



A Tradition of Stewardship  
A Commitment to Service

NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY  
Self Sufficiency Services Division

**POLICY AND PROCEDURE:**

Child Support Referrals

**REVIEW FREQUENCY:**

Every Two years

POLICY # 2000601-6000-16

**DISTRIBUTION:**

- Employment Services       Public Assistance
- CSOA                                       Quality Mgmt

EFFECTIVE DATE: 08/16/1993

ORIGINAL DATE OF ISSUE: 08/16/1993

LAST REVISION DATE: 11/23/2016

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**POLICY STATEMENT:**

It is the policy of Self Sufficiency Services Division of Napa County Health and Human Services Agency to adhere to State regulations requiring referral to the Local Child Support Agency of cases of absence deprivation. Assignment to the County of any rights to child/spousal support payments by a parent or caretaker relative is a condition of eligibility for CalWORKs (EAS 40-131L). The assignment to the State of any rights to medical support is a condition of eligibility for Medi-Cal (MEM 50185).

**ADMINISTRATION:**

- Eligibility Worker (EW)
- Eligibility Supervisor (ES)
- Screener

## DEFINITIONS:

**Absence Deprivation-** A child who is deprived of parental support or care due to the continued absence of a parent. Absence is characterized by a disassociation of the parent and remaining family members. Deportation and incarceration also constitute absence.

**IV-D Case** – A case in which a state provides child support services as directed by the state or tribal child support program that is authorized by Title IV-D of the Social Security Act. A IV-D case is comprised of: a dependent child or children; a custodial party who may be a parent, caretaker relative or other custodian, including an entity such as a foster care agency; and a noncustodial parent or parents, a mother, a father, or a putative father whose paternity has not been legally established.

## END OF POLICY

## PROCEDURE

1. **Overview-** When absence deprivation exists (or for Medi-Cal, a parent is absent), a person applying for CalWORKs (CW) and/or Medi-Cal (MC) benefits must agree to assign support rights of all persons for whom aid is requested in order to receive benefits (for him/herself). The Screener or EW is responsible to advise the parent or caretaker relative that he or she has the right to refuse to assign support rights or claim good cause for not agreeing to cooperate.
2. **CalWORKs Referral Requirement** – County Welfare Departments have a responsibility to refer to the Local Child Support Agency (LCSA) every CW case in which a child is aided based upon absence, unless exempt.
  - a. For CalWORKs, a referral is made to the Local Child Support Agency (LCSA) when:
    - i. There is absence deprivation for the child, or
    - ii. There is no absence deprivation, but the child's parents were not married at the time of conception and have not signed a Paternity Declaration (see Paternity Opportunity Program P&P), and
    - iii. An exemption/good cause does not exist
      - 1) Good cause claimed and approved as outlined in #11 below (82-512).
      - 2) CW Child Only Safety Net and Drug/Fleeing Felon cases in aid codes K1 and 3F are exempt from LCSA referral and cooperation requirements effective June 1, 2014.
        - (a) CW 2.1 is not required for these cases (for CW). Assigning support rights is still a requirement for Medi-Cal for these individuals.
        - (b) When a K1/3F case transfers to another aid code, the parent/caretaker relative is required to cooperate, complete & sign the CW 2.1.
  - b. As a condition of CW eligibility (if not exempt), the applicant/recipient is required to cooperate in establishing absent parent deprivation by completing the CW2.1 NA (Notice and Agreement), the CW 2.1 Q (Child Support Questionnaire), and providing any other information in his or her possession which is pertinent to the Child Support Enforcement program when requested by the LCSA.
    - i. The EW obtains the CW 2.1 NA and CW 2.1 Q during the intake process or whenever the basis of deprivation is claimed to be absence (see 82-510).
3. **Approved Relative Caregiver (ARC) Requirement** – Child support assignment and recoupment for the ARC payment will follow CalWORKs processes.

4. **Medi-Cal Referral Requirement** – As a condition of eligibility for Medi-Cal, applicants, beneficiaries, or caretaker relatives must cooperate in medical support enforcement when there is an absent parent who may be responsible for their dependent child(ren)'s medical care, or in paternity establishment when there is a child born out of wedlock.
  - a. For Medi-Cal, a referral is made to the LCSA when:
    - i. There is an absent parent
    - ii. There is no absent parent, but the child's parents were not married at the time of conception and have not signed a Paternity Declaration (see Paternity Opportunity Program P&P)
  - b. Child support enforcement requirements apply to both MAGI and non-MAGI Medi-Cal
  - c. The CW 2.1Q and CW 2.1 NA are sent to collect information on the absent parent(s) or unmarried father in the home. Information may also be obtained over the phone.
  
5. **Process of Referral to the Local Child Support Agency** - During initial intake, changing the caretaker relative, reapplication, or re-evaluation, the EW will
  - a. Inform the parent/caretaker of:
    - i. Cooperation Requirements with the County Welfare Department (CWD) and LCSA to:
      - 1) Identify/locate any absent parent
      - 2) Establish paternity of a child when necessary
      - 3) Turn over to LCSA any medical support payments (if receiving MC)
      - 4) Turn over to LCSA any child support payments (if receiving most CW benefits)
        - (a) Non Needy Relatives (NNRs) are not required to assign support rights
      - 5) Inform the county about medical coverage or payment for medical services
    - ii. The right to claim Good cause as follows:
      - 1) If the parent/caretaker feels that cooperation would not be in the best interest of the child or could endanger either the child or the parent/caretaker, he or she may complete the CW51 to request a good cause determination.
    - iii. The penalties for non-cooperation without good cause as follows:
      - 1) Parent/caretaker will become ineligible for MC
      - 2) A 25% grant reduction penalty imposed on CW
        - (a) Non Needy Relative (NNR) cases are not subject to the penalty
      - 3) The case will be referred to DCSS regardless of whether or not the parent/caretaker cooperates
  - b. Transmittal of Referrals to DCSS- Information gathered in C-IV on the absent parent page will be transmitted electronically in batch overnight to the LCSA automated system.
    - i. The LCSA will not establish a IV-D case for:
      - 1) Newborns and unborn children until 60 days postpartum in the Medi-Cal program
      - 2) Adult children- In MC, an adult child is a child between the ages of 14 and 18 years who is not living in the home of a parent or caretaker relative and who does not have a parent, caretaker relative, or legal guardian handling his/her financial affairs and the parents do not claim the child as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes.
      - 3) A child in MC with Other Health Coverage (OHC) provided by the absent parent
  - c. Complete the Notice and Agreement for Child, Spousal, and Medical Support (CW 2.1 NA) for every applicant of CW and MC.
    - i. The customer must complete one form for each absent parent.

- d. Gather all known information necessary to complete the CW 2.1 Q (absent parent page in C-IV) if conducting a face-to-face/phone interview or send a CW 2.1 Q via mail to any person not interviewed.
    - i. The customer must review and sign the CW 2.1 Q in either circumstance (CalWORKs only).
6. **Inter-County Transfers-** If an ICT is received by Napa County and the customer claims good cause prior to case approval, the EW shall:
- a. Contact DCSS and inform them that good cause has been claimed. C-IV will not send good cause information through the interface in this situation.
  - b. Process the good cause claim as described in section 8, below.
7. **Completing the CW 2.1/Absent Parent Page-** DCSS requests that the EW ensures that the CW 2.1 Q is as complete as possible. Often, a parent/caretaker will not attend the appointment with LCSA and the only information LCSA has is that provided by the EW.
- a. If interviewing the customer, the EW will ask the parent/caretaker all questions contained on the Absent Parent page in C-IV and enter the information in the appropriate fields.
  - b. If not interviewing the customer, the EW will generate a **blank** CW 2.1 Q and mail it to the customer to complete. Once returned, the EW will enter all the information into C-IV. The CW 2.1 Q and the Absent/Unmarried Parent page data must match.
  - c. The EW will complete the “parentage status” fields as follows:
    - i. **Disproven-** DCSS has ruled this person out as a parent (this will suppress the referral)
    - ii. **Not Applicable-** The child(ren) listed on the support questionnaire have no connection to the unmarried father/absent parent (this will suppress a referral)
    - iii. **Pending-** Paternity has not been established or is unknown
    - iv. **Yes-Court/Other-** Either paternity has been established by a court order, the absent parent is the mother and she is listed on the birth certificate, or the couple was married at the time of conception (use this status if paternity is not in question)
    - v. **Yes-POP-** Paternity has been established via POP and is registered in the state database.
  - d. The EW will print a copy of the completed CW 2.1 Q and have the parent/caretaker sign it. The EW will then image and index the signed copy into C-IV.
  - e. In cases of unmarried parents and paternity has not been established, the EW will enter data for the unmarried father, indicating that he is living in the home and parentage is pending on the Absent/Unmarried parent page. This will trigger a referral to DCSS for paternity. This should only be done once the EW has checked the state database for a Paternity Declaration and offered the unmarried parents the opportunity to complete a Paternity Declaration.
8. **Non-Cooperation-Good Cause Not Claimed – CalWORKs**
- a. Failure of the parent/caretaker to cooperate without good cause will result in a penalty to the CW case (not NNR cases). The child will remain eligible.
  - b. The EW will complete the following steps in C-IV:
    - i. Enter an Eligibility Non-Compliance record for the parent/caretaker (Eligibility/Customer Information/Non-Financial)
      - 1) Type- Child/Medical Support
      - 2) Reason-
        - (a) Assign Support Rights- if parent/caretaker refuses to assign support rights
        - (b) Child/Medical Support Non Co-op- if parent/caretaker fails to cooperate with LCSA

- 3) Begin Date: the date the sanction/penalty will begin- as soon as administratively possible with adequate/timely notice
- ii. Run EDBC to impose sanction/penalty, review results, accept and save.
- iii. Generate and send an appropriate NOA.
- iv. Create a journal entry describing the non-compliance.

**9. Non-Cooperation – Good Cause Not Claimed – Medi-Cal**

- a. Intake - Refusal to cooperate in the medical support enforcement process will not result in a denial to the parent. This includes refusal to complete the CW 2.1 even if good cause is not claimed. The CW 2.1 is not required prior to approval at initial application.
- b. Ongoing – Once eligibility has been established, refusal to cooperate in providing the CW 2.1 and not having good cause for failure to cooperate will result in discontinuance with timely notice. The children will remain aided. Cooperation and referral status shall be assessed at annual renewal or any time case is reviewed for eligibility. Follow steps in 8.b. above to impose sanction.

**10. Non-Cooperation-Good Cause Claimed-** The parent/caretaker has the right to claim good cause for not cooperating with DCSS if cooperation is expected to result in physical or emotional harm to the parent/caretaker or the child.

- a. Good cause exists when cooperation is not in the best interest of the parent/caretaker or child due to at least one of the following:
  - i. The child was conceived as a result of rape or incest
  - ii. Legal proceedings regarding adoption of the child are pending before a court of competent jurisdiction
  - iii. Parent/caretaker is currently being assisted by a public or licensed social service agency to resolve the issue of whether to keep the child or relinquish him/her for adoption, and the discussions have not gone on for more than three months
  - iv. Cooperation is expected to result in physical or emotional harm to the caretaker.
    - 1) Physical or emotional harm means substantial reduction of the ability of the parent/caretaker to care for the child.
    - 2) Emotional harm shall be based only upon demonstration of an emotional impairment that substantially affects the individual's functioning. For emotional harm, consider the following:
      - (a) Present emotional state
      - (b) Emotional history of the individual
      - (c) Intensity and probable duration of emotional impairment
      - (d) Degree of cooperation to be required
      - (e) Extent of involvement with the individual in the paternity establishment or support enforcement activity to be undertaken
- b. A parent/caretaker who claims to have good cause shall have the burden of proof in establishing the existence of good cause. The individual must:
  - i. Complete the CW 2.1 Notice and Agreement, specifying that he/she claims good cause.
  - ii. Specify the circumstances he or she believe establishes the claim
  - iii. Complete the CW51
  - iv. Provide sufficient information (such as name/address if known) to permit an investigation
  - v. Provide corroborative evidence within 20 days from the day the claim of good cause was made as follows:

- 1) Birth certificates or medical/law enforcement records which indicate that the child was conceived as a result of incest or rape
  - 2) Court documents or other records which indicate that legal proceedings for adoption are pending
  - 3) Court, medical, criminal, child protective services, psychological, or law enforcement records which indicate that the absent parent might inflict physical or emotional harm on the child or parent/caretaker
  - 4) Medical records which indicate emotional health history and the present emotional health status of the parent/caretaker or child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the individual
  - 5) Written statement from a public or licensed private social service agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him/her for adoption
  - 6) Statements under penalty of perjury from individuals, other than the parent/caretaker with actual knowledge of the circumstances which provide a good cause claim
- c. When the parent/caretaker requests a good cause determination, the EW must:
- i. Complete the following pages in C-IV **the same day as the good cause claim, in order to avoid referral to DCSS:**
    - 1) On the Absent Parent page, the "I claim good cause and refuse to cooperate at this time" option is chosen from the **Certification and Agreement** drop-down box. The page is saved and closed.
    - 2) From the absent parent list page, the page is re-opened in edit mode. The **Claim Good Cause** button now appears. This button is clicked, opening the Good Cause Detail page.
    - 3) The Good Cause detail page is completed.
      - (a) Enter claim reason
      - (b) Date of claim
      - (c) Assign to unit EWIII
    - 4) Once saved, the status of the claim is pending.
  - ii. Deliver the completed original CW 51 to the EWIII by the end of the day. The CW 51 should not be imaged by the EW. If the EWIII is not available, the CW51 will be delivered to the unit supervisor.
- d. EWIII/Eligibility Supervisor Responsibility- ES or EWIII determine good cause within 25 days of the date the evidence of good cause is received. If the EWIII is the current worker, another EWIII will be assigned to determine good cause.
- i. The Good Cause Inventory is accessible in C-IV from the Workload Inventory page and should be checked daily for new claims to be processed.
  - ii. When the evidence is provided within 20 days and good cause exists, the EWIII/ES:
    - 1) Completes the claim determination section of the CW51
    - 2) Reviews the case with supervisor for agreement/approval
    - 3) Images the CW 51 into the C-IV case.
    - 4) Notifies the customer that good cause has been approved using appropriate NOA
    - 5) Updates the Good Cause Status Detail page to "granted"
    - 6) Creates a journal entry stating that good cause has been approved
  - iii. When evidence is provided within 20 days and **no** good cause exists, or evidence is not provided within 20 days, the EWIII/ES:
    - 1) Completes the Claim Determination section of the CW51
    - 2) Forwards a copy of the CW51 to LCSA and images the CW51 into C-IV.

- 3) Updates the Good Cause Status Detail page to “denied”
- 4) Notifies the customer on the appropriate NOA that continued non-cooperation will result in a sanction
- 5) Offers the client the opportunity to cooperate or withdraw the application for assistance/discontinue the case
- 6) Enters an instance of non-compliance as in section 8 & 9, if necessary.
- 7) Runs EDBC, reviews, accepts, and saves the results (or directs EW to do so).
- 8) Creates a journal entry.

#### **11. Re-establishing eligibility after non-cooperation**

- a. CalWORKs is restored with the removal of the 25% penalty the first of the month in which cooperation occurs.
  - i. When a case with an existing child support penalty is discontinued, the penalty continues until the applicant parent or recipient cooperates. LCSA determines if the custodial parent has cooperated or not cooperated. If the custodial parent cooperates in the month of reapplication or during the break in aid, the penalty is removed effective the reapplication date. If the custodial parent has not cooperated, the penalty continues until the first of the month in which cooperation occurs.
- b. When CalWORKs is denied or discontinued for failure to assign support rights, that person will be added to the AU effective the day cooperation occurs.
- c. Medi-Cal is restored the first of the month in which cooperation occurs.
  - i. When a recipient with a sanction for non-cooperation becomes pregnant, the non-cooperation is ended the first of the month verification of pregnancy is provided.

#### **12. Communication with LCSA**

- a. You may email LCSA at [CSS-HHSInquiry@countyofnapa.org](mailto:CSS-HHSInquiry@countyofnapa.org) to inquire about cooperation/non-cooperation status or other pertinent information.
  - i. Include participant name, date of birth and C-IV case number in the email
  - ii. Do not include Social Security Numbers

#### **REFERENCES:**

MC Eligibility Manual Sections 50157, 50185, 50262.3  
 EAS manual Sections 43-107.4, 44-315, 82-502, 82-514, 82-506, 82-508, 82-510, 82-512  
 ACL 97-65 & 07-51, ACWDL 02-37, ACIN I-39-06  
 County OPS Call Log dated 6/1/2016  
 Bulletin 15-01 Child Support Requirements for CalWORKs K1 and 3F aid codes  
 CalWORKs Program Policy Interpretation #16-31 dated 6/24/16

#### **FORMS**

CW 2.1 NA- Notice and Agreement for Child, Spousal, and Medical Support  
 CW 2.1 Q- Child Support Questionnaire  
 CW 51- Child Support/Good cause Claim for Non-Cooperation  
 MC 269- Denial of MC Benefits for Non-Cooperation in Medical Support Enforcement  
 NOA Language/Message M82-510- Support Process-Failure to Cooperate

**CONTACT PERSON(S):**

Shelly Todd, Staff Services Analyst

**END OF PROCEDURE**

**REVISION HISTORY:**

<b>Revision</b>	<b>Date</b>	<b>Description of Change</b>	<b>Requested By</b>
0.0	8/16/1993	Procedure Created	
1.0	12/31/2010	Updated for C-IV. New format.	Jessica Chapin, SSA II
1.1	1/20/2012	Updated Good Cause process.	Jessica Chapin, SSA II
2.0	12/31/12	Scheduled review. Updated for clarity.	Jessica Chapin, SSA II
3.0	6/25/2014	Review. No updates made.	Jessica Chapin, SSA II
4.0	6/2/2016	Scheduled review. Added current guidance for Medi-Cal support enforcement procedures. Added K1/3F aid code exemption. Added re-establishing eligibility after non-cooperation and communication with LCSA.	Shelly Todd, SSA II