



# Iowa Department of Human Services

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August 29, 2014

## GENERAL LETTER NO. 11-G-10

ISSUED BY: Bureau of Collections, Child Support Recovery  
Division of Field Operations

SUBJECT: Employees' Manual, Title 11, Chapter G, *LICENSE SANCTION*, Contents (pages 1 and 2), revised; pages 3, 4, 8, 10, 21 through 35, 42, 45, 47, 48, 49, 54 through 60, and 73, revised.

### Summary

Chapter 11-G is revised to:

- ◆ Incorporate changes from automating the final case selection and the generation of the initial notice for the license sanction process.
- ◆ Include edits for the final case selection and case exclusions of the license sanction process.

### Effective Date

Immediately.

### Material Superseded

This material replaces the following pages from Employees' Manual, Title 11, Chapter G:

<u>Page</u>	<u>Date</u>
Contents (pages 1 and 2)	October 19, 2012
3	October 19, 2012
4, 8, 10	July 27, 2007
20a, 21, 22	October 19, 2012
23-25	July 27, 2007
26	April 29, 2011
27	October 21, 2011
28	April 29, 2011
29, 30-35, 42	July 27, 2007
45, 47, 48	October 21, 2011
49, 54-60, 73	July 27, 2007

**Additional Information**

Refer questions about this general letter to your regional collections administrator.

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## **License Sanction Process Summary**

The license sanction process is case-specific rather than payor-specific. This means that the Iowa Collecting and Reporting (ICAR) system reviews each of the payor's cases when selecting cases that meet license sanction criteria. ICAR selects cases for license sanction based on the number of months of delinquent support owed and other criteria.

The license sanction process begins when ICAR selects the case and the payor's name and social security number (SSN) match with a participating licensing agency's records. Each case has its own license sanction process, notice, and payment agreement, if applicable.

Cases, which are not bypassed, which meet license sanction criteria, and match with a licensing agency are reviewed by ICAR to determine which cases are appropriate for license sanction. ICAR enters the applicable code in the SEL field on the License Sanction (LISAN) screen to release a case for the license sanction process. See [LISAN Screen](#) for more information.

For cases meeting license sanction criteria, ICAR generates form 470-3278, *Official Notice of Potential License Sanction*, to the payor. This form notifies the payor of the Unit's intent to begin steps to sanction the payor's licenses.

The payor has the right to request a conference at various points in the process to discuss the license sanction. This increases the opportunity for the payor to sign a payment agreement and pay the support owed. Allowing the payor to request a conference at various points also helps ensure that the payor receives due process for actions being taken.

Monitor the case for one of the following actions by you or the payor:

- ◆ Issue form 470-3274, *Certificate of Noncompliance*, when the payor does not pay the total support owed, claim an exemption, sign a payment agreement, or request a conference within 30 days of receiving the *Official Notice of Potential License Sanction*. This form directs the licensing agency to begin steps to suspend, revoke, or deny the issuance or renewal of the payor's licenses.

- ◆ End the license sanction when the payor pays the total support owed at any point in the license sanction process. “Total support owed” means all delinquent support and the support obligation for the current month, if applicable.
- ◆ Schedule and hold a conference when the payor requests it to discuss the potential license sanction.
  - When the payor requests a conference **before** you issue the *Certificate of Noncompliance*, do not proceed with the license sanction until after the conference. If the payor does not attend the conference, issue the *Certificate of Noncompliance*.
  - When the payor requests a conference **after** you issue the *Certificate of Noncompliance*, you may be unable to prevent the payor’s licenses from being sanctioned. Proceed with or end the license sanction based on the results of the conference.
- ◆ Take no further action to sanction the payor’s licenses when the payor signs form 470-3273, *License Sanction Payment Agreement*, to pay the support owed and makes the initial payment.

**Note:** When you determine that a payor with an ongoing support obligation meets criteria for a modification based on the amount calculated for the payment agreement, give the payor the forms needed to request a modification of the support obligation.

ICAR monitors the case for compliance with the payment agreement. If the payor does not comply with the payment agreement, issue the *Certificate of Noncompliance* and proceed with the license sanction.

- ◆ Review the case annually to determine if the agreement continues to reflect the payor’s ability to pay.
- ◆ When the payor qualifies for an exemption from the license sanction process, take no further action to sanction the payor’s license until the exemption expires. When the exemption expires, review the case to determine whether to extend the exemption, end the license sanction process, or proceed with the license sanction.

- ◆ **PAYOR:** ICAR displays the payor’s first name, middle initial, last name, and suffix.

- ◆ **SSN:** ICAR displays the payor’s SSN.

- ◆ **CC RP ATTY (Y/N):** Enter a code to indicate whether the payor is represented by an attorney for the license sanction process. Valid entries are:

- Y ICAR issues a narrative (LISAN33) documenting that an attorney represents the payor.

- N When the field previously displayed a “Y,” ICAR issues a narrative (LISAN36) documenting that an attorney no longer represents the payor.

When you enter a “Y” in either the CC RP ATTY (Y/N) or CC CP ATTY (Y/N) field, ICAR displays the ATTORNEY screen for you to enter information on the payor’s or payee’s attorney, respectively.

- ◆ **PAYEE:** ICAR displays the payee’s first name, middle initial, last name, and suffix.

- ◆ **CC CP ATTY (Y/N):** Enter a code to indicate whether the payee is represented by an attorney for the license sanction process. Valid entries are:

- Y ICAR issues a narrative (LISAN34) documenting that an attorney represents the payor.

- N When the field previously displayed a “Y,” ICAR issues a narrative (LISAN35) documenting that an attorney no longer represents the payor.

When you enter a “Y” in either the CC RP ATTY (Y/N) or CC CP ATTY (Y/N) field, ICAR displays the ATTORNEY screen for you to enter information on the payor’s or payee’s attorney, respectively.

- ◆ **MATCHED:** ICAR displays the date the case met license sanction criteria and ICAR created the LISAN screen.

- ◆ **SEL:** Enter a code to indicate whether you are pursuing a license sanction on the case. Valid entries are:

- Y Yes. ICAR displays the current date in the adjoining field.

- N No. ICAR displays the current date in the adjoining field. ICAR automatically selects cases for license sanction and enters a “Y” in this field. If a worker enters an “N” in this field, it will not stop the process.

- Blank The case has not been selected (no action taken).

- ◆ **GEN NOTICE:** ICAR enters an “M” and the current date to generate form 470-3278, *Official Notice of Potential License Sanction*, to the payor when the case is selected for the license sanction process.

To regenerate the *Official Notice of Potential License Sanction*, enter:

- An “N” in the SRV field and the appropriate code in the RTN field on the LISAN screen (when these fields are previously blank).
- An “M” or “P” and the current date over the existing code and date and press the F3 key twice to update the screen.

ICAR removes the existing “N” in the SRV field and:

- Enters the current date when you enter an “M” in the GEN NOTICE field.
- Leaves the date blank when you enter a “P” in the GEN NOTICE field.

When a “Y” and a date display in the SRV field, ICAR does not allow you to change the GEN NOTICE field.

**Note:** ICAR displays a “Y” in the GEN NOTICE field on cases where the *Official Notice of Potential License Sanction* was sent before November 4, 2005.

- ◆ **SRV:** This field indicates the status of the *Official Notice of Potential License Sanction* that was sent to or served on the payor. The field has an area to display a “Y” or “N” indicator and an area to display a date. ICAR either updates the field automatically or allows you to update the field depending on the entry in the GEN NOTICE field. ICAR:

- Enters the current date in the SRV field when you enter an “M” and the current date in the GEN NOTICE field and press the F3 key twice to update the screen. ICAR leaves the Y/N indicator blank.

When the payor contacts you about the license sanction action within 30 days from the date in the GEN NOTICE field, enter a “Y” in the SRV field. ICAR does not change the existing date, as this is the date the *Official Notice of Potential License Sanction* was sent to the payor.

When the U.S. Postal Service (USPS) returns the *Official Notice of Potential License Sanction* as undeliverable, enter an “N” in the SRV field. ICAR does not change the existing date, as this is the date you attempted to send the *Official Notice of Potential License Sanction* to the payor.

- ◆ **SEL:** Enter an “X” in this field and press the ENTER key to select the licensing agency you want to view on the LSAGENCY screen.
- ◆ **AGENCY NAME / ADDRESS:** ICAR displays the licensing agency’s name and bureau/board name, if applicable.
- ◆ **ADDRESS / CITY AND STATE:** ICAR displays the licensing agency’s address.

For additional functions on the License Sanction Agency Search screen, use:

- |             |   |
|-------------|---|
| F6=LSAGENCY | Press the F6 key to return to a blank LSAGENCY screen.                              |
| F7=BACK     | Press the F7 key to page backward through the search screens in alphabetical order. |
| F8=FORWARD  | Press the F8 key to page forward through the search screens in alphabetical order.  |

### **CASESTAT Screen**

The LISAN bypass field is to the right of “LISAN” on the CASESTAT screen. It is used to temporarily bypass a case from the license sanction selection process. Valid entries are:

- B** To enter a bypass. ICAR displays the current date and issues:
- Narrative LISAN84 stating the bypass was entered and requires you to enter the reason for the bypass.
  - Calendar flag LISAN47 stating the bypass is now expired and to reset or cancel the bypass.
- R** To reset a bypass. ICAR displays the current date and issues:
- Narrative LISAN85 stating the bypass was reset and requires you to enter the reason for resetting the bypass.
  - Calendar flag LISAN48 stating the bypass is now expired and to reset or cancel the bypass.

**Note:** When the screen is updated, ICAR changes the “R” to a “B.”

N To cancel a bypass. ICAR displays the current date and issues:

- Narrative LISAN86 stating the bypass was canceled and requires you to enter the reason the bypass was canceled.
- ICAR deletes calendar flags LISAN47 and LISAN48.

There is help text on the CASESTAT screen which explains how to use the LISAN bypass field. See 9-E, [CASE SETUP](#), for information on the CASESTAT screen.

**Note:** The case will be bypassed from the license sanction process until the bypass is canceled.

## **CASE SELECTION**

**Legal reference:** Iowa Code section 252J.2(2); 441 IAC 98.101(252J)

The case selection program for the license sanction process runs the weekend after the last business day of the month. Cases that meet license sanction criteria and match with a licensing agency are further reviewed by ICAR to determine which cases are appropriate for license sanction.

**Note:** Cases must have a delinquency of at least three months of support or more to meet the initial selection criteria for license sanction. The payor may have made a payment in prior months, but the amount of delinquency is still equal to or greater than three months of support.

### **ICAR Case Selection Criteria**

ICAR identifies the case for license sanction when all of the following conditions exist:

- ◆ The STATUS (A/I/C/D/H) field on the CASE screen is “A.”
- ◆ The ICAR CASE WRKR ID field on the CASE screen is **not** “CSC” or blank.
- ◆ The only remaining balance is **not** owed to a 17 or 47 account type.
- ◆ The REDIRECTION FLAG field on the CASE screen is “N” or blank.
- ◆ The HCDREF field on the CASE screen is **not** “V.”
- ◆ The USATTY field on the CASE screen is “N” or blank.
- ◆ The LISAN (bypass) field on the CASESTAT screen is not “B.”

- ◆ The CRT ORD CTY or CRT ORD# fields on the CONTEMPT screen are blank. When an entry displays in the CRT ORD CTY or CRT ORD# fields, ICAR checks the ACTION DISMISSED/ENDED (D/E) field on the CONTEMPT screen.
  - When the entry in the ACTION DISMISSED/ENDED (D/E) field is “D” or “E,” ICAR continues to process the case for license sanction.
  - When there is an entry in the CRT ORD CTY or CRT ORD# fields and the ACTION DISMISSED/ENDED (D/E) field is blank, ICAR bypasses the case for license sanction.
- ◆ The DECEASED and DATE OF DEATH fields on the PAYOR screen are blank.
- ◆ The FEDERAL BENEFITS (FEDBEN) screen does not contain a “Y” in the SSIR, SSID, SSR, or SSD fields for the payor.
- ◆ The BANKRPTCY & CHAPTR field on the PAYOR screen is “N,” is blank, or is “Y” with a bankruptcy filing date of 10-17-2005 or later.
- ◆ The GOOD CAUSE field on the PAYEE screen is **not** “A” or “P.”
- ◆ A case must have at least one Iowa court order, a foreign order fully registered in Iowa, or a foreign order filed in Iowa for income withholding that meets the following criteria:
  - The first two digits in the C.O. COUNTY FIPS field or the REG/FILE COUNTY FIPS field on the Court Order (COURTORD) screen are “19” and the TYPE field is **not** “OP” or “ON.”
  - The order has at least one obligation other than “HO,” “PO,” or “VO.”
- ◆ There is a valid mailing address on the PAYOR screen.
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider, and:
  - More than 60 calendar days have passed from the date in the GEN NOTICE: (Y/N/R/S) field on the Income Withholding Orders (IWO) screen, and
  - None of the payor’s cases have received MIW/UIB payments in the last 60 calendar days from the date the license sanction case selection program runs.
- ◆ The date in the 1ST SEEK EMPLOYMENT ORDER DATE ISSUED field on the Seek Employment (SEEKEMP) screen is blank or is more than one year in the past and the PROCESS ENDED field is blank.

- ◆ The NONCOMP TYPE CODE field on the SEEKEMP screen is **not** “DIS,” “FIP,” “FSP,” “INC,” “SAT,” “SSD” or “SSI” or the field is blank.
- ◆ When an active INTERSTA screen exists, Iowa is the responding state. (The RSPN STATE field entry is “IA.”)
- ◆ The PAYOR PARENT INDICATOR field on the Case Narrative View/Select (NARRCASE) screen is **not**:
  - “WTW” (Welfare to Work)
  - “POPP” (Parental Obligation Pilot Project)
  - “FIP” (Family Investment Program)
  - “IPSN” (Iowa Prison)
  - “OPSN” (Other state’s Prison)
- ◆ The total amount billed on all of the case’s obligations for the previous three months is greater than the total amount paid for those three months (as determined by ICAR).

ICAR also issues a narrative (LISAN46) documenting that the case meets criteria for license sanction, that ICAR created a new LISAN screen, and the matched licensing agencies.

### **Final Case Selection**

ICAR completes a final case selection before processing a license sanction on a case. This final case selection includes reviewing the payments made on the case for the previous month. If the payor has paid at least 75 percent of the income withholding amount, ICAR will not select the case for license sanction.

ICAR also reviews the court order number and FIPS code on each of the payor’s cases to see if:

- ◆ A license sanction is already in process on the same court order number and FIPS code. ICAR will not select a case for license sanction if there is another case with the same court order number and FIPS code in the license sanction process.
- ◆ A case with the same court order number is in the contempt process. ICAR will not select a case for license sanction if there is another case with the same court order number in the contempt process.

If a case meets all criteria and is selected for the license sanction process, ICAR will enter the current date in the MATCHED field, a “Y” and the current date in the SEL field, and an “M” in the GEN NOTICE field on the LISAN screen.

The cases selected for license sanction are automatically printed and mailed on the second business day following the case selection.

### **Automated License Sanction Criteria Review**

ICAR reviews cases with active (not process-ended) LISAN screens and determines whether the cases continue to meet all criteria for the license sanction program. Depending on the current stage of the license sanction process, ICAR handles cases that no longer meet license sanction criteria by:

- ◆ Automatically process-ending the LISAN screen, or
- ◆ Issuing a calendar flag to inform you that the case no longer meets criteria.

### **Automated Review Criteria**

ICAR reviews the cases for the following criteria:

- ◆ STATUS (A/I/C/D/H) field on the CASE screen is “I,” “C,” “D,” or “H.”
- ◆ ICAR CASE WRKR ID field on the CASE screen is “CSC.”
- ◆ REDIRECTION FLAG field on the CASE screen is “Y.”
- ◆ USATTY field on the CASE screen is “Y” or “R.”
- ◆ HCDREF field on the CASE screen is “V” on any of the payor’s other cases.
- ◆ GOOD CAUSE field on the PAYEE screen is “A” or “P.”
- ◆ BANKRPTCY & CHAPTR field on the PAYOR screen is “Y” and the filing date is 10-16-2005 or earlier.
- ◆ DECEASED field on the PAYOR screen is “Y” or the DATE OF DEATH field is greater than zero.
- ◆ The FEDBEN screen contains a “Y” in the SSIR, SSID, SSR, or SSD fields for the payor.

- ◆ PAYOR PARENT INDICATOR field on the NARRCASE screen is “FIP,” “IPSN,” “OPSN,” “POPP,” or “WTW.”
- ◆ Payor has another case with the same court order number and FIPS code with license sanction in progress.
- ◆ CORRECTION FLAG field on any of the case’s Obligation (OBLIG) screens is “E.”
- ◆ The CRT ORD CTY or CRT ORD# fields on the CONTEMPT screen display an entry and the ACTION DISMISSED/ENDED (D/E) field is blank.
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider and the date in the GEN NOTICE: (Y/N/R/S) field on the IWO screen is less than 60 calendar days from the date the license sanction process-end program ran.
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider and mandatory income withholding or unemployment insurance benefits (MIW/UIB) payments were received on any of the payor’s cases in the last 60 days from the date the license sanction process-end program ran.
- ◆ Payments total the calculated obligation amount for three months.
- ◆ Delinquency on the case is less than three months’ worth of support.
- ◆ Remaining balance on the case is either a 17 or 47 account type.
- ◆ No balance remains on the case.

When ICAR identifies a case with a blank in the GEN NOTICE field on the LISAN screen and meeting one of these criteria, ICAR:

- ◆ Process-ends the LISAN screen.
- ◆ Issues a narrative (LISAN56) documenting the reason the LISAN screen is ended based on one of the following entries in the WHY field:

BANK	Obligor filed for bankruptcy
BIZ	Case balance is zero
CONT	Case has active contempt screen
DECD	Obligor deceased
IWO	IWO sent in last 60 days or MIW/UIB payment in last 60 days
OTH	Text based on specific case criteria*
SSA	Obligor receives SSA
SSD	Obligor receives SSD
SSI	Obligor receives SSI

\* For an “OTH” entry, ICAR enters the following narrative text based on criteria it used to process-end the LISAN screen:

CASE NO LONGER ACTIVE	OBLIGEE REFERRED FOR GOOD CAUSE
CASE HAS CSC WORKER ID	CASE OBLIGATION IN ERROR STATUS
CASE REDIRECTED	DELINQUENCY < 3 MONTHS SUPPORT
CASE REFERRED TO US ATTORNEY	PAY = OBLIG AMT FOR LAST 3 MNTHS
OBLIGOR INVOLVED IN POPP OR WTW	UNPAID BALANCE IS 17/47 ACCT

- ◆ Issues a calendar flag (LISAN23) to delete all existing LISAN calendar flags on the case.

When ICAR identifies a case with a date in the GEN NOTICE field on the LISAN screen and meeting one of these criteria, ICAR issues a calendar flag (LISAN31) indicating the reason the case no longer meets license sanction criteria. Review the case to ensure the reason ICAR indicates is correct and either:

- ◆ Process-end the LISAN screen because this means the case is no longer eligible for license sanction, or
- ◆ Update the case appropriately, delete the calendar flag, and leave the license sanction in place when license sanction is still appropriate.

**Note:** When the case no longer meets license sanction criteria because the HCDREF field on the CASE screen displays a “V” on any of the payor’s other cases, ICAR issues a different calendar flag (LISAN32).

This calendar flag tells you to either process-end the license sanction on the case receiving the calendar flag, or recall the case referred to the Iowa Department of Revenue Targeted Case Collections, also known as Hard to Collect Debt.

### **Automated Calendar Flag Program (Monthly)**

In addition to the cases ICAR reviews for license sanction criteria on a weekly basis, ICAR reviews cases each month and selects cases with LISAN screens displaying the following entries:

- ◆ GEN NOTICE field displays a date.
- ◆ PROCESS ENDED field is blank.

ICAR then reviews the cases for the following criteria:

- ◆ SSN field on the PAYOR screen is blank. ICAR issues a calendar flag (LISAN37) telling you that there is an active LISAN screen, that no SSN exists for the payor, and that you must determine if license sanction is still appropriate.
- ◆ MAIL ADDR LN 1, MAIL ADDR LN 2, and CITY/STATE/ZIP fields on the PAYOR screen are blank. ICAR issues a calendar flag (LISAN35) telling you that there is an active LISAN screen, that the payor has no valid address, and to review the case.
- ◆ No income provider is linked to an IWO (not a lump-sum IWO); no MIW/UIB payments were received in the last 60 days; payments do not equal the obligation amount; or there is no license sanction payment agreement in effect. ICAR issues a calendar flag (LISAN34) telling you to send form 470-3274, *Certificate of Noncompliance*, if appropriate.

### **Cases Served Over Four Months Ago Without a Signed Payment Agreement**

Each month, ICAR issues a narrative (LISAN68) and calendar flag (LISAN41) informing you that four months have passed since the payor received form 470-3278, *Official Notice of Potential License Sanction*, the payor's licenses are not currently sanctioned, and the case meets the following criteria on the LISAN screen:

- ◆ The date in the SRV field is 135 days or more in the past, and
- ◆ The SIGNED field is blank, and
- ◆ The date in the EXPIRES field is the current date or earlier.
- ◆ The GEN CERT OF NONCOM field is blank, or
- ◆ The GEN CERT OF NONCOM field displays a date and the GEN WITHDRAWAL OF NONCOM field displays a date, and
- ◆ The PROCESS ENDED field is blank.

When you receive this calendar flag, review the case to determine if further action is needed. If not, process-end the LISAN screen.

**Case Receiving Payments While Payor's Licenses Are Sanctioned**

Each week, ICAR issues a calendar flag (LISAN33) informing you when the payor's licenses are currently sanctioned and the case meets the following criteria:

- ◆ The GEN CERT OF NONCOM field on the LISAN screen displays a date.
- ◆ The GEN PAY AGREEMNT field on the LISAN screen is "N" or blank.
- ◆ The GEN WITHDRAWAL OF NONCOM field on the LISAN screen is blank.
- ◆ The PROCESS ENDED field on the LISAN screen is blank.
- ◆ The payor has paid at least 75 percent of the obligation amount.
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider and the date in the GEN NOTICE: (Y/N/R/S) field on the IWO screen is less than 60 days before the date the case selection program ran (**Note:** ICAR does not issue this calendar flag when the only IWO on the case is a lump-sum IWO);
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider and MIW/UIB payments were received in the last 60 days before the date the case selection program ran; or
- ◆ Payments equal to or more than the obligation amount were received in the last three months.

OR:

- ◆ The GEN PAY AGREEMNT field on the LISAN screen is "Y," and
- ◆ An IWO (not a lump-sum IWO) is linked to an income provider and the date in the GEN NOTICE: (Y/N/R/S) field on the IWO screen is less than 60 days before the date the case selection program ran (NOTE: ICAR does not issue this calendar flag when the only IWO on the case is a lump-sum IWO).

When you receive this calendar flag, generate form 470-3275, *Notice of Withdrawal of Certificate of Noncompliance*. ICAR automatically deletes this calendar flag when you enter a date in the GEN WITHDRAWAL OF NONCOM field on the LISAN screen.

## **Licensing Agency Data Match**

**Legal reference:** Iowa Code sections 252J.2(4), 252J.8(1); 441 IAC 98.101

ICAR matches the names and social security numbers of payors selected by the license sanction case selection program with the license-holder databases of participating licensing agencies. When a match is found, ICAR creates a LISAN screen for the case. The LISAN screen displays all licenses matched with the payor as of the date the case selection program runs.

### **Updating the LISAN Screen With New License Matches**

ICAR updates existing active (not process-ended) LISAN screens with new license matches under two conditions:

- ◆ A new license match is found with a currently participating licensing agency.
- ◆ The Unit begins matching with a new licensing agency.

ICAR updates the existing LISAN screen for the case with any new license matches, as long as form 470-3278, *Official Notice of Potential License Sanction*, has not been generated (the GEN NOTICE field on the LISAN screen is blank).

For example, when ICAR selects a case for license sanction and the payor holds a license with a recently added licensing agency, ICAR displays the new license code on the existing LISAN screen. ICAR issues a narrative (LISAN7) documenting that an additional license has been found for the payor. After generating the *Official Notice of Potential License Sanction*, ICAR does not display additional license matches on the LISAN screen.

**Exception:** ICAR updates the LISAN screen with new DOT and DNR license information whenever a new license match is found for the payor and the LISAN screen is not process-ended. This happens even when the *Official Notice of Potential License Sanction*, and form 470-3274, *Certificate of Noncompliance*, has been generated.

Since DOT and DNR sanction all applicable licenses for a payor, the new license matches do not affect the information previously provided to the payor in the *Official Notice of Potential License Sanction* or the information provided to the payor and licensing agency in the *Certificate of Noncompliance*.

### **Removing Licenses From the LISAN Screen**

When ICAR determines the payor no longer holds a license and form 470-3278, *Official Notice of Potential License Sanction*, has not been generated (the GEN NOTICE field on the LISAN screen is blank), ICAR deletes the license code from the appropriate field and issues a narrative (LISAN8) documenting it removed a previously identified license.

When all of the payor's licenses displayed on the LISAN screen are no longer valid and the *Official Notice of Potential License Sanction* has not been generated, ICAR:

- ◆ Enters the current date in the PROCESS ENDED field on the LISAN screen.
- ◆ Enters "NOL" (no licenses) in the WHY field on the LISAN screen.
- ◆ Issues a narrative (LISAN56) documenting the license sanction process is ended and displays the code "NOL" and the reason "NO VALID LICENSES."

NOTE: There is no established hierarchy for selecting licenses when the case meets license sanction criteria and the payor has more than one license. ICAR automatically selects all matching licenses for the payor and displays them on the LISAN screen.

If you are aware of a license for the payor and the license information does not display on the LISAN screen, do not sanction the license manually. The Unit sanctions licenses only when there is an ICAR electronic match.

### **NOTICE TO PAYOR**

**Legal reference:** Iowa Code section 252J.3; 441 IAC 98.103(252J)

State law requires you to provide the payor with an initial notice of the license sanction action before sanctioning the payor's licenses. Send form 470-3278, *Official Notice of Potential License Sanction*, to the payor 30 days before taking any action against the payor's licenses.

The *Official Notice of Potential License Sanction* tells the payor that because the payor owes three months' support or more, the Unit may sanction the payor's professional, recreational, and driver's licenses and motor vehicle registrations of vehicles in which the payor is an owner. The form lists the valid exemptions from license sanction and tells the payor what steps to take to prevent a license sanction, along with the steps you take when the payor does not comply.

NOTE: When you process-end a license sanction action, you must wait for ICAR to again select the case for license sanction before you can begin a new action by sending a new *Official Notice of Potential License Sanction* to the payor.

**Regenerating the Official Notice of Potential License Sanction**

ICAR automatically generates form 470-3278, *Official Notice of Potential License Sanction*, when the case is selected for the license sanction process. However, if you need to regenerate the *Official Notice of Potential License Sanction*, take one of the following actions:

Action	LISAN Screen Entry	ICAR
Complete and send form 470-3278 by first-class mail.	<ul style="list-style-type: none"> <li>• A “Y” in the SEL field (if blank or previously “N”).</li> <li>• An “M” and the current date in the GEN NOTICE field.</li> <li>• Press the F3 key twice to update the screen.</li> </ul>	<ul style="list-style-type: none"> <li>• Displays the <i>Official Notice of Potential License Sanction</i> for you to complete and generate.</li> <li>• Automatically enters the current date in the SRV field.</li> <li>• Leaves the SRV field Y/N indicator blank.</li> <li>• Issues a narrative (LISAN2) documenting you sent the <i>Official Notice of Potential License Sanction</i> to the payor and lists the licensing agencies for the licenses displayed on the LISAN screen.</li> <li>• Issues a calendar flag (LISAN44) 30 days later reminding you that if the payor did not request a conference and the <i>Official Notice of Potential License Sanction</i> was not returned as undeliverable, you may generate form 470-3274, <i>Certificate of Noncompliance</i>.</li> </ul>

Action	LISAN Screen Entry	ICAR
Complete and send form 470-3278 via process server/sheriff.	<ul style="list-style-type: none"> <li>• A “Y” in the SEL field (if blank or previously “N”).</li> <li>• A “P” and the current date in the GEN NOTICE field.</li> <li>• Press the F3 key twice to update the screen.</li> </ul>	<ul style="list-style-type: none"> <li>• Displays the <i>Official Notice of Potential License Sanction</i> for you to complete and generate.</li> <li>• Leaves the SRV field Y/N indicator and date blank.</li> <li>• Issues a narrative (LISAN75) documenting you sent the <i>Official Notice of Potential License Sanction</i> to the payor via process server/sheriff.</li> <li>• Issues a calendar flag (LISAN45) 30 days later reminding you the <i>Official Notice of Potential License Sanction</i> was provided to a process server and to review the status of the service.</li> </ul>
Regenerate the <i>Official Notice of Potential License Sanction</i> .	<ul style="list-style-type: none"> <li>• An “N” in the SRV field (when the Y/N indicator is “Y” or blank) and the appropriate code in the RTN field.</li> <li>• Press the F3 key twice to update the screen.</li> <li>• An “M” or “P” and the current date over the existing code and date in the GEN NOTICE field.</li> <li>• Press the F3 key twice to update the screen.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes the existing “N” entry in the SRV field.</li> <li>• Enters the current date in the SRV field and issues a narrative (LISAN2) when you enter an “M” in the GEN NOTICE field.</li> <li>• Leaves the SRV field date blank and issues a narrative (LISAN75) when you enter a “P” in the GEN NOTICE field.</li> </ul>

When a “Y” and date display in the SRV field, ICAR does not allow you to change the GEN NOTICE field.

NOTE: When you enter an “M” or “P” and the current date in the GEN NOTICE field and the payor has another case referred to Targeted Case Collections (a “V” displays in the HCDREF field on the CASE screen), ICAR displays the on-line message “X-REF CASE REFERRED TO HTCD. RECALL HTCD CASE OR PROCESS END LISAN IF APPROPRIATE,” and does not generate the *Official Notice of Potential License Sanction*.

## **Sending the Official Notice of Potential License Sanction**

**Legal reference:** Iowa Code section 252J.3

Iowa Code section 252J.3 requires you to send form 470-3278, *Official Notice of Potential License Sanction* by first-class mail, to the payor’s last known address. If necessary, you may obtain service via a process server or sheriff.

ICAR either automatically updates the SRV field or allows you to update the SRV field depending upon the entry in the GEN NOTICE field.

Action	LISAN Screen Entry	ICAR
The <i>Official Notice of Potential License Sanction</i> was sent to the payor by first-class mail, and the payor contacts you about the license sanction action <b>within 30 days</b> of the date in the GEN NOTICE field.	A “Y” in the SRV field.	<ul style="list-style-type: none"> <li>• Does <b>not</b> change the existing date in the SRV field. This is the date the <i>Official Notice of Potential License Sanction</i> was sent to the payor.</li> <li>• Issues a narrative (LISAN76) documenting you updated the SRV field with a “Y” and requiring you to narrate the reason (e.g., the payor requested a conference.)</li> </ul>
<b>30 days have passed</b> from the date in the GEN NOTICE field and you did not previously update the Y/N indicator in the SRV field.	N/A	<ul style="list-style-type: none"> <li>• Automatically enters a “Y” in the SRV field.</li> <li>• Does <b>not</b> change the existing date in the SRV field. This is the date the <i>Official Notice of Potential License Sanction</i> was sent to the payor.</li> <li>• Issues a narrative (LISAN74) documenting the <i>Official Notice of Potential License Sanction</i> was not returned as undeliverable and that ICAR updated the SRV field with a “Y.”</li> </ul>
The USPS returns the <i>Official Notice of Potential License Sanction</i> as undeliverable <b>within 30 days</b> of the date in the GEN NOTICE field.	An “N” in the SRV field.	<ul style="list-style-type: none"> <li>• Does not change the existing date, as this is the date you attempted to send the <i>Official Notice of Potential License Sanction</i> to the payor.</li> <li>• Requires you to enter in the RTN field the reason the <i>Official Notice of Potential License Sanction</i> was returned.</li> </ul>

## **Deleting or Changing an Exemption**

You may need to change the exemption information entered on the LISAN screen. An exemption may expire before the expiration date displayed in the EXPIRES field, or you may determine that the payor's exemption has changed.

### **Deleting an Exemption**

To delete an exemption, space through the entries in the VALID EXEMPTION, EXEMPTION CODE, and EXPIRES fields on the LISAN screen and press the F3 key twice. ICAR issues a narrative (LISAN32) documenting the you removed the exemption and requires you to enter the reason for removing the exemption.

**Note:** You must delete all exemption information before proceeding with another license sanction action (e.g., generating form 470-3274, *Certificate of Noncompliance*.)

### **Changing Exemption Information**

To change the exemption expiration date, enter the new expiration date over the date in the EXPIRES field on the LISAN screen and press the F3 key twice. ICAR issues a narrative (LISAN43) documenting that you changed the exemption expiration date and requires you to enter the reason for changing the expiration date.

At the request of either the payor or the Unit, you may reschedule the conference **one** time. See [RESULTS OF LICENSE SANCTION CONFERENCE](#) for more information.

**Note:** If the payor requests a telephone conference and the payor does not provide a telephone number, schedule an in-person conference.

### **Requesting Financial Statements From the Payor and Payee**

**Legal reference:** 441 IAC 98.104(1) and (2)

When you send form 470-3276, *Acknowledgment of Request for Conference*, to the **payor**, also send form 470-3277, *License Sanction Request for Financial Statement – Payor*, and one copy of form 470-0204, *Financial Statement*.

The *License Sanction Request for Financial Statement - Payor* instructs the payor to complete and return the enclosed *Financial Statement* and provide proof of income, such as pay stubs and Internal Revenue Service W2 statements, within ten days.

At the same time you send the request for financial information to the payor, send the **payee** form 470-3343, *License Sanction Request for Financial Statement – Payee*, and one copy of the *Financial Statement*.

The *License Sanction Request for Financial Statement - Payee* explains that the payor requested a conference to discuss the license sanction action. The form asks the payee to complete and return the enclosed *Financial Statement* and provide proof of income, such as pay stubs, within ten days.

**Note:** Do **not** send the *License Sanction Request for Financial Statement - Payee* and *Financial Statement* to the payee in the following cases:

- ◆ Current support cases with an 11 case account type. Instead, use on-line sources to determine income. See [Preparing for the Conference](#) for more information.
- ◆ Delinquency-only cases with only an 11 account type balance. Instead, use on-line sources or median income. See [Preparing for the Conference](#) for more information.
- ◆ Caretaker cases. Instead, send the *License Sanction Request for Financial Statement - Payor* and *Financial Statement* to the payor and the *License Sanction Request for Financial Statement - Payee* and *Financial Statement* to the other parent (not the caretaker), when the address of the other parent is known.

When you are not required to send a *Financial Statement* to the **payee**, you may hold the conference before the ten-day waiting period has expired. See [Requesting Financial Statements From the Payor and Payee](#) for more information.

### **Preparing for the Conference**

**Legal reference:** 441 IAC 98.104(2) and (3) and Chapter 99, Division I

To prepare for the conference with the payor, review the financial information from the payor and payee, as applicable. When the **payee** does not complete and return form 470-0204, *Financial Statement*, gather information about the payee's financial status from on line sources or other sources.

When there is no other information available, use median income for the payee's income. See 10-H, [DETERMINING CHILD SUPPORT OBLIGATIONS](#), for more information.

### **Calculating the Payment Agreement Amount**

**Legal reference:** 441 IAC 98.104(2) and (3) and 98.105(252J)

Iowa Administrative Code requires you to determine if the payor's ability to pay support deviates from the amount in the existing support order. The purpose of this calculation is to establish a payment agreement that prompts the payor to begin paying support and avoid license sanction.

The payment agreement amount is based on the best information available at the time the payment agreement is calculated. When the support order is later modified, the obligation amount may change, and a new payment agreement may be required.

To determine the amount of the payment agreement:

- ◆ Calculate the support due using current financial information from the payor and payee, as applicable.

Use the Iowa Supreme Court Child Support Guidelines to calculate the payor's ability to pay. See 10-H, [\*DETERMINING CHILD SUPPORT OBLIGATIONS\*](#), for instructions on using the Supreme Court Guidelines.

For cases with current support obligations, calculate the guidelines using the number of children covered by the current support obligation.

For delinquency-only cases, include only the last child to emancipate (or children, if more than one child emancipated on the same date) when calculating the guidelines amount.

**Note:** When the payor requests a conference and the child emancipates before you hold the conference, consider this child emancipated and calculate the guidelines based on how many children are receiving current support on the case; or use the last child to emancipate.

- ◆ Determine if the guidelines amount is higher or lower than the income-withholding amount under the existing support order. See the income withholding order process for more information.
- ◆ Set the payment agreement amount for the **lower** of the two amounts.

The payor must pay the lower of either the guidelines amount for current support or the maximum amount payable under an income withholding order based on the existing support order. This calculation determines the amount of support the payor must pay to stop the license sanction process and does **not** modify the amount of the existing support obligation.

You calculate that the payor should pay \$150.00 per month based on the child support guidelines. The maximum amount allowed under an income withholding order, based on the existing support order, is \$200.00 per month. Set the payment agreement amount at \$150.00 per month.

- ◆ The payor may agree to pay 75 percent of the income withholding order (IWO) amount to stop the license sanction process.

You calculate that the payor should pay \$350 per month based on the child support guidelines. The maximum amount allowed under an IWO, based on the support order, is \$420 per month. If the payor does not agree to pay \$350 per month, but agrees to pay \$315 per month (75 percent of the IWO amount), end the license sanction process. Set an Administrative Enforcement Conference (AEC) payment agreement amount at \$315 per month.

Inform the payor that the case will be monitored for payments and if the payments are not made according to the AEC agreement, the case may be reviewed for Contempt of Court.

- ◆ Determine if the case meets criteria for a modification of the support order.

If the case meets criteria for a modification, provide the payor with the necessary forms to request a review of the support obligation. Continue the license sanction process while the support obligation is reviewed. The payor remains obligated to pay the support originally ordered by the court until a new court order is received.

**Note:** Do **not** give the payor forms to request a review of the support obligation for delinquency-only cases.

If the review process results in a modification of the support order, end the license sanction process. See [ENDING THE LICENSE SANCTION PROCESS](#) for more information. ICAR may again select the case for license sanction if the case meets license sanction criteria.

**Note:** Payors on foster care cases must pay according to the Foster Care Recovery Unit's protocols for determining the payment amount under the foster care guidelines.

### **Issues to Consider in the Conference**

The payor may discuss the following issues at the conference:

- ◆ An error in the identity of the payor.
- ◆ An error in the amount of support the payor owes.
- ◆ The payor's possible qualification for an exemption from the license sanction process.
- ◆ The payor's ability to pay support in accordance with the guidelines.

To record information about the payment agreement, make these entries on the LISAN screen:

- ◆ In the GEN PAY AGREEMNT field enter:
  - A “Y” when the payor agrees to enter into a payment agreement. ICAR:
    - Displays the current date in the adjoining field.
    - Requires you to enter information in the PYMT AMOUNT, PER, PYMT METHOD and START fields before generating the *License Sanction Payment Agreement*.
    - Displays the *License Sanction Payment Agreement* for you to complete and generate. Make a photocopy of the form and send or give the payor the original to sign and return with the initial payment. Image the Unit’s copy. Do **not** sign the payment agreement until after the payor signs it and makes the initial payment.
    - Issues a narrative (LISAN61) documenting the amount, payment frequency, payment method, and payment start date of the payment agreement.
  - An “N” when the payor declines to enter into a payment agreement. ICAR:
    - Displays the current date in the adjoining field.
    - Moves the cursor to the GEN CERT OF NONCOM field and prompts you to generate form 470-3472, *Certificate of Noncompliance*.
    - Issues a narrative (LISAN65) documenting that you did not generate the payment agreement and requires you to enter the reason.
  - An “R” over the existing “Y” to regenerate the *License Sanction Payment Agreement*. (Verify that all agreement information is correct before regenerating.)  
When you enter an “R,” ICAR:
    - Displays the *License Sanction Payment Agreement* for you to complete and generate.
    - Displays the current date in the adjoining field.
    - Issues a narrative (LISAN64) documenting that you regenerated the existing payment agreement and requires you to enter the reason.

When you enter a “Y,” “N,” or “R” in the GEN PAY AGREEMNT field on a case with an active interstate referral, the LISAN screen must be linked to the INTERSTA screen to generate the *License Sanction Payment Agreement*.

- ◆ SIGNED: Enter the date you signed the *License Sanction Payment Agreement*. Do not sign the payment agreement or enter a date in this field until you receive the signed payment agreement and the initial payment from the payor.

**Note:** When you delete the date in the SIGNED field, ICAR issues a narrative (LISAN69) documenting that you deleted the date and requires you to enter the reason.

- ◆ PYMT AMOUNT: Enter the payment agreement amount in dollars.
- ◆ PER: Enter the payment frequency (must be the same as the frequency in the existing support order). Valid entries are:

W	Weekly	BM	Bi-monthly
BW	Bi-weekly	Q	Quarterly
M	Monthly	SA	Semi-annually
SM	Semi-monthly	A	Annually

- ◆ PYMT METHOD: Enter the method of payment. Valid entries are:

REG	Regular cash payment
OTH	Other method of payment

**Note:** When you enter “OTH” in the PYMT METHOD field, access the Case Narrative Duplicate (NARRDUP) screen and narrate the exact method of payment.

- ◆ START: Enter the start date of the payment agreement. The agreement must use the same date and frequency of the existing or most recent support order. This is the date the first payment is due after making the initial payment (which the payor makes when the payor signs the payment agreement).

**Note:** An entry in either the GEN PAY AGREEMNT, PYMT AMOUNT, PER, PYMT METHOD, or START fields requires an entry in all of the remaining fields. When you remove an entry in any of these fields, ICAR requires you to remove the entry in all of the remaining fields. ICAR issues a narrative (LISAN66) documenting that you removed the payment agreement information and requires you to enter the reason.

When the payor chooses to review the payment agreement, include a letter telling the payor the payment agreement must be returned with the initial payment within 20 days from the date on the *License Sanction Payment Agreement*, or you will issue a *Certificate of Noncompliance* to the licensing agency.

The *License Sanction Payment Agreement* tells the payor:

- ◆ The agreement does not modify or affect the amount of the existing support order.
- ◆ The initial payment is due at the time the payor signs the agreement.
- ◆ The agreement is based upon the Iowa Supreme Court Guidelines.
- ◆ The agreement remains in effect for at least one year. At the end of the year, the Unit may review the agreement to ensure that the payment amount still reflects the payor's ability to pay.
- ◆ The case may meet the requirements for review of the existing support order. If so:
  - The Unit will send documents to the payor to request a review of the existing support order.
  - When the review process is complete, the payor will be obligated to pay according to the amount in the new court order.
  - The previous payment agreement is null and void when the child support obligation amount is changed by the new court order.
- ◆ If the payor complies with the payment agreement, the Unit will take no further action against the payor's licenses at this time.
- ◆ The agreement does not prevent the Unit from taking any other enforcement actions.

- ◆ If the payor fails to comply with the agreement:
  - You will issue the *Certificate of Noncompliance* to the licensing agency,
  - The licensing agency initiates steps to suspend, revoke, deny issuance, or deny renewal of the payor's licenses, and
  - The payor may request a conference or district court hearing after the licensing agency begins its steps to sanction the payor's licenses.
- ◆ When payments are made through income withholding, the payor is not required to make additional payments under the payment agreement. When income withholding stops, the payor must again make payments based on the payment agreement.

### **Payor's Review of the Payment Agreement**

When establishing a payment agreement with the payor, allow the payor 20 days to review, sign and return the payment agreement to you with the initial payment. This allows the payor the opportunity to review the payment agreement with an attorney, if the payor chooses.

If you have issued form 470-3472, *Certificate of Noncompliance*, to the licensing agency, you may be unable to prevent the payor's license from being sanctioned until the payor returns the signed payment agreement with the initial payment.

When the payor agrees to the terms of the payment agreement, the payor signs and dates form 470-3273, *License Sanction Payment Agreement*, and returns it with the initial payment to you for your signature. Take the following actions:

- ◆ Sign and date the form.
- ◆ Make a copy and return the copy to the payor.
- ◆ Image the Unit's copy.

- ◆ Enter the date you signed the *License Sanction Payment Agreement* in the SIGNED field on the LISAN screen. ICAR issues:
  - A narrative (LISAN6) documenting the date the payment agreement was signed, the payment start date, payment method, and payment frequency.
  - A status (LISAN8) to the initiating or responding state on interstate cases (the INTERSTATE field on the LISAN screen displays a “Y”) informing the state that the payor entered into a signed payment agreement with the Unit.
  - A calendar flag (LISAN19) one year later reminding you to review the status of the payment agreement.
- ◆ Generate form 470-3275, *Notice of Withdrawal of Certificate of Noncompliance*, if it has not been issued.

**Note:** Do **not** sign the payment agreement until **after** the payor signs and makes the initial payment. Your signature finalizes the agreement, so it must always follow the payor's signature.

If the payor does not return the payment agreement with the initial payment in the allowed 20 days, generate the *Certificate of Noncompliance* unless a noncompliance is in effect.

**Length of the Payment Agreement**

**Legal reference:** 441 IAC 98.105(1)

The license sanction payment agreement remains in effect for at least one year from the date you sign it. At the end of one year, end the LISAN screen unless:

- ◆ The payor has an exemption (see [EXEMPTION FROM THE LICENSE SANCTION PROCESS](#)), or
- ◆ There is a noncompliance in effect, or
- ◆ There is a review or modification in process.

ICAR issues a calendar flag (LISAN19) one year after the payment agreement is signed, reminding you to review the case.

If the payor has requested a review of the support obligation, the license sanction payment agreement remains in effect while the case is under review. When the review process is completed, end the license sanction process.

**Monitoring the Payment Agreement**

**Legal reference:** 441 IAC 98.105(2)

When you enter payment agreement information on the LISAN screen, ICAR issues a calendar flag reminding you to review the case for the first payment, depending on whether the payment agreement is signed.

When the SIGNED field displays a date and you enter or modify the date in the START field, ICAR issues a calendar flag (LISAN39) five days after the date in the START field reminding you that there is a signed payment agreement and to determine whether the payor is in compliance.

When the SIGNED field is blank and you enter or modify the date in the START field, ICAR issues a calendar flag (LISAN40) five days after the date in the START field. This calendar flag reminds you that the payment agreement is unsigned, to determine whether the payor is in compliance, and to try to obtain a signed payment agreement.

ICAR monitors the payor's compliance with the signed or unsigned payment agreement, based on the payment amount, frequency, due date, and payment method, beginning the first month after the date in the START field on the LISAN screen.

ICAR runs the payment agreement monitoring program the second Friday of each month. ICAR monitors a case for compliance with a payment agreement beginning the **second** month after the date in the START field on the LISAN screen.

ICAR reviews the case for payments with a fund source of REG on the Case Payment History (PAYHIST) screen.

**Note:** If there is an active interstate referral on the case, the LISAN and INTERSTA screens must be linked before you enter a date in the COURT HEARING SET field.

- ◆ File the following documents with the court before the hearing:
  - A copy of form 470-3344, *Results of License Sanction Conference*.
  - A copy of form 470-3274, *Certificate of Noncompliance*.
  - All other pertinent documents relating to the license sanction.

To certify these forms to the court, enter the current date in the DOCUMENTS CERTIFIED TO COURT field on the LISAN2 screen. ICAR:

- ◆ Displays form 470-3393, *Certification of License Sanction Action to District Court and Request for Hearing*, for you to complete and generate.
- ◆ Issues a narrative (LISAN22) documenting the date the license sanction documents are certified to the court.

File the applicable documents along with the *Certification of License Sanction Action to District Court and Request for Hearing* with the clerk of court.

When the payor has previously entered into a license sanction payment agreement, the court may decide to alter the previously established license sanction payment agreement. Present the court a copy of form 470-3347, *Order Determining Payments for the Limited Purpose of License Sanction*, at the time of the hearing. To generate this form:

- ◆ Enter “470-3347” in the FORM NUMBER field on the FORMVIEW screen and press the F5 key.
- ◆ Press the F6 key to access the Online Form Generation (FORMGEN) screen to generate a blank copy of the form.
- ◆ Enter the ICAR case number in the CASE NUMBER field and press the F9 key to generate the form.