

DEPARTMENT OF SOCIAL SERVICES



December 20, 1982

ALL-COUNTY LETTER NO. 82-127
ALL FSD LETTER NO. 82-36

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE DEPARTMENTS
ALL DISTRICT ATTORNEYS
ALL FAMILY SUPPORT DIVISIONS

SUBJECT: AFDC - CHILD SUPPORT GOOD CAUSE REGULATIONS

REFERENCE:

Pursuant to a recent court case (Alma v. Woods) in which the plaintiffs have challenged county procedures for determining whether AFDC applicants/recipients have "good cause" for refusing to cooperate with child support enforcement efforts, this letter restates the Department's policy regarding good cause practices and procedures. (Also, please see ACL 79-15, ACINs I-8-79 and I-16-78 and FSD 79-31).

Under Manual of Policies and Procedures (MPP) Section 43-107, the responsibility for good cause determinations rests with the County Welfare Department (CWD). While the CWD may contract with the District Attorney (DA) to investigate good cause claims, it may not delegate its duty to determine the validity of good cause claims. The investigation of good cause claims is an IV-A function whether it is done by the CWD or the DA, and as such it is subject to IV-A claiming standards. When good cause investigations are to be done by the DA, there must be a Department of Social Services approved agreement to that effect. In addition, expenditures incurred for such activities are subject to the availability of state funds within your current AFDC allocation.

No applicant/recipient who claims good cause should be referred to the DA for child support enforcement activity until there has been a final disposition of the good cause claim.

County supervisory personnel are to review and approve or disapprove good cause determinations. Prior to making a final determination, the CWD shall give the DA an opportunity to review and comment on the findings and the basis for the proposed final determination. The DA is to be given an opportunity to participate as a witness in any state hearing regarding the good cause determination.

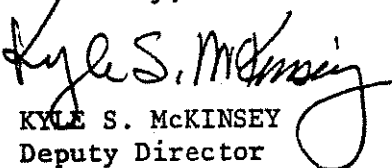
If the CWD determines that good cause exists, the CWD shall also determine whether child support activities may proceed without that caretaker relative's cooperation without risk of harm to the child or caretaker relative. The DA shall be given an opportunity to review and comment on the proposed determination, and recommendations made are to be considered by the CWD. As with good cause determinations, the DA is to be given an opportunity to participate as a witness in any subsequent, related state hearings.

Attached is a checklist entitled "Good Cause Checklist for Eligibility Workers" to assist in processing good cause claims. It is being provided as a convenient guide and may be used in conjunction with other pertinent material such as the CA 51. It may also be kept in the applicant's file as a permanent record of the good cause determination.

We are also revising the CA 2.1 (Child Support Notice and Agreement/Your Right to Claim Good Cause) to highlight the right to claim good cause and the fact that no child support enforcement activities will be pursued pending a good cause determination. The revised CA 2.1 will be sent to the CWDs by a separate All County Information Notice.

If you have any questions about "good cause" determinations, please contact your AFDC Management Consultant at (916) 445-4458.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA