County of Orange Social Services Agency
Family Self-Sufficiency Division

Program/Area:	CALWORKs		
Title:	Child Support		
Number:	100-A1	**Status:**	Signature on file
Effective Date:	June 1, 2001	**Revision Date:**	November 2014

Purpose

The Child Support Enforcement Program has been established to identify and locate absent parents, establish paternity, and establish and enforce the child, medical 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

Unless exempt, each CalWORKs (CW) applicant/recipient must cooperate with CSS as a condition of CalWORKs eligibility in:

- Identifying and locating the absent parent
- Assigning child support rights to the county
- Establishing paternity, if applicable
- Enforcing child and medical support and providing medical insurance information provided by the absent parent(s) via DHS 6155
- Establishing, modifying, or enforcing a child support order for the child (ren) for whom aid is requested

---

Exemption / Informing Requirements

Effective November 2014, cases in the K1/3F aid codes are exempt and no longer required to assign their support rights or cooperate with Child Support Agency as a condition of CalWORKs eligibility. Once a CalWORKs case transitions out of aid codes K1/3F, then client must cooperate.

The workers must use form CW 2215 to inform applicants/recipients who have been placed in the K1/3F aid codes of the changes .Form can be mailed to the AU as they are moved into K1/3F aid codes. Case comments must be updated.

Applicants/recipients in the K1/3F aid codes that already have an

OCSSA

existing open child support case will continue to receive collection services. All Child Support (CS) collected will go directly to the family.

Intake Workers should encourage these clients (who do not have an open CS case) to apply for services by highlighting the advantage of receiving more income and assist them whenever possible regarding CS services.

Effective April 1, 2015, cases with individuals with prior felon drug convictions will no longer be coded as K1/3F and will be again required to assign their support rights and cooperate with Child Support Agency.

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%.

Notes:

- Cases in aid codes K1/3F are not subject to CS penalties and sanctions

- A child support penalty is removed effective the first of the month in which cooperation occurs.

Example:
A child support penalty was imposed on 1/1/2014; client complies and CSS subsequently informs Eligibility staff that the client has cooperated as of 2/5/2014. The penalty is removed effective February 1st.

Note: Refer to Child/Medical Support Interface-Parent Non-Cooperating Resource Guide for instruction on appropriate CalWIN entries.

Mandated Child Support

CSS must receive child support referrals for any child who has been deprived of support. All child support referrals will be

OCSSA

Referrals

completed via the electronic interface between CalWIN and CSE system as workers complete their entries in the Collect Absent Parent Information screens. Workers need to print the CW 2.1 Notice and Agreement and the CW 2.1Q Child Support Questionnaire and review the forms with the applicant/recipient before the applicant/recipient and the worker sign and date the forms. The CW 2.1 and CW 2.1Q forms need to be imaged and filed in OnBase under the Current Eligibility Acco.

Deprivation applies when parent(s) are:

- Physically absent
- Legally absent, or
- Minors

Note: Child support referrals for pregnant women/pregnant minor cases should not be sent until after the child is born. Since an unborn child is not mandated to be included in the AU nor have support rights been established for the unborn child, defer sending the child support referral until after the child is born.

When an unborn child establishes eligibility for a pregnant woman or pregnant minor based on absent parent deprivation, the worker shall obtain all information and forms necessary to establish deprivation but shall **defer** sending the child support referral until after the child is born.

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). Please note that the CW2.1Q must indicate that the absent parent is deceased. Worker must obtain acceptable verification of death of the parent from which child support may be collected. When verifications cannot be obtained, a referral to CSS based on absent parent deprivation is 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:

OCSSA

- 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 child where paternity has not been established. The Paternity Opportunity Program (POP) will be offered and discussed in situations where paternity has not been established.

Paternity Opportunity Program (POP)

The Paternity Opportunity Program (POP) offers applicants/recipients the opportunity to establish legal paternity without going to court. A Declaration of Paternity (CS 909) form is used to legally establish the paternity (the father) of a child when the mother and father are not married to each other.

POP needs to be discussed with applicants/recipients when paternity has not been established. The POP informing pamphlet contains information regarding the program and can be a useful tool when discussing the program with applicants/recipients.

When CW applicants/recipients complete the Declaration of Paternity (CS 909) form in the office, refer to the Paternity Opportunity Program/B-VIII.8 policy in the FSS/ASAP Divisions Operations Manual for processing instructions.

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).

Exceptions to Child Support Referrals

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

- Diversion Services, 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
- Child-only safety net and Drug/fleeing felon in the K1/3F aid codes

---

OCSSA

Good Cause	The good cause determination process applies to all cases when a client claims good cause for refusing to cooperate in establishing paternity and/or obtaining support, identifying and locating the absent parent, 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 worker must promptly report this to CSS and the CSS worker shall suspend all Child Support activities until the determination of good cause is completed. The CalWIN Good Cause for Not Cooperating with Child Support Services Resource Guide provides detailed instructions on the CalWIN entries needed when an applicant/recipient claims good cause for non-cooperation with CSS.
Reasons for Good Cause	Good Cause for not cooperating with CSS 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 (Refer to policies 402 Domestic Abuse Services and 604 Domestic Abuse Services Unit (DASU) Operating Procedure).
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

OCSSA

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

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 CW51 is available in CalWIN and should be printed immediately to have the client complete it.
- 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.
- The CW51 needs to be signed by the worker and reviewed and signed by the supervisor.
- When final determination is made and good cause exists notify CSS by completing appropriate CALWIN entries.
- When good cause does not exist, inform applicant/recipient that a referral to CSS is required.
- CW 51 needs to be filed in OnBase under the Current Eligibility Acco.
- Complete all appropriate entries in CalWIN. Refer to CalWIN Good Cause for Not Cooperating with Child Support Services Resource Guide.
- Narrate in case file and manually send Good Cause Determination NOA F063-35-72 to client. (This Notice of Action is not in CALWIN at this time)

Note: Assistance from CSS can be requested in making the determination of Good Cause, but staff do 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

OCSSA

circumstances have changed; it is not necessary to process another claim for Good Cause

Direct Child Support	Unless exempt from CS requirements, direct child support income should be an infrequent situation for CW clients. Staff need to direct the applicants/recipients to turn over direct child support to CSS. Clients who report receiving direct child support are to be provided with the correspondence notification form, Direct Child Support (F063-30-37). Receipt of direct child support payment shall be treated as follows for CW: • Determine what portion of the direct payment represents the current month support obligation and disregard an amount up to $50. • Treat the remainder of the current month's child support payment as unearned income in the month received. Budget the direct child support payment in accordance with CW policies Semi Annual Reporting (SAR) and Budgeting Process 100-E5 or Annual Reporting/Child-Only (AR/CO) Cases 100-E13 as applicable
Treatment of Child Support Income in the Exempt K1/3F Grant Calculation	CalWORKs AUs in the K1/3F aid codes will continue to be required to report the CS payments they receive in accordance with their CalWORKs and CalFresh income reporting rules. CalFresh Semi-Annual Reporting (SAR) households will be required to report CS received on their SAR 7 report, and CalWORKs Annual Reporting/Child-Only (AR/CO) AUs will be required to report CS received at application and during the annual redetermination .In addition, all AUs will be required to report receipt of direct CS income any time the family's total monthly income exceeds the Income Reporting Threshold (IRT) if the AU also has earned income. If the CS income can be reasonably anticipated and will continue at a level that will render the family financially ineligible the worker must discontinue the AU at the end of the month in which timely and adequate notice can be provided. If the amount of CS income, along with other income for the AU, will not render the family ineligible, the worker must determine if the CS can be reasonably anticipated to continue and determine whether the CS income must be used to calculate the grant for the next payment period. Cases in which the CS is collected through a withholding or a

CDSSA

wage garnishment order can be assumed to be reasonably anticipated to continue unless the AU reports changes in the order or the non-custodial parent employment.
Budget the child support payment in accordance **with CW** policies Semi Annual Reporting (SAR) and Budgeting Process 100-E5 or Annual Reporting/Child-Only (AR/CO) Cases 100-E13 as applicable

Child Support Payment Information

Child support payment information can be found by:

- Accessing the Child Support Collection Data in the Interface Subsystem in CalWIN
- Contacting designated regional staff who has access to the CSE system and can obtain child support payment information (Refer to CSE Contact List).

Note: Staff should contact the designated regional CSE contact to obtain child support payment information and should not contact the Department of Child Support Services (DCSS) directly. If additional information is needed, the regional designee will contact DCSS.

All excess and pass-on payments made to a family from child/spousal support collected in any month are considered available income in the month received by the CalWORKs AU and/or CalFresh HH.

Budget excess and pass-on payments in accordance with CW policies Semi Annual Reporting (SAR) and Budgeting Process 100-E5 or Annual Reporting/Child-Only (AR/CO) Cases 100-E13 as applicable.

Note: Child Support payment received for the Maximum Family Grant (MFG) child(ren) is exempt in CW and is treated as a resource (Refer to CW policy Maximum Family Grant (MFG) 100-H3) . For CalFresh, these payments are considered unearned income.

References

- Manual of Policies and Procedures, Chapter 43-200,Division 12, (Section 12-425 for child/family and spousal support distribution regulations in current and former CalWORKs cases) and Division 82 (Section 82-500)
- ACL 02-74, , ACL 05-37, ACIN I-39-06
- ACL 07-51
- ACL 10-29
- ACL 14-78
- ACL 14-100

CCSSA

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 CW 2215 New Rules in CalWORKs for Safety Net and Certain Child-Only case **NOTICES:** F063-30-37 Direct Child Support Payments F063-35-72 Good Cause Determination CW51 Good Cause Claim for Non-cooperation
Resource Guide	• Good Cause for Not Cooperating with Child Support Services Resource Guide • Child/Medical Support Interface - Parent Non-Cooperating Resource Guide

OCSSA