

**116 – CHILD SUPPORT SERVICES**

**I. CHILD SUPPORT SERVICES FOR WORK FIRST CASH ASSISTANCE**

Work First Cash Assistance (WFCA) is a temporary, short-term program designed to reduce dependency on public assistance. While participating in WFCA, families should begin to develop their own income sources with the assistance of the case manager. One of the primary income sources for Work First families is child support. Child Support Services assist families in obtaining money and health insurance from a parent or spouse who is absent from the home.

During the discussion with the family, the case manager must stress the importance of cooperating with child support as a part of personal responsibility. Cooperation with child support is a responsibility outlined in the Mutual Responsibility Agreement (DSS-6963A). Failure to cooperate with Child Support Services, without good cause, could make the entire family unit ineligible for a Work First payment for one month or until compliance, whichever is greater.

Child Support Services are responsible for determining cooperation with this requirement. The case manager should discuss this requirement and its importance with the family at application, each review, and any time a child is born or moves into the home. The Non-Cooperation Individuals Without an IV-D Sanction Report” is available in XPTR as DHREJ NCFNONCOOP WTHOT IND SANC. This report provides a list of Work First and Medicaid participants by county that are active, and the adult on the case has failed to cooperate with Child Support. Work First case managers can identify Work First cases by program type. This report must be worked at a minimum weekly. This is a high priority report and if not cleared/worked may cause County Responsible Overpayments (CROP). If case managers need access to XPTR or XTND, contact the local county security officer. Please see Work First Manual Section 120 for compliance with policy.

For a case to be removed from the IVD Non-Cooperation Individuals Without a Sanction report, the following conditions must be met:

- The case is marked as "in cooperation" in ACTS,
- The appropriate sanction has been entered, or
- There are no open tasks in the *Data Sent from ACTS* folder on the Income Support Case.

When a case manager determines that OVS shows cooperation or a sanction has been entered, they must check for any open tasks in the *Data Sent from ACTS* folder. If a task exists, it must be submitted for deletion before the case can be removed from the report.

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For guidance, workers can refer to the following Job Aids:

- Viewing Details for an ACTS Trigger
- Mark an ACTS Trigger Submit for Deletion

In order to facilitate the Child Support process and to meet the Work First Child Support requirements, the caretaker must:

- Assign rights to child support to the Department of Health and Human Services, and
- Cooperate with Child Support Activities unless they have good cause for not cooperating.

**II. ASSIGNMENT OF RIGHTS TO CHILD SUPPORT**

By applying for WFCA, the adult caretaker assigns their right to child support to the Department of Health and Human Services.

This means that any support because of a court order (divorce/separation agreement, legal support order, etc.) will be directed to the North Carolina Centralized Collections. This money is used to reimburse part of the current and past paid payments known as Unreimbursed Past Paid Public Assistance (URPA).

**III. THE RULES ABOUT COOPERATION WITH CHILD SUPPORT**

The caretaker in a case must cooperate with the Child Support Unit, unless they have good cause. Cooperation is defined as:

- Naming the parent(s) of any child applying for or receiving WFCA.
- Giving information to find that parent or establish paternity for children applying or receiving assistance. A child support referral is not a requirement for children who do not receive assistance.
- Participate in activities directed by Child Support Services to establish paternity for child(ren) born out of wedlock, such as DNA testing.
- Participate in activities directed by Child Support Services to establish a support order directing support payments to North Carolina Centralized Collections.
- Giving help to collect support owed for anyone in the family unit.
- Reporting to the State any money given directly to the caretaker by the non-custodia parent/spouse; or

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- Going to the social services office, Child Support Services, or court to sign papers or give necessary information.

**IV. GOOD CAUSE FOR NOT MAKING A REFERRAL**

Inform the adult caretaker of their right to establish good cause in not making a referral to Child Support Services. Explain to the adult caretaker that they are responsible for providing evidence to support a claim of good cause. An example would be documentation that shows cooperation could cause harm to the participant or child.

**A. Explain that good cause exists in the following situations.**

1. The caretaker's cooperation can reasonably be expected to result in:
  - a. Physical or emotional harm to themselves that would make them unable to care for the child, or
  - b. Physical or emotional harm to the child for whom support is sought.

To evaluate emotional harm, consider the following:

- The present emotional state of the caretaker,
- The emotional health history of the caretaker,
- Intensity and probable duration of the emotional impairment,
- The degree of cooperation that is required (The case manager may need to contact the local Child Support Services office for this information.), and
- The extent of involvement of the child in the establishment of paternity or support enforcement activity.

Note: At least one circumstance outlined in number 1 and/or number 2 must exist to grant good cause.

2. At least one of the following circumstances exists:
  - a. The child for whom support is sought was conceived as a result of incest or rape, or
  - b. Legal proceedings for the adoption of the child are pending, or
  - c. The caretaker is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption, and the discussions have not gone on for more than three months.

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- B.** At application and review, explain the good cause provisions, and give the participant a copy of the Notice of Requirement To Cooperate and Right To Claim Good Cause For Refusal To Cooperate In Child Support Enforcement (DSS-5334).

**V. STEPS TO FOLLOW IF THE FAMILY CLAIMS TO HAVE GOOD CAUSE FOR NOT MAKING A REFERRAL.**

- A.** Give the caretaker the “Second Notice of Right to Claim Good Cause For Refusal To Cooperate In Child Support Enforcement” (DSS-8104), Document in the case record that the participant claims to have good cause for not making a referral to the Child Support Unit.
- B.** Require the caretaker to provide the evidence necessary to determine if good cause exists. Examples of acceptable evidence are listed on the “Second Notice of Right To Claim Good Cause For Refusal To Cooperate In Child Support Enforcement.” Set a deadline for the caretaker to return the evidence utilizing the DSS-8146 and allowing 10 calendar days. Follow up if not returned allowing 20 calendar days and offer assistance if needed as outlined on the DSS-8104. The case manager may give more time only if the case manager determines that more than 20 days are required because of the difficulty in obtaining the evidence.

NOTE: When the family has previously established a good cause claim, it is not necessary to reestablish good cause. This rule applies unless there is a subsequent claim of good cause for a newborn who has the same parent as another child for whom good cause was established.

NOTE: Family Violence cases are an exception to section V. B. Refer to section D. below in establishing good cause for-Family Violence cases.

Family violence is defined in North Carolina as the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- Attempting to cause bodily injury, or intentionally causing bodily injury; or
- Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment that rises to such a level as to inflict substantial emotional distress; or
- Committing any act of rape or sexual battery against another person.
- Physical Abuse includes: Hitting, Slapping, Shoving, Grabbing, Pinching, Biting and Hair pulling, etc.
- Sexual Abuse includes: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not

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limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

- Emotional Abuse includes: Undermining an individual's sense of self-worth and/or self-esteem. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with their children.
- Stalking: Is a pattern of repeated, unwanted attention and contact by a partner that causes fear or concern for one's own safety or the safety of someone close to the victim.

NOTE: Stalking is often considered to be aggravated when the conduct involved also violates a restraining order protecting the victim

- Dating Violence: The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.
- Sexual Harassment and Domestic Violence: The crimes of Domestic Violence, Dating Violence and Stalking can also constitute sexual harassment when motivated by a person's sex.

**C.** If evidence of good cause is provided during the application screening:

- Document the evidence and file a copy of the evidence in the case record as permanent verification.
- If there is an absent parent, the case manager will complete the Child Support Enforcement evidence using the Child Support Enforcement Job Aid found in FAST Help. This job aid will provide guidance for case managers and the evidence entry process. This job aid also provides guidance on how to manage evidence if participants do not wish to comply with Child Support Services due to good cause.

**D.** The caretaker claiming good cause is responsible for establishing their claim. However, if the good cause claim involves family violence and if proper supportive evidence is not provided by the caretaker, the county may investigate the claim when it is believed that:

- The claim is credible without evidence, or
- Evidence is not available.

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Investigating the claim should include contact with individuals knowledgeable about the family's situation. This includes local law enforcement, family members, neighbors, etc.

- E.** Prior to notifying Child Support Services of the pending good cause claim, complete the child support referral using the Job Aid: "Child Support (IV-D) Referrals for MA, CA & MAGI Cases" found in FAST-Help. The case manager should notify Child Support Services of the pending good cause claim by entering a note on the custodial parent's Person Page under Client Contact and Notes, making sure to choose the option "Submit to ACTS and Save,"
- F.** Upon receipt of the evidence, determine if good cause exists.

If the case manager determines that additional evidence is necessary:

- Notify the caretaker that additional evidence is needed, and
- Advise the caretaker how to obtain the necessary documents, and
- Make a reasonable effort to obtain specific documents which cannot be obtained without assistance.

If the caretaker does not provide the evidence on or before the date set, deny the claim for good cause. The case manager must notify the participant within five workdays of the decision. Complete and mail an adequate manual notice (DSS-8110).

The case manager must also notify the Child Support Services that the claim for good cause is denied, by sending this information through a case note on the custodial parent's person page under Client Contact and Notes, making sure to check the box submit to ACTS and save.

**VI. REQUIREMENTS AFTER GOOD CAUSE HAS BEEN DETERMINED**

- Document the findings in the case record.
- Attach any supporting evidence to the Income Support case.
- Within five workdays, notify the participant of the decision. Complete and mail a manual adequate notice (DSS-8110).

Within five workdays, notify Child Support Services of the decision, through the case notes on the custodial parent/caretaker or head of household person page.

**VII. THE AFFIDAVIT OF PARENTAGE**

For the benefit of the family, and most importantly the child, it is important to make every effort to expedite the process for establishing paternity and the support obligation. Child Support Services will interview the custodial parent after the child support referral has been made by the Work First case manager. Child Support Services will explain the Affidavit of Parentage and obtain signatures when needed.

There are times when the case manager will have a two-parent family where paternity has not been legally established. In these instances, the case manager should offer the parents the opportunity to begin legally establishing their child's paternity. Legally establishing paternity ensures the child's rights to possible future benefits such as Social Security and inheritance. Refer to the Child Support Services Manual for a more detailed description of paternity establishment procedures.

**VIII. MAKING A REFERRAL TO CHILD SUPPORT SERVICES**

Unless the family has good cause for not making a referral, complete a referral to Child Support. This occurs at the end of the application process. At application, the case manager must research ACTS cases via the Online Verification System (OVS) to evaluate cooperation with Child Support Services. Refer to WF Section 104 for instructions and examples. A Child Support Referral must be completed in NC FAST by

the case manager at application and when children are added to a case. Refer to the Job Aid: Child Support (IV-D) Referrals for MA, CA & MAGI Cases found in FAST Help.

1. Enter the following (4) four pieces of evidence on the dashboard in NC FAST:

Note: These (4) four evidences should be entered after submitting the Intelligence Evidence Gathering (IEG) and prior to authorizing the case.

- a. Absent Parent
- b. Child Support Enforcement
- c. Absenteeism
- d. IV-D Referral

2. Document the Child Support Referral was completed on the Income Support case, under the Notes Tab.

If a participant already has a child support referral and indicates that family violence is an issue to Child Support, the Child Support worker will identify whether the individual wants to continue with the child support actions. If the participant no longer desires to cooperate with child support due to family violence, the Child Support worker will refer that individual back to the Work First case manager to make a claim of good cause. Determination of good cause will be made by the Work First case manager.

**IX. FAILURE TO COOPERATE WITH CHILD SUPPORT WITHOUT GOOD CAUSE**

Failure to cooperate with Child Support without good cause could result in the entire family losing eligibility for a Work First Cash Assistance (WFCA) payment. When Child Support Services notifies the case manager that a member of the WFCA unit has not cooperated without good cause, the case manager must issue a DSS-8146A requesting the participant to cooperate with Child Support Services within 30 days to prevent the family from losing eligibility and case termination.

The case manager must enter a “Child Support Non-Compliance – Reduce WFCA Payment by 25%” sanction and NC FAST will issue an automated DSS-6244 notifying the participant the Work First payment will be reduced by 25% until compliance or termination. If at the end of the 30-day period, the participant is still in noncompliance with Child Support Services, a Child Support non-cooperation sanction must be applied to the Work First Cash Assistance case. The sanction must be effective the first day of the month following the month of the reduction. The participant must be provided a minimum of 30 days to come into compliance but no more than 60 days.

**Example 1:**

The case manager is notified by Child Support Services on February 2nd, the participant is in non-cooperation status with Child Support Services. The case includes a single parent with one child and the payment amount is \$236. The case manager issues a DSS-8146A requesting the participant to come into compliance by March 3<sup>rd</sup>. The case manager enters a Child Support Non-Compliance – Reduce WFCA Payment by 25% sanction effective March 1<sup>st</sup> and NC FAST will issue an automated DSS-6244 notifying the participant that the Work First payment for March will be reduced by 25% to \$177.

- If the participant cooperates, the April payment will return to the previous amount of \$236. The case manager must end date the Child Support Non-Compliance – Reduce WFCA Payment by 25% for March 31<sup>st</sup>.
- If the participant does not cooperate by March 3<sup>rd</sup>, the case manager will apply a child support non-cooperation sanction effective April 1<sup>st</sup> and an automated DSS-6244 will be issued to provide notice of termination.

**Example 2:**

The case manager is notified by Child Support Services on February 26th the participant is in non-cooperation status with Child Support Services. The case includes a single parent with two children and the payment amount is \$272. The case manager issues a DSS-8146A requesting the participant come into compliance by March 27<sup>th</sup>. The case manager enters a Child Support Non-Compliance – Reduce WFCA Payment by 25% sanction effective March 1<sup>st</sup> and NC FAST will issue an automated DSS-6244 notifying the participant the Work First payment for March will be reduced by 25% to \$204.

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- If the participant cooperates, the April payment will return to the previous amount of \$272. The case manager must end date the Child Support Non-Compliance – Reduce WFCA Payment by 25% sanction for March 31<sup>st</sup>.
- If the participant does not cooperate by March 27<sup>th</sup>, the case manager will apply a sanction effective April 1<sup>st</sup> and an automated DSS-6244 will be issued to provide notice of termination.

**Example 3:**

The case manager is notified by Child Support Services on February 15<sup>th</sup> a participant in a child only case is in non-cooperation status with Child Support Services. The case includes an individual with legal guardianship of a child and the payment amount is \$181. The case manager issues a DSS-8146A requesting the participant come into compliance by March 16<sup>th</sup>. The case manager enters a Child Support Non-Compliance – Reduce WFCA Payment by 25% sanction and NC FAST will issue an automated DSS-6244 notifying the participant the Work First payment for March will be reduced by 25% to \$136.

- If the participant cooperates, the April payment will return to the previous amount of \$181. The case manager must end date the Child Support Non-Compliance – Reduce WFCA Payment by 25% sanction for March 31<sup>st</sup>.
- If the participant does not cooperate by March 16<sup>th</sup>, the case manager will apply a sanction effective April 1<sup>st</sup> and an automated DSS-6244 will be issued to provide notice of termination.

**NOTE:** In the examples above, if the participant cooperates after the deadline, but before the maximum 60 - day period, The case manager should cancel the second non-compliance and the payment will return to the previous amount.

If a parent is receiving the work exemption “single parent of a child under 12 months” and fails to cooperate the exemption will be lost. The determination of non-cooperation is always made by Child Support Services. The Work First case manager must verify the non-coop field is coded “Y” through the “Inquiry into Data Sent from ACTS” screen and through the verification through the On-line Verification System (OVS) prior to lifting an IV-D sanction.

Refer to Work First Policy Section 120 for complete instructions on sending a notice for IV-D non-compliance cases.

**X. PAST PAID PUBLIC ASSISTANCE**

Past Paid Public Assistance (PPPA) is the amount of Work First Cash Assistance payments that have been provided to custodial parent(s) on behalf of their child(ren). Work First recipients must assign their rights to support to the State when they receive Public Assistance. Child Support Services is tasked with establishing retroactive support owed to the State where appropriate.

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The Work First case manager is required to provide PPPA to Child Support Services when requested. Upon receipt of the Transmittal Request for PPPA (DSS-4746) for the Work First Cash Assistance Program from the Child Support worker, the Work First case manager will complete the PPPA information for the identified Work First case within two (2) workdays. Refer to Job Aid: Request for Past Paid Public Assistance found in FAST help.