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 Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	<b>CSEA CIRCULAR LETTER FIA ACTION TRANSMITTAL</b>
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FIA 99-08	Issuance Date: August 31, 1998

**TO:** DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
ADMINISTRATORS, CHILD SUPPORT ENFORCEMENT AGENCIES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
ADMINISTRATORS, BALTIMORE CITY AND QUEEN ANNE'S  
COUNTY OFFICES OF CHILD SUPPORT ENFORCEMENT  
BRIAN SHEA, DIRECTOR, MONTGOMERY COUNTY OFFICE OF  
CHILD SUPPORT ENFORCEMENT  
FAMILY INVESTMENT SUPERVISORS  
CHILD SUPPORT PROSECUTORS

**FROM:** *Clifford P. Layman*  
CLIFFORD P. LAYMAN, EXECUTIVE DIRECTOR  
CHILD SUPPORT ENFORCEMENT ADMINISTRATION  
*Lynda E. Henry for*  
LYNDA FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL  
OPERATIONS

**RE:** DETERMINATION OF NON-COOPERATION FOR TEMPORARY CASH  
ASSISTANCE (TCA) AND MEDICAL ASSISTANCE (MA)

**PROGRAM AFFECTED:** TEMPORARY CASH ASSISTANCE  
MEDICAL ASSISTANCE

**ORIGINATING OFFICE:** CSEA AND FIA

**SUMMARY:**

The purpose of this circular letter is to provide policy to clarify which entity is responsible for determination of non-cooperation with child support requirements for Temporary Cash Assistance (TCA) and Medical Assistance (MA) applicants or recipients. The policy also provides guidance to assist in that determination.

**OLD POLICY:**

Cooperation with the establishment or collection of child support has long been a condition of eligibility for the TCA and MA programs. Current State regulations governing TCA and MA allow the director of the Local Department of Social Services (LDSS) to designate which entity, IV-A or IV-D, is responsible for making the non-cooperation determination.

### **PRWORA REQUIREMENTS:**

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) amended the requirements for TCA and MA eligibility. One of these changes provided that the IV-D agency make the determination as to whether an applicant or recipient of cash assistance under Title IV-A or medical assistance under Title XIX is cooperating in good faith with the State in establishing paternity, or in establishing, modifying, or enforcing a support order. Therefore, LDSS directors shall now designate the child support enforcement (CSE) agency as the entity responsible for the determination of non-cooperation. The CSE agency, for the purposes of this policy, means the child support unit within the LDSS or any entity that provides legal or other child support services under the direct supervision of the Child Support Enforcement Administration (CSEA) or through a contract or cooperative reimbursement agreement with CSEA.

### **COOPERATION REQUIREMENTS:**

As a condition of eligibility for TCA and MA, the custodial parent shall be considered to be cooperating in good faith in the establishment and enforcement of child support for each child by assisting the local CSE agency in:

- Identifying and locating the non-custodial parent;
- Establishing the paternity of a child born out of wedlock; and
- Obtaining support payments, health insurance coverage, or any other payments or property due to the child.

Every custodial parent applying for TCA or MA must be informed of these requirements.

**Custodial parent, for the purposes of this policy, includes natural or adoptive parents or caretaker relatives.**

Minor parents, who are heads of household and applying for or receiving TCA for themselves, must cooperate with the CSE agency to establish and enforce a support obligation against their natural or adoptive parents. All conditions and requirements as otherwise stated in this policy apply to minor parents.

Also, under Maryland law, parents of a minor parent are responsible for the support of a grandchild who is a recipient of TCA benefits. In cases where either the custodial or non-custodial parent is a minor, the custodial parent may be required to cooperate in establishing and enforcing a support order for the child against the parents of the minor parent.

Custodial parent cooperation with child support requirements includes the following activities:

1. Filing an application for child support enforcement services at the time of application for TCA.
2. Assigning to the State any rights to support for individuals included in the TCA assistance unit or rights to medical support for individuals in the MA unit.
3. Providing the CSE agency verbal or written information or documentary evidence, known to or reasonably obtainable. Information to be provided includes:
  - The first and last name of the non-custodial parent or in cases where the child's paternity has not been established, the first and last name of the person believed to be the father of the child.
  - Sufficient additional information to enable the CSE agency to verify the identity and location of the non-custodial parent or putative father, including the social security number; aliases or other names known by; date of birth; place of birth; address; name or address of employer; occupation; telephone number; school attended; date and place of arrest or incarceration; credit card or bank account number; name and address of either parent; name and address of other relatives, friends, or co-workers able to provide location information; make, model or license plate number of motor vehicle; a detailed physical description or photograph; and any other information which would enable service of process.
4. Appearing at interviews, hearings or other legal proceedings.
5. Submitting to and/or having the child submit to genetic tests pursuant to a:
  - Written request by the CSE agency, the State's Attorney or the attorney representing the IV-D agency; or
  - Judicial order.
6. Providing the required information about an additional person who may be the father of the child if genetic tests exclude the individual previously named.
7. Informing the CSE agency in writing of a change of the custodial parent's address or telephone number.
8. Paying any child support payments received directly from the non-custodial parent to the CSE agency after determination of eligibility for TCA has been made.

## **DECISION FACTORS:**

The child support worker may have to consider whether the custodial parent has adequate reason for non-cooperation. Before a determination of non-cooperation is made, the child support worker should attempt to ensure that circumstances beyond the control of the custodial parent were not responsible for the failure to comply with requests. These circumstances include but are not limited to:

1. Mail from the CSE agency going to the incorrect address.
2. Natural disaster or civil disorder.
3. Critical illness.
4. Family crisis requiring the individual's full attention.
5. The custodial parent is away from home both during the period notices were sent and the appointments were scheduled.
6. The custodial parent has acted in good faith but cannot reasonably be expected to provide the required information. Examples include but are not limited to cases in which:
  - Several years have lapsed since contact with the non-custodial parent.
  - The birth of the child was the result of a relationship so casual that little personal information was exchanged.
  - The putative father misrepresented his identity.
7. The information provided by the custodial parent is insufficient to enable the CSE agency to verify the identity and location of the non-custodial parent or putative father, and the child support worker finds nothing to indicate that the:
  - Custodial parent is withholding information; or
  - Information provided is false, inconsistent or contradictory.

The child support worker may require documentation to substantiate a claim of the custodial parent. The custodial parent may be required to sign a sworn statement that he or she has provided the CSE agency with all available information.

**DETERMINATION OF COOPERATION STATUS:**

When a determination of cooperation status is made, the child support worker shall enter the appropriate code in the "IV-D COOP" field on the Case Management/Case Status Update screen. In some counties, the Child Support First process may make it necessary to notify the Family Investment Unit of the cooperation status via form DHR/IMA/CSEA 957, IV-A/IV-D Information Memo/Action Request, or a similar form developed locally.

If a determination of non-cooperation is communicated to the IV-A case manager, the IV-A case manager must initiate the sanctioning process. An exception may apply to cases in which the custodial parent receiving TCA retained child support paid directly by the non-custodial parent. In these cases the IV-A case manager will determine whether recoupment rather than sanctioning is appropriate.

**GOOD CAUSE DETERMINATION:**

The responsibility of determining "good cause" for non-cooperation remains with IV-A. At any time during the child support process, custodial parents may claim good cause for failure to cooperate because of possible physical or emotional harm to themselves or their child. If that claim is made or the custodial parent indicates that may be the case, the child support worker should refer the case to the IV-A case manager immediately. Policy and procedure for the determination of good cause have been issued by the Family Investment Administration in Action Transmittal 98-30.

The CSE agency shall close the child support case if the IV-A case manager determines that the custodial parent has good cause for refusing to cooperate in obtaining child support and circumstances prohibit the CSE agency from attempting to establish or collect support without the custodial parent's assistance.

**ACTION REQUIRED:**

Upon receipt.

**INQUIRIES:**

Questions and comments regarding non-cooperation may be directed to Claudette Sullivan at 410-767-7311 and good cause questions or comments may be directed to Edna McAbier at 410-767-8805.

c:	DHR Executive Staff	Constituent Services
	DHMH Executive Staff	CTF
	FIA Management Staff	Help Desk
	DHMH Management Staff	RESI