

Subject: Compliance with Court Orders

- 23-10-00 Purpose
10 Legal Basis
20 -Definitions
30 Compliance System

23-10-00 PURPOSE

This chapter states Department procedure for assuring compliance with court orders issued against the Department.

23-10-10 LEGAL BASIS

This chapter and its requirements are based on Secretarial memoranda of November 14, 1977 and March 39, 1982 respectively, subject: Compliance with Court orders Against the Department.

23-10-20 DEFINITIONS

For the purposes of this chapter, these definitions apply:

- A. Court order is any temporary restraining order, preliminary injunction, permanent injunction, or other order of a court.
- B. Reporting units are those HHS organizations which are required to monitor and report as indicated in Section 23-10-30 on their court order compliance activities. These units and their reporting areas are:

<u>Reporting Units</u>	<u>Reporting Areas</u>
Health Care Financing Administration Office of Human Development Services Public Health Service	Health Care Financing Administration Office of Human Development Services Public Health Service except Food and Drug Administration
Food and Drug Administration Social Security Administration	Food and Drug Administration Social Security Administration
Office of Community Services office of Child Support Enforcement	Office of Community Services Office of Child Support Enforcement
Office of Assistant Secretary for Management and Budget	Office of the Secretary except Office for Civil Rights and Office of Assistant Secretary for Personnel Administration
Office for Civil Rights Office of Assistant Secretary for Personnel Administration	Office for Civil Rights Office of Assistant Secretary for Personnel Administration

- C. Reporting area includes headquarters, regional, and field activities of each reporting unit.

23-10-30 COMPLIANCE SYSTEM

- A. Each reporting unit will develop, implement, and maintain a system for assuring compliance with court orders issued against it. Its system will enable the reporting unit to:
1. Identify, log, and notify appropriate officials about each court order upon its receipt **in the** Department.
 2. Provide appropriate officials with an early and thorough analysis of what the court order will require from the Department.
 3. Keep appropriate officials fully informed on the progress of the Department's compliance with the court order.
 4. Report **immediately** to appropriate **officials** on substantive, procedural, or other difficulties that may preclude the Department from complying fully with the court order or may create serious problems for the Department if it complies fully with court order.
 5. Monitor and report on its compliance with each court order that imposes obligations of such a character that continuing oversight of compliance activities is required.
- B. To fully implement its compliance activity, each reporting unit will assign overall responsibility for its compliance system to a senior level official. That official will assure that the system is developed, implemented and maintained, and that it effectively **monitors** and reports on compliance activities. He/she will serve as a liaison with the office of the General Counsel on court order compliance.
- c. The Assistant Secretary for Management and Budget, upon request, will assist each reporting unit in developing, implementing, or modifying its compliance system.