PURPOSE

The Child Support Enforcement Program has been established to identify and locate absent parents, establish paternity, and establish and enforce the child, Medi-Cal and spousal support obligation.

SSA STAFF RESPONSIBILITIES

SSA staff shall inform the applicant/recipient of:
- Benefits of the Child Support Enforcement Program
- Cooperation requirements
- Consequences of non-cooperation, sanctions and penalties
- Right to claim good cause from those requirements prior to referral to Child Support Services (CSS)

COOPERATION REQUIREMENTS

As a condition of eligibility for assistance, each CalWORKs (CW) applicant/recipient must cooperate with CSS in:
- Identifying and locating the absent parent
- Assigning child support rights to the county
- Establishing paternity if applicable
- Enforcing Child and Medi-Cal Support and providing medical insurance information provided by absent parent(s) via DHS 6155
- Establishing, modifying, or enforcing a child support order for the child (ren) for whom aid is requested

NON- COOPERATION

Under Federal and State Law, applicants/recipients of CalWORKs/Medi-Cal must cooperate with CSS for the child(ren) for whom aid is requested. Child Support includes monetary support and health insurance coverage.
CSS will determine if the applicant/recipient is cooperating in the Child Support process and will communicate this through the CalWIN/Child Support Enforcement (CSE) system interface.
- **Sanction:** If a parent or needy caretaker refuses to assign support rights, the individual will be sanctioned and removed from the Assistance Unit (AU)
- **Penalty:** If a parent or needy caretaker relative fails to cooperate with CSS the family's cash aid will be reduced by 25%

MANDATED CHILD SUPPORT REFERRALS

CSS must receive child support referrals for any child who has been deprived of support. All CSS referrals will be completed via the electronic interface between CalWIN and CSE system. A signed copy of the CW2.1 must be filed in the case folder. Deprivation applies when parent(s) are:
- Physically absent
- Legally absent, or
- Minors

PHYSICAL ABSENCE

Parent(s) are considered **physically absent** when they are not living in the home because they are:
- Separated, divorced, or have never maintained a home together
- Incarcerated (includes Alternately Sentenced Parents-ASP) or
- Deceased (when a parent is deceased, a referral is not required)

Note: When this situation involves an MFG child, notify CSS when the child is not living with either parent or when the case is discontinued.

LEGAL ABSENCE

Parent(s) are considered **legally absent** when they lack legal marital status and they:

- Are living in the same home, but paternity has not been established
- Are alive, but the child is living with a caretaker relative
- Have joint custody, and one of the parents is a non-applicant parent

Note: A Child Support referral must be completed for the father of the unborn/child where paternity has not been established. The Paternity Opportunity Program (POP) will also be offered and discussed in situations where paternity has not been established.

MINOR PARENTS

Parent(s) are **minors** and they:

- Are not living with senior parent(s)

Exception: When the minor is married and lives with the spouse

- Are being aided as adults in their own case

Cause for child support referral rejection: If a previous court order for the minor parent's support does not exist, CSS may reject the referral for the minor parent (Lamb court case). File rejected referral in the case. No follow up is necessary.

EXCEPTIONS TO CHILD SUPPORT REFERRALS

Child Support Referrals are **not** required for:

- Diversion, unless it is determined that Diversion payment will not be issued
- Absent parent(s) of unaided children such as: SSI/SSP **or** ineligible non-citizen child(ren)
- Senior parent whose minor child is a parent and is legally emancipated

GOOD CAUSE

Prior to referring any applicant/recipient to CSS, the **worker must explore whether good cause exists** for non-cooperation in identifying and locating the absent parent, in establishing paternity, and in establishing, modifying or enforcing a child support order for the child(ren) for whom aid is requested.

If an applicant/recipient was referred to CSS and later claims good cause, the county must promptly report this to CSS and the CSS worker shall suspend all Child Support activities until the determination of good cause is complete.

REASONS FOR GOOD CAUSE

Good Cause shall be found when:

- Efforts to contact the Absent Parent (AP) would increase the risk of physical, sexual or emotional harm to the child
- Efforts to contact the Absent Parent (AP) would increase the risk of domestic abuse to the parent or caretaker
- Conception was due to rape or incest
- Legal adoption proceedings are pending
- Relinquishment is being considered, and the parent is currently being assisted by an adoption agency
- Client is cooperating in good faith but is unable to identify or assist in locating the absent parent
- Any other reason that would make efforts to contacting the Absent Parent (AP) contrary to the best interests of the child

Note: When good cause is found due to domestic abuse, the worker shall offer a Domestic Abuse Services Referral (see P&P 402).

CCSSA

DOCUMENTATION SUPPORTING GOOD CAUSE

Documentation may include:

• Police, government, or court records from a domestic violence program or documentation that the client has sought assistance with abuse, physical evidence or any evidence that supports the claim of good cause
• Documentation that the child was conceived by rape or incest, e.g. birth certificate, medical or mental health records, law enforcement or domestic violence records, rape crisis records
• Court documents that indicate legal proceeding for adoption are pending
• Written statement from a public or licensed private adoption agency documenting possibility of relinquishment
• Statements under penalty of perjury from the client and/or persons who know about the reasons for client's good cause claim for not cooperating
• Sworn statement by the victim or other individuals with knowledge of the circumstances, which provide the basis for the good cause claim
• Documentation from the Domestic Abuse Service Unit

Note: Follow up by the applicant/recipient on the referral shall not affect eligibility to CalWORKs or the determination of cooperation.

CLAIMING GOOD CAUSE

When an applicant/recipient claims Good Cause:

• Have applicant/recipient complete and sign the CW 51 Child Support – Good Cause Claim for Non-cooperation form. The CW 51 needs to be manually triggered in CalWIN
• Advise applicant/recipient to provide supporting evidence within **20 calendar days** of signing the CW 51
• If the evidence provided does not substantiate the Good Cause claim, advise applicant/recipient that additional supporting evidence is needed
• Do not refer the case to CSS until a Good Cause determination is made
• When final determination is made and good cause exists notify CSS. No child support referral is made
• Complete all appropriate entries in CalWIN
• Narrate in case file and manually send Good Cause Determination NOA to client. (These Notices of Action are not in CalWIN at this time)

Note: Assistance from CSS can be requested in making the determination of Good Cause, but the county does not need to request an independent evaluation of the Good Cause claim from CSS.

Once Good Cause is established:

• It continues, unless the parent/caretaker rescinds the claim
• Suspension of Child Support will continue as long as Good Cause exists
• Review at annual re-determination (RRR) to determine if circumstances have changed; it is not necessary to process another claim for Good Cause

---

REFERENCES

• See Manual of Policies and Procedures, Division 12, (Section 12-425 for child/family and spousal support distribution regulations in current and former CalWORKs cases)
• ACL 02-74, ACL 05-01, ACL 05-37, ACIN I-42-02
• ACL 07-51

CHILD SUPPORT REFERRAL FORMS AND NOTICES

FORMS:
CS 910 How a Declaration of Paternity Can Help
CS 909 Declaration of Paternity
DHS 6155 Health Insurance Questionnaire

NOTICES:
F063-30-37 Direct Child Support Payments
F063-35-72 Good Cause Determination
CW51 Good Cause Claim for Non-cooperation

CDSSA