

116 - CHILD SUPPORT SERVICES**Change #01-2006****February 01, 2006****I. CHILD SUPPORT SERVICES FOR *WORK FIRST* FAMILY ASSISTANCE**

Work First Family Assistance (WFFA) is a temporary, short-term program designed to reduce dependency on public assistance. While participating in WFFA, families should begin to develop their own income sources, with the assistance of the county worker. One of the primary income sources for *Work First* families is child support. **The Child Support Unit assists families in obtaining money and health insurance from a parent or spouse who is absent from the home.**

To expedite the process of paternity establishment, you are given the option of having the Affidavit of Parentage signed and notarized at the Initial Screening by the mother. This option will help child support staff establish paternity and support obligations more quickly and often prevent the family from having to come back for a separate interview with the Child Support Unit. Refer to VII. below for the paternity establishment procedure.

During your discussion with the family, 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. Failure to cooperate with Child Support Enforcement, without good cause, will make the entire family unit ineligible for a Work First payment for one month or until compliance whichever is greater.

NOTE: The adult caretaker also loses Medicaid, unless pregnant, and becomes subject to the work requirement as part of the sanction for not cooperating. The children will continue to receive Medicaid. Refer to instructions in Section 120, Sanctions, for additional information about sanctions for noncooperation with child support.

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 he/she has good cause for not cooperating.

II. ASSIGNMENT OF RIGHTS TO CHILD SUPPORT

By applying for *Work First Family Assistance*, the adult caretaker assigns his/her right to child support to the Department of Health and Human Services.

This means that any support as a result of a court order (divorce/separation agreement, legal support order, etc.) will be sent by the Clerk of Court to Child Support in Raleigh. This money is used to reimburse part of the current and past paid *Work First Family Assistance* payments.

III. THE RULES ABOUT COOPERATION WITH CHILD SUPPORT

The caretaker in a *Work First Family Assistance* case must cooperate with the Child Support Unit, unless he/she has good cause. Cooperation is defined as:

- Naming the parent of any child applying for or receiving *Work First Family Assistance*;
- Giving information to help find that parent or establish paternity;
- Helping determine who is the legal father of a child born out-of-wedlock;
- 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-custodial parent/spouse; or
- Going to the social services office, Child Support Unit, or court to sign papers or give necessary information.

IV. GOOD CAUSE FOR NOT MAKING A REFERRAL

Inform the adult caretaker of his/her right to establish **good cause** in not making a referral to the Child Support Enforcement Agency. Explain to the adult caretaker that he/she is responsible for providing evidence to support a claim of good cause.

- 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 himself that would make him 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 (You may need to contact the local Child Support office for this information.),
and
The extent of involvement of the child in the establishment of paternity or support enforcement activity.

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.
- B. At application and review, explain the good cause provisions, and give the family a copy of the Notice of Requirement To Cooperate and Right To Claim Good Cause For Refusal To Cooperate In Child Support Enforcement ([Figure 1](#)).

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, [Figure 2](#)). Document in the case record that the family 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 date for the caretaker to return the evidence. Follow up if not returned. (Allow twenty calendar days, and offer assistance if needed.)

NOTE: When a good cause claim has been previously established by the family, 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: Domestic Violence cases are an exception to section V. B. Refer to section D. below in establishing good cause for Domestic Violence cases. Domestic Violence is defined as the use of violence and other forms of abuse including but not limited to; physical abuse, emotional abuse, sexual abuse, economic oppression, intimidation, isolation, threats, and maltreatment of children.

- 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.
 - On the Question Screen of the automated referral, enter "Y" to answer the question *HAS THE APPLICANT PROVIDED PROOF/ VERIFICATION OF GOOD CAUSE CLAIMED AS THE REASON FOR NOT WISHING TO COMPLETE A REFERRAL TO CHILD SUPPORT ENFORCEMENT?*
- D.** The caretaker claiming good cause is responsible for establishing his/her claim. However, if the good cause claim involves domestic 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.
- Investigating the claim should include contact with individuals knowledgeable about the family's situation. This includes local law enforcement, family members, neighbors, etc.
- E.** Notify the Child Support Unit of the pending good cause claim using the Child Support Enforcement Menu Screen. However, go ahead and complete the referral during the application screening. Follow the instructions in the Work First User's Manual.
- F.** Upon receipt of the evidence, determine if good cause exists.

If you determine that additional evidence is necessary:

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

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

You must also notify the Child Support Unit that the claim for good cause is denied, using the Child Support Enforcement Menu Screen.

VI. REQUIREMENTS AFTER GOOD CAUSE HAS BEEN DETERMINED

- Document the findings in the case record.
- Attach any supporting evidence.
- Within five workdays, notify the family of the decision. Complete and mail a manual adequate notice (DSS-8110).
- Within five workdays, notify the Child Support Unit of the decision, using the Child Support Enforcement Menu Screen.

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. By signing the Affidavit of Parentage naming the father, the mother begins the process of legally establishing paternity of the child. The father may then sign the Affidavit of Parentage. Before signing, parents must be advised of the rights and responsibilities of parents, legal consequences, and alternatives to signing the document. This information must be presented orally, in addition to that contained on the affidavit. The oral presentation may be in either live or video taped format. If the named father does not acknowledge paternity, the Affidavit of Parentage will be the basis for other legal action to establish paternity.

NOTE: Refer to the Child Support Enforcement Manual for a more detailed description of paternity establishment procedures.

There are times when you will have a two-parent family where paternity has not been legally established. In these instances, you 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.

If you are talking with the mother of the child, the Affidavit of Parentage may be signed during your discussion with the family. If someone other than the mother is making the application, that person cannot sign the Affidavit of Parentage. If the father is also in the office, he may sign the Affidavit of Parentage. You may get these forms from your Child Support Unit.

NOTE: Counties are encouraged to complete the Affidavit of Parentage during the initial screening. This permits the Child Support Unit to take action immediately. **However, this is an option rather than a requirement.**

- A. Assure that the mother understands that the Affidavit of Parentage is a legal document and should be taken very seriously.** Explain that by signing the Affidavit of Parentage naming the father, the process of legally establishing paternity of the child is begun. The father may then sign the Affidavit of Parentage. Based on the statement of the parents, the court will issue the Order of Paternity. If the named father does not acknowledge paternity, the Affidavit of Paternity will be the basis for other legal action to establish paternity.
- B.** Before you complete an Affidavit of Parentage, have the mother answer the questions on Attachment II of the ASAP Workbook. Based on the instructions on Attachment II of the ASAP Workbook, you will know whether the Affidavit of Paternity can be signed by the mother.
- C.** When the mother signs the Affidavit of Parentage, **have it notarized.** The Affidavit of Parentage must be signed in the presence of the Assistant Clerk of Court, preferably, or a Notary Public.
- D.** If the father is present, have him sign the Affidavit of Parentage and **have it notarized.** The Affidavit of Parentage must be signed in the presence of the Assistant Clerk of Court, preferably, or a Notary Public.
- E.** Send the signed and notarized Affidavit of Parentage and any evidence of paternity (Attachment II to the ASAP Workbook) to the Child Support Unit.

VIII. MAKING A REFERRAL TO CHILD SUPPORT SERVICES

Unless the family has good cause for not making a referral, complete an automated referral to Child Support. This occurs at the end of the automated application process. Refer to instructions in the Work First User s Manual.

IX. FAILURE TO COOPERATE WITH CHILD SUPPORT WITHOUT GOOD CAUSE

Failure to cooperate with Child Support without good cause results in the entire family losing eligibility for a Work First Family Assistance (WFFA) payment for one month or until compliance, whichever is greater. When the Child Support Unit notifies you that a member of the *Work First Family Assistance* family unit has not cooperated without good cause, a sanction must be applied to the *Work First Family Assistance*. This rule also applies if the child is not included in the Work First payment (such as, the child is a SSI recipient). Refer to Section 120, Sanctions, for instructions on applying a sanction. Also, refer to EIS instructions in the Work First User's Manual, because the caretaker is also not entitled to Medicaid, unless pregnant. The children will remain eligible for Medicaid.

If the parent who fails to cooperate is exempt from the work requirement as the single parent of a child under one year of age, she/he loses this exemption. Change the work registration code from S, to L. Refer to your county Work First Plan for the re-attainment of the S code and other S code rules.

NOTE: Determination of noncooperation is always made by the Child Support Unit. Upon receipt of a non-cooperation determination made by Child Support, the local county department of social services must send a timely notice within 10 workdays. Refer to Work First Policy Section 120 for complete instructions on sending a timely notice for IV-D non-compliance cases.

NOTE: The Work First worker must verify that the non-coop field is coded "Y" through the Inquiry Into Data Sent from ACTS screen prior to lifting a IV-D sanction within the 10 days given on the DSS 8110 (timely notice). This rule also applies when the sanction is ending.