

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



November 22, 2005

ALL COUNTY LETTER NO. 05-37

TO: ALL COUNTY CHILD WELFARE DIRECTORS  
ALL ELIGIBILITY SUPERVISORS**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by  
One or More Counties
- Initiated by CDSS

**SUBJECT: ASSEMBLY BILL (AB) 1449 (CHAPTER 463, STATUTES OF 2001)  
CHANGES TO CHILD WELFARE AND ELIGIBILITY REGULATION  
REQUIREMENTS REGARDING CHILD SUPPORT REFERRALS**

The purpose of this letter is to transmit information regarding the changes resulting from the passage of AB 1449 which added Section 17552 to the Family Code concerning responsibilities of the county child welfare department and the local child support services agencies with regard to specified child support referrals. This letter also provides the county child welfare department with a newly modified form for the documentation and transmission of a social worker's determination of best interest to not make a child support referral on parent(s) of a foster child.

Assembly Bill 1449 requires the California Department of Social Services (CDSS), in consultation with the Department of Child Support Services, to promulgate regulations to be used by the county child welfare department in determining whether it would be in the best interest of a child to make a referral of the child's case to the local child support agency for the establishment of a parental support order for the reimbursement of public assistance Aid to Families for Dependent Children-Foster Care (AFDC-FC).

CDSS Manual Letter No. CWS-05-01, dated March 3, 2005 distributed the new regulations. The regulations can also be accessed online through the Office of Regulations Development at [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov) and following the links to the on-line regulations.

Regulations have been added to the Child Welfare Services Manual of Policies and Procedures (MPP Division 31, Chapter 31-206 and 31-503) and the Eligibility and Assistance Standards Manual (MPP Division 45, Chapter 45-201). The new regulations require the social worker to make and to document a determination whether it is in a child's best interest to make a referral to the local child support agency. These regulations also specify what should be considered in making this determination.

Once made, the determination should be forwarded to the county eligibility worker for appropriate action.

Currently, the “Child Support – Good Cause Claim for Noncooperation” form (CW51) is used to transmit a showing of good cause to the local child support agency. This form has been modified (copy attached) to include the determination regarding whether it is in the best interest of the child to make a referral to the local child support agency. The social worker completes the two sections of the form identified as “COUNTY USE ONLY”. Any determination documented on the CW51 should be supported by information in the child welfare case record. A copy of the determination regarding best interest should be maintained in both the child welfare and the eligibility case files.

When a determination is made that it is not in the child’s best interest to refer the case for child support enforcement, subsequent actions will depend on whether there is an existing child support case as follows:

- *If a current child support case does not exist*, the county eligibility worker should retain the documentation in the eligibility file. There is no need to notify the local child support agency.
- *If there is an existing child support case*, the county eligibility worker should send the “Referral to Local Child Support Agency” form (CW371), to the local child support agency. The referral should be accompanied by the determination by the social worker as to whether it is in the child’s best interest to make a child support referral (The CW51 may be used for this purpose.) and any other information pertaining to showing good cause for the local child support agency not to proceed with child support enforcement.

When a child who is receiving payment through California Work Opportunity and Responsibility to Kids (CalWORKs) or Kinship Guardianship Assistance Payment (KinGAP) enters foster care and receives AFDC-FC, the county eligibility worker must notify the local child support agency that the county is discontinuing CalWORKs or KinGAP benefits for that child.

In addition to allowing the child welfare agency discretion in making a child support referral based on a determination of the child’s best interest, AB 1449 also provides authority to the Department of Child Support Services to compromise existing arrearages, owed by the reunified custodial parent in family reunification cases, if certain criteria are met. In such cases, the parent should be referred directly to the local child support agency to make a request. As part of the compromise evaluation, the local child support agency may contact the county child welfare social worker assigned to the reunification case and request information to determine if the compromise would be in the best interest of the child. Therefore, the child welfare services agency should respond to the local child support services agency’s request.

“Compromise of arrearages” and a “non-referral for child support enforcement” can be distinguished as follows:

- A compromise is made at the request of the parent to the *local child support agency* and will be determined based on the criteria established by the local child support agency. The child welfare social worker should inform parents of this available service when the parent has an existing child support arrearage obligation.
- A non-referral is based on the determination made by the *child welfare agency* not to send a child support referral to the local child support agency related to the child’s current foster care placement episode. This option is available when a parent does not have an existing child support case related to the child’s current foster care placement episode and the social worker determines based on the child’s best interest, that a non-referral would remove a barrier to the parent completing the child welfare service case plan.

It should be noted that the provisions of Child Welfare Services Manual Division 31, Chapter 31-206 and 31-503 do not apply to probation wards (as described by Welfare and Institutions Code (W&IC) Section 600) who are receiving aid pursuant to W&IC Section 16500.

If you have questions regarding this All County Letter, please contact the Permanency Policy Bureau at (916) 657-1858.

Sincerely,

MARY L. AULT  
Deputy Director  
Children and Family Services Division

Enclosure

c: CWDA  
CDCSS

**COUNTY USE ONLY**

**CHILD SUPPORT — GOOD CAUSE CLAIM FOR NONCOOPERATION**

I do not want to cooperate to establish paternity and to obtain support because it is not in the best interest of the child(ren) for whom aid is requested. Here's why: Check (✓):  
 I expect it to result in increased risk of **harm to the child(ren)**:

- A)  Physical harm
- B)  Sexual harm
- C)  Emotional harm

I do not want to cooperate because:

- D)  The child(ren) was conceived due to incest/rape.
- E)  Increased risk of **domestic abuse**.
- F)  Legal court proceedings are going on for the adoption of the child(ren).

G)  I am working with a public or licensed private adoption agency that is helping me decide whether to keep the child(ren) or to place them for adoption.

H)  I have other credible reason(s) for not cooperating. Explain: \_\_\_\_\_

CASE NAME \_\_\_\_\_

CASE NUMBER \_\_\_\_\_

DATE OF APPLICATION \_\_\_\_\_

CARETAKER RELATIVE (IF DIFFERENT) \_\_\_\_\_

RELATIONSHIP TO CHILD(REN) \_\_\_\_\_

NONCUSTODIAL PARENT/ALLEGED FATHER \_\_\_\_\_

NAME OF CHILD(REN) OF NONCUSTODIAL PARENT/ALLEGED FATHER \_\_\_\_\_

**CERTIFICATION**

I want to claim Good Cause for refusing to cooperate for the reasons checked above. I understand I may be asked to prove that I have Good Cause for refusing to cooperate.  
**I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained on this report are true, correct, and complete.**

SIGNATURE OF APPLICANT OR RECIPIENT \_\_\_\_\_

DATE \_\_\_\_\_

**EVIDENCE PROVIDED**

- No investigation
- No evidence provided
- Birth certificate
- Medical records
- Court documents
- Social agency letter
- Mental health professional letter
- Sworn statement
- Other

**CLAIM DETERMINATION - COUNTY USE ONLY**

- The child welfare department has determined that it is not in the child's best interest to refer the case to child support per California Code of Regulations 31-503 as it would pose a barrier to the parents' ability to meet at least one of the following:
  - Reunification/case plan requirements
  - Current/future financial needs of family
  - Needs of other children in household at risk of removal
- The child welfare department has determined that it is not contrary to the child's best interest to refer the case to child support.

SOCIAL WORKER SIGNATURE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

DATE OF DETERMINATION \_\_\_\_\_

TO: **LOCAL CHILD SUPPORT AGENCY** THIS CLAIM IS FOR  CHILD SUPPORT  MEDICAL SUPPORT

GOOD CAUSE EXISTS AND IS BASED ON: (✓)

- A  Increased risk of **physical harm** to child(ren)
- B  Increased risk of **sexual harm** to child(ren)
- C  Increased risk of **emotional harm** to child(ren)
- D  Incest or rape
- E  Increased risk of **domestic abuse** to parent/caretaker
- F  Legal adoption before the court
- G  Preadoptive services
- H  Other credible reason(s) for not cooperating

Explain good cause: \_\_\_\_\_

1. Request for Good Cause has been denied.  
Give reasons: \_\_\_\_\_
2. Was determination based on physical harm without evidence?  YES  NO
3. Was determination based solely on examination of evidence without investigation?  YES  NO
4. May enforcement proceed without applicant/recipient participation?  YES  NO

CWD REPRESENTATIVE'S SIGNATURE \_\_\_\_\_

WORKER NUMBER \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

DATE OF DECISION \_\_\_\_\_

SUPERVISOR'S SIGNATURE \_\_\_\_\_

DATE OF DECISION \_\_\_\_\_