematically take action to withdraw the notice of eligibility or rescind the COLA order.

(See the graphic below for details.)

If the worker populates CEJ State field when COLA Notice or COLA Order has already been sent out:

If a different state (not NY) has continuing exclusive jurisdiction (CEJ) over an order, the case is not eligible for a COLA.

Entering a state code in the *CEJ State* field will properly prevent ASSETS from selecting it for the COLA Process.

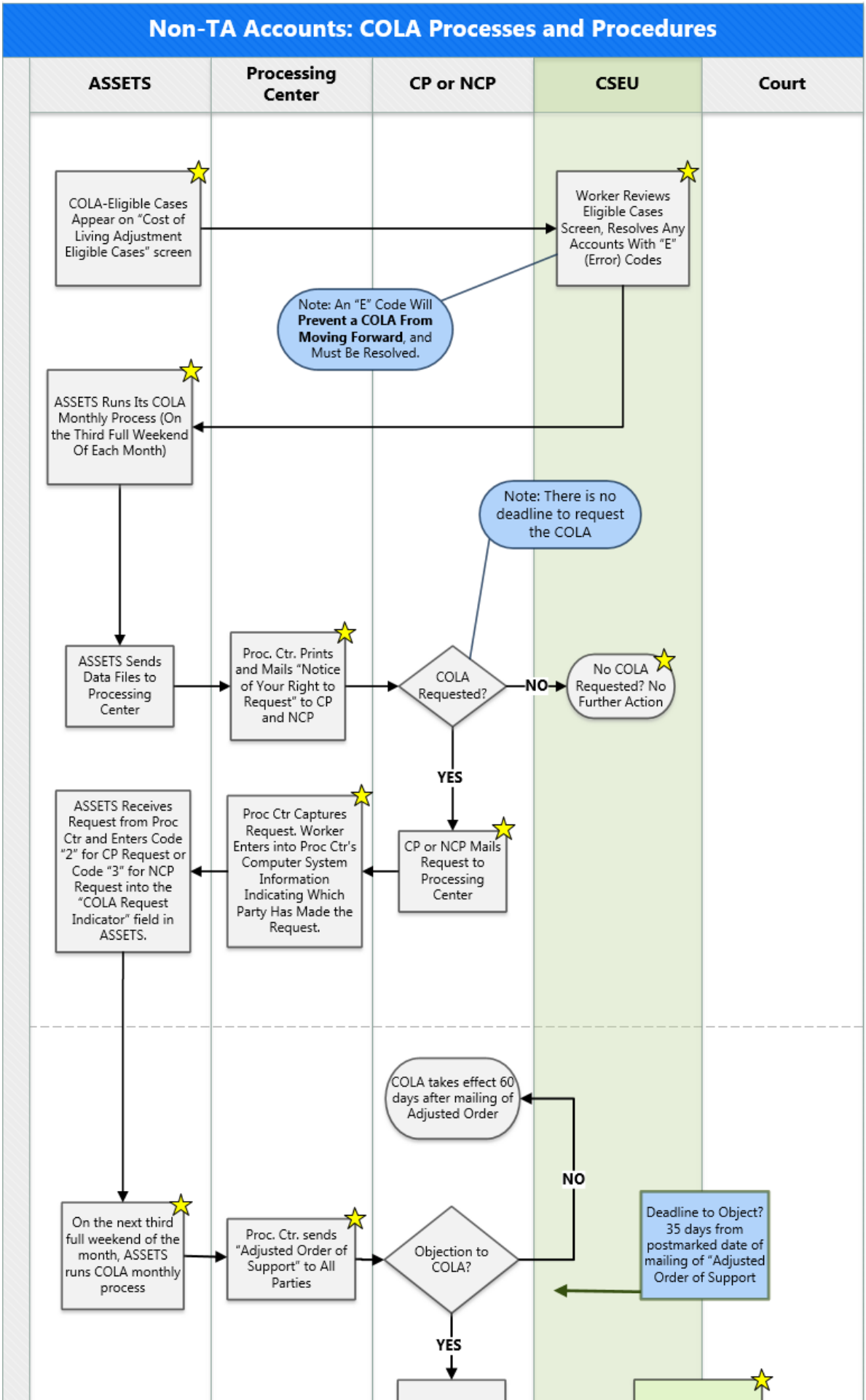

When a worker makes an entry in the CEJ State field identifying the state that has Continuing Exclusive Jurisdiction,
If a COLA **Notice** has already been issued:
If a COLA **Order** has already been issued:
ASSETS enters Code "W" in the "COLA Request Ind" field
ASSETS enters Code "R" in the "COLA Request Ind" field
ASSETS issues a withdrawal of the "Notice of Your Right to Request..." to both parties
ASSETS issues a "Notice to Withdraw Adjusted Order of Support"
If a state other than NYS has CEJ, but the "CEJ State" field has been left blank, ASSETS sends a COLA Notice or COLA Order to both parties.
CP or NCP files objection with the court.
Worker waits for resolution of guidelines hearing.
Worker must withdraw COLA Order before the "CEJ State" field can be updated.
Worker updates the "CEJ State" field.

Non-TA Process

Roadmap: Non-TA Process

Steps in this process that have yellow stars ☆ on them are linked to drilldown content. Click on those nodes to get more details about that step.

Cost of Living Adjustment (COLA)



Eligible cases appear on "Cost of Living Adjustment Eligible Cases" screen

On the last weekend of each month, the *Cost of Living Adjustment Eligible Cases* screen is refreshed.

The screen is a report under Worker Alerts. It lists TA and Non-TA cases for which notices should go out two months later.

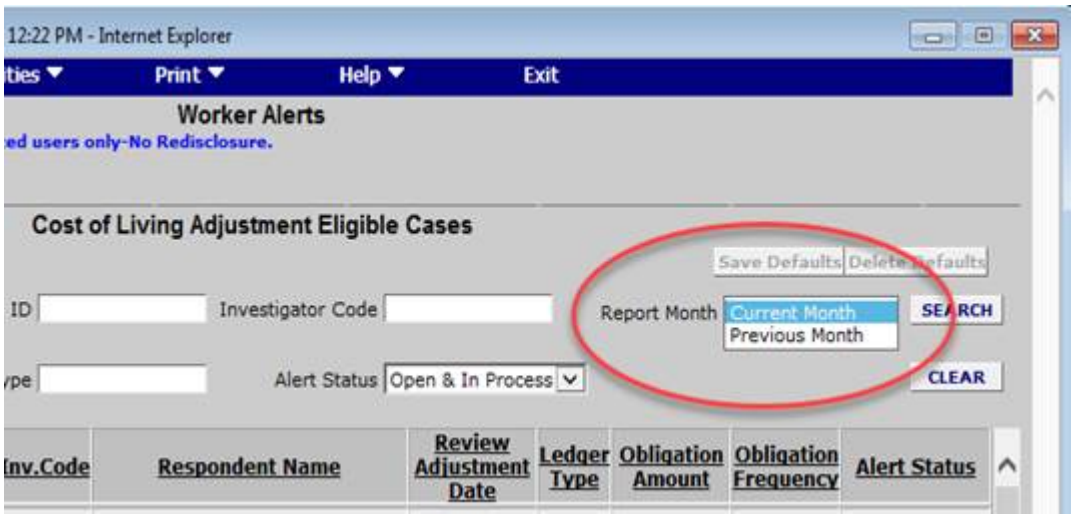
For example:

On the last weekend in August, cases appear for which COLA notices should be generated on the third full weekend in October.

That means that in October:

- CPs and NCPs in TA cases should be sent an ***Adjusted Order of Support***
- CPs and NCPs in Non-TA cases should be sent a ***Notice of Your Right to Request***

Workers wishing to see the eligible cases report for the previous month can access it by selecting “Previous Month” in the dropdown menu pictured below:



Why do cases appear on the *Cost of Living Adjustment Eligible Cases* screen two months in advance?

Because it gives the worker advanced notice regarding any cases that have generated error codes, allowing them time to resolve those error codes so that COLA notices can go out as they should, and on time.

Potential Problem:

If any cases appearing on the *Cost of Living Adjustment Eligible Cases* screen have an “E” (Error) Code in the *Review Adjustment Ind* field, the notice that ***should*** be sent out ***will not*** be sent out.

Solution:

The worker must resolve those cases containing an “E” code, so that the COLA process can move forward.

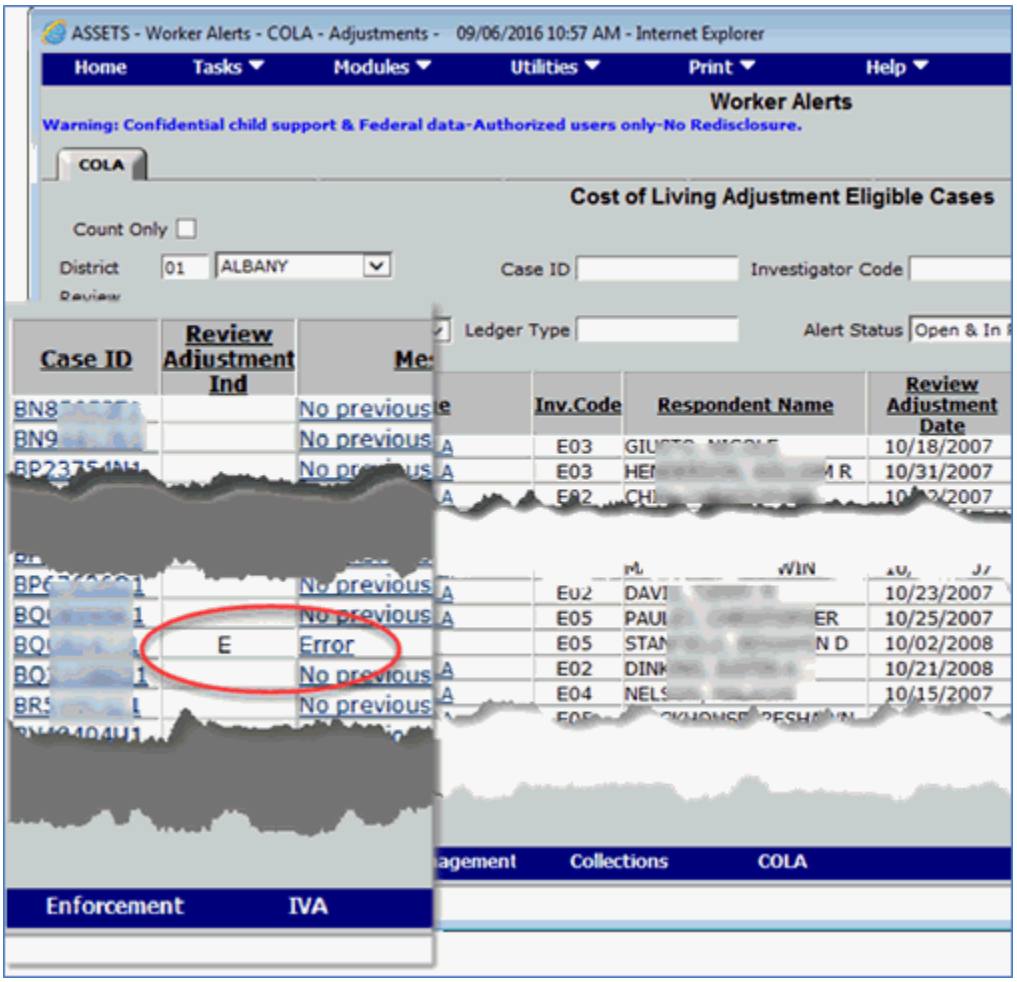
COLA-Eligible_cases_appear_on__Cost_of_Living_Adjustment_Eligible_Cases__screen.htm

Worker reviews Eligible Cases screen, resolves any cases with Error codes

The worker reviews the *Cost of Living Adjustment Eligible Cases* screen.

If the Review Adjustment Indicator field contains Code "E" (Error):

A **Code "E"** (Error) in the *Review Adjustment Ind* field will prevent the COLA process from moving forward.



The "E" code indicates that two or more COLA-eligible ledgers on this account have conflicting dates in the *Court Order Date* fields (on the *Obligation Tab* screen).

The court order dates on all COLA-eligible ledgers must be identical, ***and*** they must match the date shown in the *Review & Adjustment Date* field.

Caseworker_reviews_Eligible_Cases_screen,_looks_for_any_accounts_with_an__E__(Error)_code.htm

ASSETS runs its COLA monthly process (on the third full weekend of each month):

On the third full weekend of each month, ASSETS runs its COLA monthly process.

During this process, ASSETS:

1. Identifies all cases for which CPs and NCPs will be sent monthly COLA-related notices this month. Specifically, the ASSETS system:
    - Identifies TA cases that will be sent an ***Adjusted Order of Support*** this month
    - Identifies Non-TA cases that will be sent a ***Notice of Your Right to Request*** this month
    - Identifies Non-TA cases for which the CP or NCP has requested a COLA, and which therefore will be sent an ***Adjusted Order of Support*** this month.

For each of those cases, ASSETS:

2. Identifies and normalizes all COLA-eligible ledgers

3. Calculates COLA percentage, dollar amount, and adjusted support order amount

4. Generates data files regarding those cases. (These data files will be sent to the Processing Center for further action.)

ASSETS_runs_its_COLA_monthly_process_(on_the_third_full_weekend_of_each_month).htm

ASSETS sends data files to the Processing Center:

ASSETS sends data files to the Processing Center.

These files contain all the information needed for the Processing Center to generate COLA-related monthly notices and mail them to CPs and NCPs.

ASSETS_sends_data_files_to_Processing_Center.htm

Processing Center prints and mails "Notice of Your Right to Request..." to CP & NCP:

The Processing Center mails to the CP and NCP (via USPS) the:

- **"Notice of Your Right To Request a Cost of Living Adjustment to Your Child Support Order"**
- **"Request for a Cost of Living Adjustment (COLA)"**
  (Note: There is no deadline to submit a request for a COLA.
- A pre- addressed (to the Processing Center), postage-paid envelope

The notices and orders of adjustment are system-generated and sent by first class mail from the Processing Center to the party's last known address on ASSETS.

If there is no address on ASSETS for the Respondent, a location status will be opened on ASSETS.

If there is no address on ASSETS for either party, no ***Notice of Your Right to Request*** or ***Adjusted Order of Support*** will be issued.

PROC_CENTER_PRINT.htm

No COLA requested? No further action required.

In a Non-TA case, if neither the CP nor the NCP requests a COLA, the *COLA Request Ind* (Indicator) field will remain blank, and no further action will be taken.

Two years later, if the case is still eligible for a COLA, both parties will again be sent notice that it is eligible.

The COLA will be recalculated by ASSETS at that time, and the notice sent to the CP and NCP will have updated figures regarding the percentage and dollar amount of the proposed COLA.

CP or NCP mails request to Processing Center

Either party can request a COLA by filling out the ***Request for a Cost of Living Adjustment (COLA)*** form and mailing it back to the Processing Center. (The CP and NCP are provided a self-addressed, postpaid envelope for this purpose.)

There is no deadline for mailing in the form.

CP_or_NCP_mails_request_to_Processing_Center.htm

Processing Center captures request for COLA

When the Processing Center receives a ***Request for a Cost of Living Adjustment (COLA)*** form from the CP or NCP, the Request Form is scanned and the following data is captured and entered into the Processing Center's computer system:

- Whether or not the Request Form is signed
- Which party (CP or NCP) has made the request

learn more

If the form isn't signed, the request is not entered into the system.

Unsigned COLA Request Forms are scanned by the Processing Center and sent to the local district through ECS.

The SCU must reach out to the party who submitted the unsigned request form and have them sign it.

See topic: "Processing Center Receives an Unsigned COLA Request Form."

In the next data exchange between the Processing Center and ASSETS, the data entered by the Processing Center causes ASSETS to change the value in the *COLA Request Indicator* field from a [blank field], (which is the system default value), to one of the following values:

- **Code "2"** = If the CP has requested a COLA.
- **Code "3"** = If the NCP has requested a COLA.

If both the CP *and* the NCP mail in a request, the request code will be set according to whichever request (CP or NCP) was received first.

Then, the *next time(no action will be taken on the request until the next time that ASSETS runs its COLA monthly process -- on the third full weekend of the month)* that ASSETS runs its COLA monthly process (on the third full weekend of each month), ASSETS will recognize this request for a COLA, and will generate an Adjusted Order of Support for this case.

At that time, the Code “2” or Code “3” in the *COLA Request Indicator* field will cause ASSETS to send by first class mail (via the Processing Center) an ***Adjusted Order of Support*** to both parties, the CSEU, and the court.

Processing_Center_enters_request_code_into_system.htm

ASSETS runs its COLA monthly process (on the next third full weekend of the month)

On the next third full weekend of the month, ASSETS runs its COLA monthly process.

ASSETS identifies the orders for which the CP or NCP has requested a COLA (i.e., those cases which now have a **Code "2"** or **Code "3"** in the *COLA Request Indicator* field).

For each of those orders, the CP, NCP, SCU, and the court will be sent an ***Adjusted Order of Support*** this month.

For each of those orders, ASSETS generates data files and sends them to the Processing Center, along with all other files involved in the COLA monthly process..

learn more

Note: When ASSETS generates a notice, it doesn't generate the entire letter. Rather, it generates data elements corresponding to data fields that will be used by the Processing Center to assemble and print the notices. Those data elements contain information like processing date, name, address, COLA percentage, adjusted order of support amount that would result from proposed COLA, etc.

ASSETS sends the data files to the Processing Center during the next batch processing exchange.

The cover letter that goes out with the notice will bear the date the notice is generated by ASSETS -- not the date that it is printed at or mailed from the Processing Center.

On_the_next_third_weekend_of_the_month,_ASSETS_runs_COLA_monthly_process..htm

Objections

Intro to Objections in COLA

Intro to Objections in COLA Process

As noted in the "***Adjusted Order of Support***", either party or the SCU has 35 days from the date of mailing of the adjusted order to file a written objection with the court and to serve a copy upon the other party and the SCU.

If either party objects to a COLA, the COLA will not take effect.

Instead, a court hearing will be held -- specifically, a ***de novo*** **hearing** – to determine a right-sized support obligation amount. There is no requirement for proof or showing of a change in circumstances as there would otherwise be with a standard modification petition.

What is a de novo hearing?

A de novo hearing, in child support terms, is equivalent to an original support establishment hearing.

At a *de novo* hearing, a right-sized order will be arrived at through 1) reviewing financial resources and information pertaining to both parties and then 2) applying the CSSA standards to the case. The amount of the resulting child support order could be higher, lower, or the same as it was before the *de novo* hearing.

In preparation for a *de novo* hearing, the caseworker should conduct a financial investigation just as if it were a new case.

When Should the CSEU File an Objection to a COLA?

When districts receive the ***Adjusted Order of Support*** in TA and Title IV-E foster care cases for which support rights have been assigned, districts should review ASSETS and other documentation to determine whether or not the COLA order would bring the current support amount to a CSSA level.

If it does not, the district should complete and file an objection and affidavit of service. This document must be generated using ASSETS Document Generation.

A sample of the Objection petition can be viewed at:
http://www.courts.state.ny.us/forms/familycourt/pdfs/4-19.pdf

THE FOLLOWING DOES NOT PERTAIN TO OBJECTIONS, BUT RATHER TO INELIGIBLITY

Note: If an objection to a COLA has been filed with the court and the CSEU becomes aware that a state other than New York has continuing exclusive jurisdiction over the case, the worker will not be able to enter the code for the state holding continuing exclusive jurisdiction into the *CEJ State* field until the COLA order is withdrawn.

The worker can withdraw the COLA order by entering a code “W” in the *COLA Request Indicator* field). See section “CEJ State field Is locked."

THE ABOVE DOES NOT PERTAIN TO OBJECTIONS, BUT RATHER TO INELIGIBLITY

COLA Notices - Sent from Processing Center

COLA Notices - Sent from Processing Center

Adjusted Order of Support

http://otda.state.nyenet/assets/pages/PDFs/COLA/Adjusted_Order_of_Support.pdf

Cover Letter for Adjusted Order of Support

http://otda.state.nyenet/assets/pages/PDFs/COLA/Cover_letter_for_Adjusted_Order_of_Support.pdf

Important Notice Regarding Right to Request Review and Adjustment

http://otda.state.nyenet/assets/pages/PDFs/COLA/Important_Notice_Regarding_Right_to_Request_Review_and_Adjustment.pdf

Notice of a cost-of-living Adjustment

http://otda.state.nyenet/assets/pages/PDFs/COLA/Notice_of_a_Cost_of_Living_Adjustment.pdf

Notice of Your Right to Request a Cost-of-Living Adjustment

http://otda.state.nyenet/assets/pages/PDFs/COLA/Notice_of_Your_Right_to_Request_a_Cost_of_Living_Adjustment.pdf

Notice to Withdraw Adjusted Order of Support

http://otda.state.nyenet/assets/pages/PDFs/COLA/Notice_to_Withdraw_Adjusted_Order_of_Support.pdf

Request for a Cost-of-Living Adjustment

http://otda.state.nyenet/assets/pages/PDFs/COLA/Request_for_a_Cost_of_Living_Adjustment.pdf

Troubleshooting

Objection Date field is locked

If *Adj. Order Effective Date* passes while the *Objection Date* field is populated, the Worker will be unable to clear the *Objection Date* field – meaning they cannot edit the *CEJ State* field, and cannot adjust ledgers.

The worker will need to contact New York State Child Support Services to have the *Objection Date* field cleared and, consequently, the ledgers and *CEJ State* field unlocked.

CEJ State Field is Locked

The *CEJ State* field is locked if either one of these is true:

- *Objection Date* field is populated, or
- *COLA Request Indicator* field contains **Code "R"**

When the *Objection Date* field is populated:

- ASSETS locks the affected ledgers so that they cannot be adjusted, and
- ASSETS locks the *CEJ State* field.

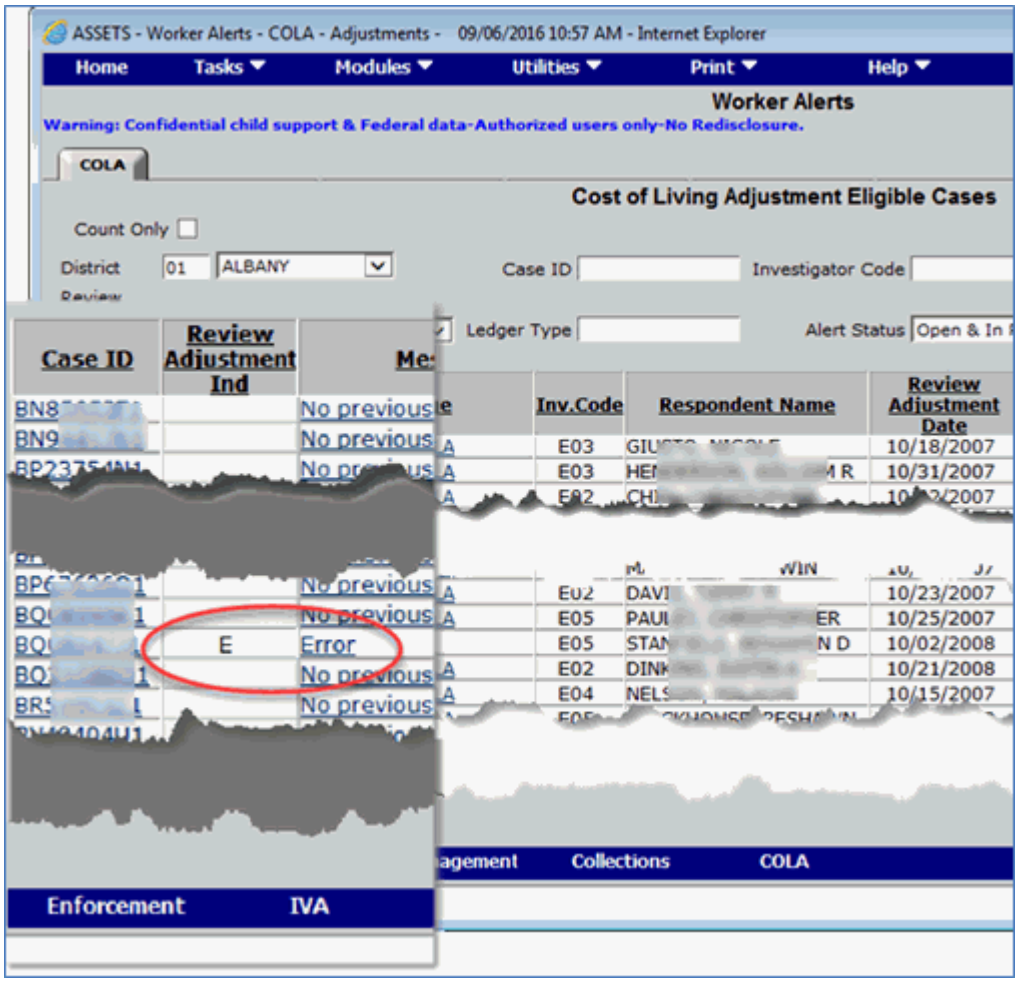
If the *Adjusted Order Effective Date* passes while the *Objection Date* field is populated, the Worker will be unable to clear the *Objection Date* field – meaning they cannot edit the *CEJ State* field, and cannot adjust ledgers. The worker will need to contact NYS Child Support Services to get the *Objection Date* field cleared and, consequently, ledgers and *CEJ State* field unlocked.

Note: If an objection to a COLA has been filed with the court and the CSEU becomes aware that a state other than New York has continuing exclusive jurisdiction over the case, the worker will not be able to enter the code for the state holding continuing exclusive jurisdiction into the *CEJ State* field until the COLA order is withdrawn.

The worker can withdraw the COLA order by entering a code "W" in the *COLA Request Indicator* field). See section "CEJ State field Is locked."

Code "E" (Error) Appears in Review Adjustment Ind field

A **Code "E"** (Error) in the *Review Adjustment Ind* field will prevent the COLA process from moving forward.



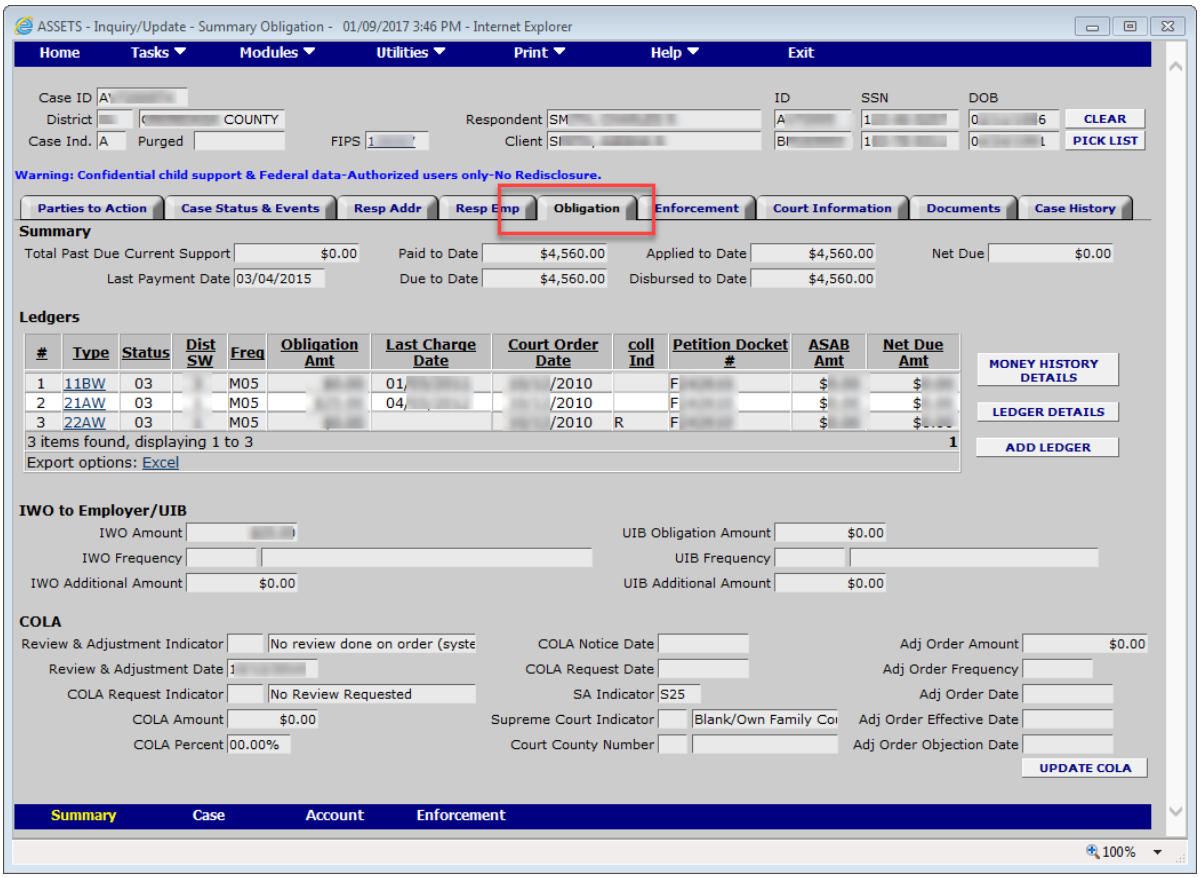
The **"E" code** indicates that two or more COLA-eligible ledgers on this account have conflicting dates in the *Court Order Date* fields (on the *Obligation Tab* screen).

The court order dates on all COLA-eligible ledgers must be identical, ***and*** they must match the date shown in the *Review & Adjustment Date* field.

Screens You Will Encounter - COLA

Obligation Tab screen

In ASSETS, go to: ***Home > Module > Inquiry > [enter search criteria] > Name Search Results screen > [double click on: name of client/case > Parties to Action tab > [click on:] Obligation Tab***



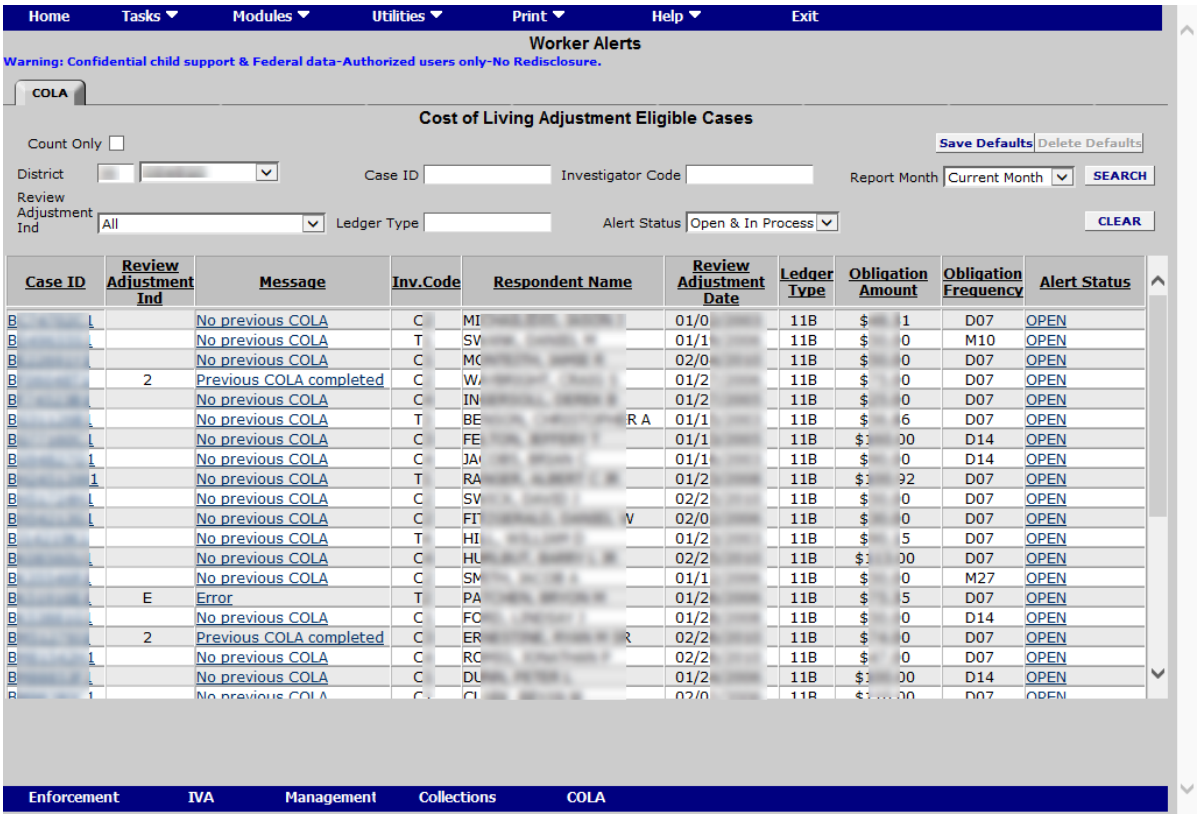
Screens You'll Encounter in COLA

The main screens on ASSETS that a worker will encounter when working with COLA are the:

- *Cost of Living Adjustment Eligible Cases* screen
- *Cost of Living Adjustment (COLA) Information Edit* screen
- *Child Support Standards Act (CSSA) Information Tab* screen
- *Obligation Tab* screen
- *Child Support Standards Act (CSSA) and Consumer Price Index Tables* screen

Worker Alerts: Cost of Living Adjustment Eligible Cases screen

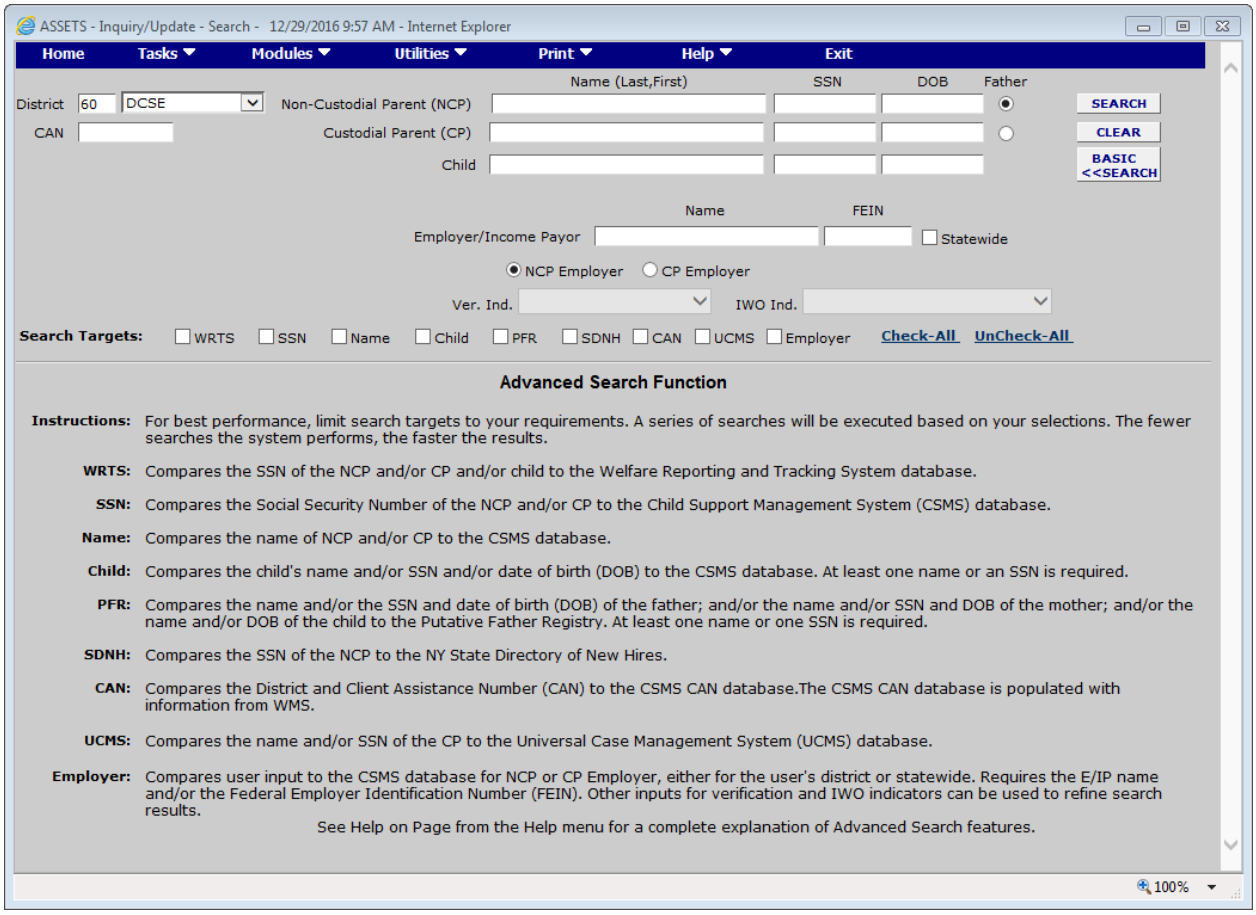
In ASSETS, go to: ***Home > Tasks > Worker Alerts > COLA Mode > [input search criteria]***



Advanced Search Function screen

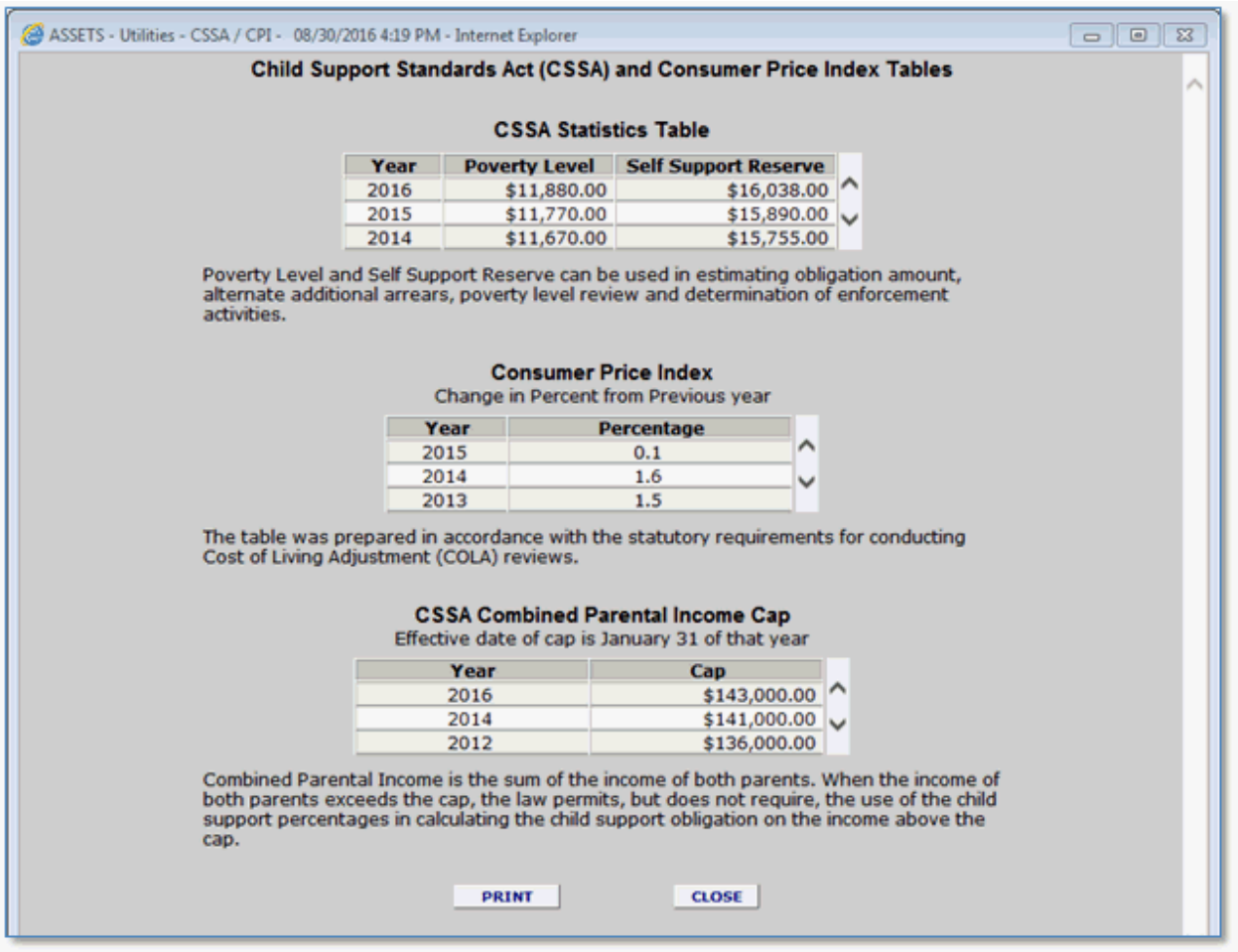
In ASSETS, go to: ***Home > Modules > Inquiry > Advanced Search.***

Note: If you use *WRTS(Welfare Reporting and Tracking System)* and SSN to determine whether an NCP is on TA, this utility will tell you only whether or not NCP is on TA in *New York State*.



Child Support Standards Act (CSSA) and Consumer Price Index Tables screen

In ASSETS, go to: ***Home > Utilities > CSSA / CPI***

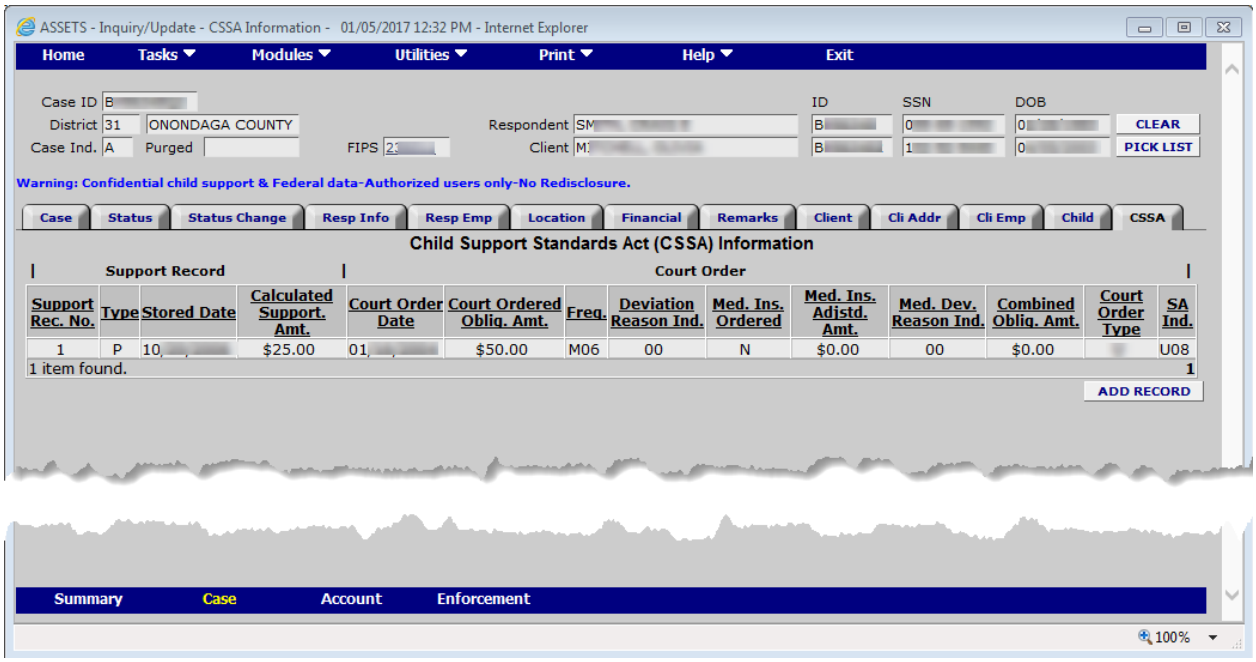


Tables of the CPI-U are also available at the website of the Bureau of Labor Statistics. §

You can see those tables at: http://www.bls.gov/cpi/tables.htm.

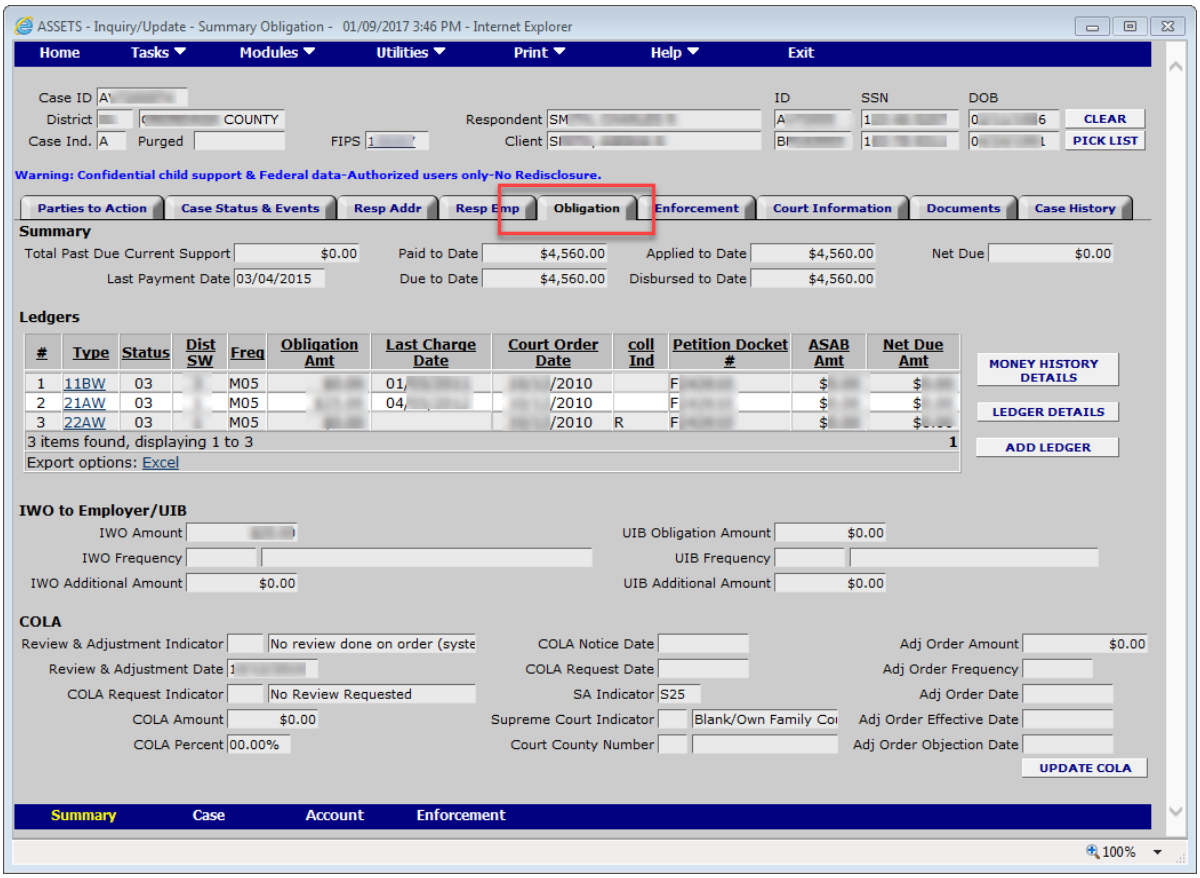
Child Support Standards Act (CSSA) Information Tab

In ASSETS, go to: ***Home > Modules > Inquiry > open a case > CASE Mode > CSSA tab > SA Ind field***



Obligation Tab screen

In ASSETS, go to: ***Home > Module > Inquiry > [enter search criteria] > Name Search Results screen > [double click on: name of client/case > Parties to Action tab > [click on:] Obligation Tab***



Glossary

9

98 ADM-14: Administrative Directive 98-ADM-14. This directive outlined procedures for COLA.

A

Accounting Run:

AOP: Acknowledgement of Paternity

ASCU: Automated Support Collection Unit.

ASSETS: Automated State Support Enforcement and Tracking System (ASSETS).

B

Basic Child Support Obligation:

Batch Process:

BICS:

C

CAN number: A CAN number is a CASE NUMBER pertaining to a specific child support CASE. An individual person may have multiple CAN numbers. This is different from a CIN number, which identifies an individual PERSON and spans serveral services under the umbrella of social services. (See glossary entry for CIN number.)

CEJ: Continuing Exclusive Jurisdiction.

CEJ State: CEJ = Continuing Exclusive Jurisdiction. The CEJ State is the state that has continuing exclusive jurisdiction over this case. If this field in ASSETS is populated, it means that this is an out-of-state case. In other words, it is in our

ASSETS system -- and the New York State system -- only for purposes of enforcement.

change in circumstances:

CIN number: Client Identification Number. A CIN number identifies an individual person and spans various services under the umbrella of social services. For example, if a person is receiving TA (temporary assistance), SNAP (food assistance), and Child Support, all of these fall under a single CIN number identifying the person receiving these services. * An individual CIN (person) may have multiple CAN numbers pertaining to individual services.

COLA: Cost-of-Living Adjustment, sometimes called a Cost-of-Living Allowance.

COLA Mailer:

COLA Notice: A notice informing CP and NCP that their support order is eligible to request a COLA and that if they wish to pursue a COLA, they must request one. A request form is enclosed with the COLA Notice.

COLD: Computer Output to Laser Disc.

Collections on Arrears: Collections on Arrears. This is one of five important performance measures (or KPIs -- Key Performance Indicators). The five are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

Collections on Current: Collections on Current. This is one of five important performance measures (or KPIs -- Key Performance Indicators). The five are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

Combined Parental Income Amount:

Controlling Order:

Cost Effectiveness: Cost Effectiveness of the SCU. This is one of five important performance measures (or KPIs -- Key Performance Indicators). The five are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

CP: Custodial Parent. This is the parent with whom the child is living. However, the "Custodial Parent" could be a guardian such as a grandparent, foster home, or other person or entity with whom the child is living, and who is taking care of the child.

CPI-U: The Consumer Price Index for All Urban Consumers (CPI-U) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. The figure is released by the U.S. Bureau of Labor Statistics.

CSENET: Child Support Enforcement Network. CSENET is a data exchange among states for purposes of location and case establishment.

CSEU: Child Support Enforcement Unit

CSMS: Child Support Management System (CSMS). An automated case management system. The CSMS system is accessed through the interface known as ASSETS.

CSS: Child Support Services.

CSSA: Child Support Standards Act, enacted 15 September 1989.

D

DCSE:

de novo: "de novo" is a Latin expression meaning "afresh", "anew", "beginning again," hence the literal meaning "new hearing," as if the matter had not been previously heard or decided. A de novo hearing is functionally equivalent to an original support establishment hearing. "De novo" is used to refer to a hearing or trial

which starts over, which wipes the slate clean and begins all over again, as if any previous partial or complete hearing had not occurred.

DSS: Department of Social Services

DUCC: Dynamic User-Centric Content

E

ECS: Electronic Communications System, used for communications between the Processing Center and local SCUs.

EFT: Electronic Funds Transfer.

ERS: Electronic Resource System (ERS). ERS is an intranet website maintained by NYS Child Support Services specifically for the use of local and state staff of NY's child support program. The site provides access to online policy and program information to assist staff with their responsibilities.

F

FCA: Family Court Act (FCA).

Federal Case Registry:

File Run: File Run, also known as a "job run."

FIPS Code: Federal Information Processing Standard (FIPS) code. It uniquely identifies counties and county equivalents in the United States, certain U.S. territories or possessions, and certain freely associated states. In the ASSETS system, the code contains six digits. The first digit is either a "1" (meaning that funds collected are retained within the county is which they are collected) or a "2" (meaning that funds collected are disbursed in a county other than the one in which they are collected). The second and third digits denote the state, U.S. territory or possession. The last three digits denote the county within the state, U.S. territory, or possession.

Cost of Living Adjustment (COLA)

H

HHS: Dept. of Health and Human Services.

HRA: Human Resources Administration.

I

ICR: Interstate Case Registry.

IV-D:

IV-D TANF:

K

KPIs: Key Performance Indicators, also called "Performance Measures." There are five key KPIs in Child Support. They are are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

L

LD: Local district.

LDMIP:

LDSS:

M

Modification: For a court to grant a modification in the amount of a child support order, the petitioner for the modification must prove a significant and unforeseen change in circumstances (e.g. laid off from job, child has developed an unforeseen medical condition, etc)

N

National Directory of New Hires:

National New Hire Reporting System:

NCP: Non-Custodial Parent. Sometimes called the "absent parent."

Non-IV-D:

Non-TA: Non-Temporary Assistance

normalizes: Normalizing ledgers of different frequencies means breaking the various payment frequency cycles into their lowest common denominator to arrive at a common payment frequency. This is for purposes of applying percentage increases and making other calculations across disparate ledgers. It is a mechanism for "compariing apples to apples" when talking about disparate frequencies of payment.

NPA: Non-Public Assistance.

O

OCA: Office of Court Administration (OCA).

OCFS: Office of Children and Family Services.

OCSE:

P

PA: Public Assistance. This is an old term for what is now called "Temporary Assistance."

PEP: Paternity Establishment Percentage. This is one of five important performance measures (or KPIs -- Key Performance Indicators). The five are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

Proc. Ctr.: Processing Center

Cost of Living Adjustment (COLA)

PRWORA: The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996. It had many important implications for child support services. See section in manual regarding "1996: The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (PRWORA)"

Putative Father Registry:

S

Safety Net Assistance:

SCU: Support Collection Unit.

Section 111-b (17) of the Social Services Law:

self-support reserve: The Self-Support Reserve amount is 135% of the federal poverty level in any given year.

SEP: Support Establishment Percentage. This is one of five important performance measures (or KPIs -- Key Performance Indicators). The five are: 1) PEP (Paternity Establishment Percentage); 2) SEP (Support Establishment Percentage); 3) Collections on Current; 4) Collections on Arrears; and 5) Cost Effectiveness.

Siebel: Seibel is a computer program produced by Oracle and used by workers at the Processing Center. Datafields in Seibel are mapped to datafields in ASSETS. Data captured at the Processing Center and entered into Siebel is communicated to ASSETS in routine data exchanges, and vice versa.

SNAP: Supplemental Nutrition Assistance Program (SNAP).

SSN:

T

TA: Temporary Assistance

TA Account: Temporary Assistance Account. In the past, this was known as a "Public Assistance" account. It pertains to a client who is receiving temporary monetary assistance from the State of New York.

TAMA: Training and Management Analysis.

TANF: Temporary Assistance to Needy Families.

Title 6A of Social Services Law:

Title IV-E:

TPHI: CSMS gives health insurance information to TPHI systems.

U

UIB:

Universal Case Management System:

USPS: United States Postal Service.

W

WMS: Welfare Management System. ?MT - Medicaid and TA cases are in the WMS System? Need explanation.

worker: In the Child Support Services Operations Manual, the term "worker" (in upper- or lower-case) refers to personnel working in any child support function.

WRS: DCJS

WRTS: Welfare Reporting and Tracking System. This is accessed through the Summary Tab.

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