

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

December 14, 2007

ALL COUNTY LETTER 07-51

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) NOTIFICATIONS TO THE LOCAL CHILD SUPPORT
AGENCY (LCSA)

REFERENCE: WELFARE AND INSTITUTIONS (W&I) CODE SECTION 11477, MANUAL
OF POLICIES AND PROCEDURES (MPP) SECTIONS 82-508, 82-510
AND 82-512, ALL COUNTY INFORMATION NOTICE (ACIN) I-39-06

The purpose of this All County Letter (ACL) is to reinforce and clarify the CalWORKs policy for several issues raised by county welfare department (CWD) and LCSA staff during the monthly IV-A/IV-D Forum meetings. This ACL addresses policy related to referrals to the LCSA, applicant/recipient cooperation requirements, good cause notifications to the LCSA and other notifications related to the county's case actions. This ACL is not intended to address the Child Support Enforcement (CSE) program in its totality. Refer to existing CalWORKs program regulations and policy letters for other specific requirements.

REFERRAL OF APPLICANTS AND RECIPIENTS TO THE LCSA

Referral Requirement: The CWD has a responsibility to refer to the LCSA every CalWORKs case in which a child is aided based on deprivation of absent parent(s), unless exempt from the LCSA cooperation requirements in accordance with Manual of Policies and Procedures (MPP) Section 82-512. As a condition of CalWORKs eligibility, the applicant is required to cooperate in establishing absent parent deprivation by completing the CW 2.1 NA (Notice and Agreement for Child, Spousal, and Medical Support), the CW 2.1Q (Child Support Questionnaire) and providing any other information in his/her possession which is pertinent to the CSE program when requested by the LCSA. The CWD is to obtain the CW 2.1 NA and CW 2.1Q at initial intake when absence deprivation is claimed or when the basis of deprivation changes to absence. (See MPP Section 82-510.)

Transmittal of Referrals to LCSA: If no good cause exists, the county shall provide to the LCSA a completed referral form CW 371 (Referral to Local Child Support Agency) and a completed CW 2.1Q for each absent parent or alleged father no later than two working days after the applicant/recipient meets all conditions of eligibility and the county authorizes approval of the application for cash aid. (See MPP Section 82-508.2.)

LCSA staff co-located at CWDs may conduct an interview with each applicant or recipient in person or by telephone at the time of the initial interview at the CWD, except in situations where good cause has been claimed or is determined to exist. It is the responsibility of the CWD and the LCSA to develop an operational plan of co-location to ensure that interviews may be conducted with applicants, only when appropriate.

Referral of Pregnant Women/Pregnant Minor Cases: As clarified in ACIN I-39-06, an unborn child is not considered a member of the assistance unit (AU)/filing unit until the child is born and otherwise eligible. Therefore, when an unborn child establishes eligibility for a pregnant woman or pregnant minor, and absence of the parent is the basis of deprivation, the CWD shall obtain all information and forms necessary to establish deprivation but shall defer sending the child support referral and other information to the LCSA until after the child is born.

APPLICANT/RECIPIENT COOPERATION REQUIREMENTS

Obtaining Absent Parent Information - CWD Responsibility: In accordance with MPP Section 82-508, the applicant/recipient shall complete the requested referral forms and provide all pertinent information in his/her possession. This means that the applicant/recipient shall enter all known information requested on the prescribed forms or indicate on the form that the information is unknown. CWDs are responsible for ensuring that the applicant/recipient has accurately completed the prescribed forms to the best of his/her ability. The CWD shall not interview the applicant/recipient to obtain additional child support information beyond that requested on the prescribed forms, unless necessary to establish good cause.

It is the responsibility of the CWD to determine whether good cause for noncooperation exists when the LCSA makes a determination of noncooperation in establishing paternity or securing child support. Good cause shall be found by the CWD if the applicant or recipient completes the attestation (DCSS 870) and is cooperating in good faith but is unable to identify or assist in identifying and locating the absent parent or alleged father (see W&I Code Section 11477.04(b)(6)). No penalty is imposed pending the final determination of good cause.

Determination of Cooperation with LCSA: MPP Section 82-510.1 provides in part that the LCSA is responsible for determining whether the applicant/recipient is cooperating in establishing paternity and securing child/spousal support. Cooperation requires that the applicant/recipient complete, sign, and date the forms CW 2.1 NA and CW 2.1Q for each absent parent or alleged father. The LCSA, and not the CWD, interviews the applicant/recipient for other child support related information that is not provided on these forms to establish whether the applicant/recipient has met the cooperation requirement. The LCSA is responsible for determining whether the individual could reasonably be expected

to provide the information, before determining whether the individual is cooperating. In accordance with W&I Code Section 11477(b)(1), an applicant/recipient may provide an attestation under penalty of perjury using form DCSS 870 to the LCSA declaring that he or she is unable to provide the information requested.

NOTIFICATION OF GOOD CAUSE CLAIMS

Good cause can be claimed at any time (MPP Section 82-512.5). When an applicant/recipient claims good cause for not cooperating with the child support requirements, W&I Code Section 11477.02 and MPP Section 82-508.2 preclude referral of cash aid cases prior to the final good cause determination by the CWD. The CWD, however, may disclose to the LCSA the final determination by the CWD that good cause was found to exist in a cash aid case.

Application/Ongoing Case - With No Known Child Support Activity: When the applicant/recipient, who does not have an open child support case on the noncustodial parent (NCP) against whom good cause is claimed, claims good cause prior to the initial referral to the LCSA, the CWD will not send any forms or notices to the LCSA.

Application/Ongoing Case - With Open Child Support Case: When the CWD is aware of child support activities at the time the applicant/recipient makes a request for a good cause determination, the CWD is to notify the LCSA immediately that good cause has been claimed, via the CW 51 (Child Support Good Cause Claim for Noncooperation).

When the recipient claims good cause during an Intercounty Transfer process, the county interviewing the recipient (receiving county), must clarify with the recipient whether child support activities are in process in any county (prior county).

- When there is no known child support activity, the CWD will not send any forms or notices to the LCSA as discussed above.
- When the CWD is aware of child support activities currently in progress in any prior county at the time the recipient makes a request for a good cause claim, the CWD is to notify the LCSA in the receiving county using the CW 51. The completed form must include sufficient information for the receiving county LCSA to notify the prior county LCSA that good cause has been claimed so that collection activities are suspended in the prior county.

Final Determination of Good Cause Claim by CWD: For each case in which the CWD makes a final determination that good cause does exist, the CWD shall notify the LCSA of the determination and no child support referral is made. The CWD does not submit the CW 371 Referral, only the CW 51 shall be sent to the LCSA. The CW 2.1 NA, and CW 2.1Q are to be filed in the CalWORKs case record.

Notification of the final determination that good cause exists provides the LCSA with the appropriate notification to suspend all child support activities. This will help to ensure that non-welfare child support cases that subsequently apply for cash aid and request good cause are not placed in imminent danger caused by continued child support activity. In accordance with W&I Code Section 11477.02 and MPP Section 82-508.35, enforcement services shall remain suspended until the custodial party requests the resumption of services, or the CWD makes a finding that good cause does not exist.

Final Determination - No Good Cause Exists: The CWD shall notify the LCSA of recipient cases in which child support activities were suspended due to a claim of good cause and refer applicant cases to the LCSA, when a final determination of "no good cause" is found to exist. The CWD will use existing referral procedures and the following forms: CW 371, CW 51, and CW 2.1Q and CW 2.1 NA, if appropriate. A Notice of Action must be sent informing the applicant/recipient that good cause was not found to exist.

NOTIFICATIONS RELATED TO CWD CASE ACTIONS

In accordance with MPP Section 82-508.3, county staff is reminded to send notification to the LCSA of case changes that may have an impact on the child support activities, either electronically or using the CW 371. In particular, this may occur when a case transitions from cash aid to Medi-Cal Only, when individuals are added or removed from an AU, or when the case is discontinued.

When sending notification of good cause claims/determinations or other case changes to the LCSA, the CWD must provide complete information on the appropriate forms. The existing CW 51 and the CW 371 include the information necessary to assist the LCSA in locating the child support case. This necessary information includes the CWD case number, name of absent parent against whom good cause is claimed, primary applicant of the CWD case and children in common with the absent parent and primary applicant.

The CWD must continue to send grant and other relevant case information to the LCSA in order to maintain the accuracy of the unreimbursed assistance pool since good cause claims can subsequently be suspended or the custodial party can request the resumption of child support services.

If you have questions regarding this ACL, please contact your CalWORKs county consultant.

**Original Document Signed
On December 14, 2007**

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

c: CWDA
CSAC
DCSS