

**County of Orange Social Services Agency
Family Self-Sufficiency Division**

Program/Area: CalWORKs/Welfare to Work
Title: **Child Support**
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Purpose The purpose of this policy is to provide guidelines on the Child Support Enforcement Program. The Child Support Program helps identify and locate absent parents, establish paternity, and enforce the child and medical support obligation.

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SSA Staff Responsibilities The IEES/CEES/CWET shall:

- Inform the CalWORKs applicant/recipient of:
 - Benefits of the Child Support Enforcement Program
 - Cooperation requirements
 - Consequences of non-cooperation, sanctions and penalties

- Right to claim good cause from those requirements prior to referral to Child Support Services (CSS)
- Update the Collect Absent Parent Detail page in CalWIN
- Evaluate/determine good cause, if applicable
- Follow up on CSS non-cooperation penalty/sanction, if applicable

Cooperation Requirements

Unless exempt, each CalWORKs (CW) applicant/recipient must cooperate with CSS as a condition of CW eligibility in:

- Identifying and locating the absent parent
- Assigning child support rights to the County
- Establishing paternity, if applicable
- Enforcing child and medical support and update medical insurance information in CalWIN provided by the absent parent(s) via [DHS 6155](#) (if applicable)
- Establishing, modifying, or enforcing a child support order for the child(ren) for whom aid is requested

K1/3F Exemption

Effective November 2014, cases in the K1/3F aid codes are exempt from the child support requirements.

The workers must use form [CW 2215](#) to inform applicants/recipients who have been placed in the K1/3F aid codes of the changes. The [CW 2215](#) is to be mailed to the Assistance Unit (AU) when they are moved into K1/3F aid codes. Case comments must be updated.

Once a CW case transitions out of aid codes K1/3F, the exemption expires and client must cooperate with CSS to avoid a child support penalty/sanction.

Applicants/recipients in the K1/3F aid codes that already have an existing open child support case will continue to receive collection services. All child support income collected will go directly to the family. Workers should encourage these clients (who do not have an open child support case) to apply for services by highlighting the advantage of receiving more income and assist them whenever possible regarding child support services.

Note: Refer to [Worker Tool 5](#) for K1/3F aid codes description.

Treatment of income: CW AUs in the K1/3F aid codes will continue to be required to report the child support income they receive in accordance with the CW and CalFresh (CF) income reporting rules. In

addition, all AUs will be required to report receipt of direct child support income any time the family's total monthly income exceeds the Income Reporting Threshold (IRT) if the AU also has earned income.

CF Semi-Annual (SAR) households will be required to report child support income received on their SAR 7 report and CW Annual Reporting/Child-Only (AR/CO) AU will be required to report child support income received at application and during annual redetermination.

If the child support income can be reasonably anticipated and will continue at a level that will render the family financially ineligible, the worker must discontinue the AU at the end of the month in which timely and adequate notice can be provided.

If the amount of child support income, along with other income for the AU, will not render the family ineligible, the worker must determine if the child support can be reasonably anticipated to continue and determine whether the child support income must be used to calculate the grant for the next payment period.

Cases in which the child support income is collected through a withholding or a wage garnishment order can be assumed to be reasonably anticipated to continue unless the AU reports changes in the order or the non-custodial parent employment. Budget the direct child support income in accordance with CW policy [100-E5 Semi Annual Reporting \(SAR\) and Budgeting Process](#) or policy [100-E13 Annual Reporting/Child-Only \(AR/CO\) Cases](#).

**SB 380
Exemption –
Voluntary
Exclusion**

Effective November 1, 2018, CW applicants/recipients have the option to exclude the needs of step-siblings and half-siblings, of an eligible child, from consideration in the determination of the Maximum Aid Payment (MAP) in order to keep the full child support payment made to that child, as long as **all** of the following apply:

- The step-sibling or half-sibling lives with at least one eligible child;
- He or she is a child for whom child support payments are received;
- The verified amount of current child support received each month for that child is greater than the cash aid portion for that child; and

- The parent/caretaker relative has requested in writing to exclude the child from the number of needy persons used to calculate the MAP.

Note: Providing information to assist in identifying and locating the non-custodial parent, paternity establishment and completion of the CW 2.1 are still required unless the applicant/recipient meets existing good cause criteria.

Informing Requirements Workers must use form [CW 52](#) to inform new applicants/recipients of the change in the law and the affects it may have on the choices they make regarding who is included in determining aid received by the AU. The [CW 52](#) is included in the application packet and the Redetermination/Recertification/Review (RRR) packet.

Assistance Unit (AU) - The opted-out child's needs (not income and resources) are taken into consideration for the family Minimum Basic Standards of Adequate Care (**MBSAC**), but removed from consideration in determining the CW AU **MAP** amount. The child would remain eligible for all other programs, such as CF, Medi-Cal (MC), Child Care, Special Needs, Homeless Assistance, etc. Any parent/caretaker relative who opts to exclude a step/half- sibling of a CW eligible child from the AU's MAP for purposes of receiving child support would continue to receive cash aid for all other eligible members of the AU.

Treatment of Income - Child support payments received on behalf of the opted-out child is exempt from consideration in determining CW eligibility or grant amounts for the AU.

Mandatory Inclusion Rules - Once a parent/caretaker relative has chosen to exclude a step/half-sibling, mandatory inclusion rules no longer apply to that child and the child's needs can only be added back to the AU's MAP determination at the following times: SAR7, RRR, or when the parent/caretaker relative voluntarily reports mid-period. If the parent/caretaker relative requests to add a previously excluded step/half-sibling's needs back into the AU's MAP determination mid-period due to a loss or decrease of child support income, the change will be effective for the entire month in which the decrease or loss of child support income was reported, and the grant will be increased within 10 days after verification of the loss or decrease of the child support income was received.

Example:

In November, a family applies for cash aid and the parent/caretaker relative requests a step/half-sibling's needs be excluded from the AU's MAP determination. The worker will request the step/half-sibling's birth certificate, Social Security Number (SSN), immunization records, etc. In March, the parent/caretaker relative requests mid-period to add the step/half-sibling's needs back into the MAP determination due to a

loss or decrease in the child support income. The worker will have all necessary eligibility verifications on file and can meet the 10-day timeframe to increase the grant starting the month of March.

Child Support Income Verification Requirement - One of the eligibility requirements is that the child support income received on behalf of a step/half-sibling(s) exceed the child's CW cash aid portion, therefore allocated child support orders will be used to determine eligibility, but not required.

The worker should request necessary documentation, including, but not limited to:

- Copies of current child support order(s)
- Monthly Statement(s) of Collections and Distributions from parents/caretaker relatives when determining eligibility
- Proof of direct child support received

Parents/caretaker relatives may contact CSS for information about child support amounts allocated to and collected on behalf of their children if they do not have adequate documentation.

Note: Parents/caretaker relatives with unallocated child support orders who wish to assess their eligibility would need to have their child support orders modified to reflect per-child support allocation.

CalFresh - Child support income received on behalf of an eligible household member(s) will be treated as unearned income when determining CF eligibility and benefit amounts.

Medi-Cal - Opted-out children will remain eligible for cash-linked MC until the child leaves the AU or the AU is discontinued from CW.

Notice of Action - Workers are required to provide timely notice of action to the AU when a written request is received at application, mid-period, or when there is a change in the AU's grant amount.

The following notices will generate in CalWIN when entries to approve or deny a request are completed. All notices are in English only; the GEN 1365 Notice of Language Services will need to accompany these notices for all non-English households.

- Approval: **M40-171D – Basic Approval – Partial:** Notice informs the applicant that their child(ren)'s needs are not included in the AU's MAP determination as requested, but their child(ren) is eligible to Medi-Cal and CalFresh
- Denial: **M82-832H-CW 52 Request Deny:** Notice to deny CW 52 request when child(ren) does not meet one of the specified eligibility criteria under SB 380
- Mid-Period-Grant Change: **M82-832G – Grant Change:** Notice used to provide timely 10-day notice to the AU when there is a change to in the AU's grant calculation. This informs clients of

change to their cash aid when the parent/caretaker relative has requested that their child(ren)'s needs not be considered in determining the amount for the AU pursuant SB 380

Refer to [Worker Tool 73 - SB 380 Child Support Income Chart](#) for grant.

Non-Cooperation

Under Federal and State Law, applicants/recipients of CW/MC must cooperate with CSS for the child(ren) for whom aid is requested. Child support includes monetary support and health insurance coverage.

CSS will determine if the applicant/recipient is cooperating in the child support process and will communicate this through the CalWIN/Child Support Enforcement (CSE) system interface.

Sanction: When a parent or a needy caretaker relative refuses to assign support rights that individual is sanctioned and removed from the AU

A sanction is removed when the parent or needy caretaker complies with the assignment of support rights; they are added to the AU the following month a CW 2.1 is signed.

Example:

A child support sanction was imposed as of 11/01/2018; the client subsequently agrees to assign child support rights and signs a CW 2.1 on 11/15/2018. The sanction is removed effective 12/01/2018.

Penalty: When a parent or caretaker relative fails or refuses to cooperate with CSS, the family's cash aid will be reduced by 25%.

A child support penalty is removed effective the first of the month in which cooperation occurs. Cases in aid codes K1/3F are not subject to child support penalties and sanctions.

Example:

A child support penalty was imposed on 01/01/18; client complies and CSS subsequently informs Eligibility staff that the client has cooperated as of 02/18/18. The penalty is removed effective 02/01/18.

When a CW case with an existing child support penalty is discontinued, the 25% reduction penalty continues until the client cooperates with CSS.

When reopening a CW case with a prior child support penalty, Eligibility staff is required to check for notification/alerts from CSS regarding the client's cooperation before removing a penalty:

If the client cooperates during the break-in aid period, the penalty is removed at re-application date

- If the client cooperates during the month of re-application, the penalty is removed effective the re-application date
- If the child for whom the non-compliance penalty was applied for is aged out or no longer resides in the home, the penalty is removed effective the re-application date
- If the client is claiming good cause for non-cooperation with CSS at application or re-application, the worker must report that to CSS promptly to suspend all child support activities until the determination of good cause is completed
- If it is determined that the case converts to a K1/3F aid code, the penalty is removed effective the re-application date since K1/3F aide codes are exempt from child support requirements

Refer to [Child/Medical Support Interface-Parent Non-Cooperating Resource Guide](#) for instruction on appropriate CalWIN entries.

Mandated Child Support Referrals

CSS must receive child support referrals for any child who has been deprived of support. All child support referrals will be completed via the electronic interface between CalWIN and CSE system as workers complete their entries in the Collect Absent Parent Detail page. Workers need to print from CalWIN the CW 2.1 Notice and Agreement and the CW 2.1Q Child Support Questionnaire and review the forms with the applicant/recipient before the applicant/recipient and the worker sign and date the forms. The CW 2.1 and CW 2.1Q forms need to be imaged and filed in OnBase under Referrals – Child Support Document Type/Group.

Absent Parent Deprivation applies when parent(s) are:

- Physically absent
- Legally absent, or
- Minors

Note: Child support referrals for pregnant women/pregnant minor cases should not be sent until after the child is born. Since an unborn child is not mandated to be included in the AU nor have support rights been established for the unborn child, defer sending the child support referral until after the child is born.

When an unborn child establishes eligibility for a pregnant woman/pregnant minor based on absent parent deprivation, the worker will obtain all information and forms necessary to establish deprivation but will defer sending the child support referral until after the child is born.

Physical Absence

Parent(s) are considered **physically absent** when they are not living in the home because they are:

- Separated, divorced, or have never maintained a home together
- Incarcerated (includes Alternately Sentenced Parents-ASP) or
- Deceased (when a parent is deceased, a referral is not required). Please note that the CW 2.1Q must indicate that the absent parent is deceased. The worker must obtain acceptable verification of death of the parent from which child support may be collected. When verifications cannot be obtained, a referral to CSS based on absent parent deprivation is required

Legal Absence

Parent(s) are considered **legally absent** when they lack legal marital status and:

- Are living in the same home, but paternity has not been established
- Are alive, but the child is living with a caretaker relative
- Have joint custody, and one of the parents is a non-applicant parent

Note: A child support referral must be completed for the father of the child where paternity has not been established. The Parentage Opportunity Program (POP) will be offered and discussed in situations where paternity has not been established.

Parentage Opportunity Program (POP)

The Parentage Opportunity Program (POP) offers applicants/recipients the opportunity to establish legal parentage without going to court. A Voluntary Declaration of Parentage (VDOP) (DCSS0915) form is used to legally establish the parentage of a child when the mother and father are not married to each other. (This form is available in shelf stock only).

POP needs to be discussed with applicants/recipients when parentage has not been established. The [Parentage Opportunity Program](#)

[Overview Brochure](#) contains information regarding the program and can be a useful tool when discussing the program with applicants/recipients.

When CW applicants/recipients complete the VDOP (DCSS0915) form in the office, refer to the [Paternity Opportunity Program/B-VIII.8 procedure](#) in the FSS-AS/AP Divisions Operations Manual for processing instructions.

Minor Parents

Parent(s) are considered minors when they:

- Are under the age of 18 years old, are pregnant or has a dependent child(ren) in their care
- Are not living with senior parent(s)
- **Exception:** When the minor is married and lives with the spouse
- Are being aided as adults in their own case due to meeting an exemption, refer to policy [100-B10 Minor Parents AU](#)

Cause for child support referral rejection: A child support referral may be rejected if a previous court order for the minor parent does not exist (Based on the County of San Diego v Lamb case which clarifies that recoupment for benefits issued on minor parent cases can only come from the non-custodial parent of the aided child.)

Exceptions to Child Support Referrals

Child support referrals are **not** required for:

- Diversion Services
- Absent parent(s) of unaided children such as: SSI/SSP or ineligible non-citizen child(ren)
- Senior parent whose minor child is a parent and is legally emancipated
- Cases in the K1/3F aid codes

Good Cause

The good cause determination process applies to all cases when a client claims good cause for refusing to cooperate in establishing paternity and/or obtaining support, identifying and locating the absent parent, and in establishing, modifying, or enforcing a child support order for the child(ren) for whom aid is requested.

When an applicant/recipient claims good cause, the worker is to explore all possible good cause reasons with the client and:

- Have applicant/recipient complete and sign the [CW 51 Child Support – Good Cause Claim for Non-cooperation form](#). The CW51 is available in CalWIN and should be printed immediately to have the client complete it
- Advise applicant/recipient to provide supporting evidence within 20 calendar days of signing the [CW 51](#)
- If the evidence provided does not substantiate the good cause claim, advise applicant/recipient that additional supporting evidence is needed
- Do not refer the case to CSS until a good cause determination is made
- The [CW 51](#) needs to be signed by the worker and reviewed and signed by the supervisor
- When final determination is made and good cause exists notify CSS by completing appropriate CalWIN entries
- When good cause does not exist, inform applicant/recipient that a referral to CSS is required
- [CW 51](#) needs to be filed in OnBase under Referrals – Child Support Document Types/Group
- Complete all appropriate entries in CalWIN. Refer to [CalWIN Good Cause for Not Cooperating with Child Support Services Resource Guide](#)
- Complete case comments and manually send [Good Cause Determination NOA F063-35-72](#) to the client (This Notice of Action is available in EFMS only)

Note: Assistance from CSS can be requested in making the determination of good cause, but staff do not need to request an independent evaluation of the good cause claim from CSS.

Once good cause is established:

- It continues, unless the parent/caretaker rescinds the claim
- Suspension of child support will continue as long as good cause exists

Review at annual re-determination (RRR) to determine if circumstances have changed; it is not necessary to process another claim for good cause.

The [CalWIN Good Cause for Not Cooperating with Child Support Services Resource Guide](#) provides detailed instructions on the CalWIN entries needed when an applicant/recipient claims good cause for non-cooperation with CSS.

Reasons for Good Cause

Good cause for not cooperating with CSS will be found when:

- Efforts to contact the Absent Parent (AP) would increase the risk of physical, sexual or emotional harm to the child
- Efforts to contact the AP would increase the risk of domestic abuse to the parent or caretaker
- Conception was due to rape or incest
- Legal adoption proceedings are pending
- Relinquishment is being considered, and the parent is currently being assisted by an adoption agency
- Client is cooperating in good faith and is unable to identify or assist in locating the absent parent
- Any other reason that would make efforts to contacting the AP contrary to the best interests of the child

Note: When good cause is found due to domestic abuse, the worker will offer a Domestic Abuse Services Referral. Refer to policies [402 Domestic Abuse Services](#) and [604 Domestic Abuse Services Unit \(DASU\) Operating Procedure](#).

Documentation Supporting Good Cause

Documentation may include:

- Police, government, or court records from a domestic violence program or documentation that the client has sought assistance with abuse, physical evidence or any evidence that supports the claim of good cause
- Documentation that the child was conceived by rape or incest, e.g. birth certificate, medical or mental health records, law enforcement or domestic violence records, rape crisis records
- Court documents that indicate legal proceeding for adoption are pending
- Written statement from a public or licensed private adoption agency documenting possibility of relinquishment
- Statements under penalty of perjury from the client and/or persons who know about the reasons for client's good cause claim for not cooperating
- Sworn statement by the victim or other individuals with knowledge of the circumstances, which provide the basis for the good cause claim
- Documentation from the Domestic Abuse Service Unit

Direct Child Support

Unless exempt from child support requirements, direct child support income should be an infrequent situation for CW clients. Staff need to direct the applicants/recipients to turn over direct child support to CSS. Clients who report receiving direct child support are to be provided

with the correspondence notification form, [Direct Child Support \(F063-30-37\)](#).

Receipt of direct child support income will be treated as follows for CW:

- Determine what portion of the direct payment represents the current month support obligation and disregard an amount up to \$50
- Treat the remainder of the current month's child support payment as unearned income in the month received

Budget the direct child support income in accordance with CW policies [100-E5 Semi Annual Reporting \(SAR\) and Budgeting Process](#) or [100-E13 Annual Reporting/Child-Only \(AR/CO\) Cases](#) as applicable.

Child Support Payment Information

Child support payment information can be found by:

- Accessing the Child Support Collection Data in the Interface Subsystem in CalWIN
- Contacting designated regional staff who has access to the CSE system and can obtain child support payment information ([Refer to CSE Contact List](#))

Note: Staff should contact the designated regional CSE contact to obtain child support payment information and should not contact CSS directly. If additional information is needed, the regional designee will contact CSS.

Types of payments:

Arrears: The amount of child support collected for prior child support owed.

Disregard: A provision by which at least \$50 from a current child support payment collected on behalf of a public assistance recipient is paid directly to the client.

Pass-on: The amount by which the current support payment exceeds the current federal foster care assistance payment for the month forwarded to the county welfare department on behalf of the child.

Excess: The amount of current child support paid that exceeds the current grant amount payment. The difference is paid directly to the client.

All arrears, excess and pass-on payments made to a family from child/spousal support collected in any month are considered available income in the month received by the CW AU and/or CF HH.

Budget arrears, excess and pass-on payments in accordance with CW policies [100-E5 Semi Annual Reporting \(SAR\) and Budgeting Process](#) or [100-E13 Annual Reporting/Child-Only \(AR/CO\) Cases](#), as applicable.

References

- Manual of Policies and Procedures, Chapter 43-200, Division 12, (Section 12-425 for child/family and spousal support distribution regulations in current and former CalWORKs cases) and Division 82 (Section 82-500)
- ACL 02-74, ACL 05-37, ACIN I-39-06
- ACL 07-51
- ACL 10-29
- ACL 14-78
- ACL 14-100
- ACL 18-82

Forms and Notices**Forms:**

- [Parentage Opportunity Program Overview Brochure](#)
- Voluntary Declaration of Parentage (DCSS 0909)
- [DHS 6155 Health Insurance Questionnaire](#)
- [CW 2215 New Rules in CalWORKs for Safety Net and Certain Child-Only case](#)

Notices:

- [F063-30-37 Direct Child Support Payments](#)
- [F063-35-72 Good Cause Determination](#)
- [CW 51 Good Cause Claim for Non-cooperation](#)
- [CW 52 Changes to the CalWORKs Assistance Unit and Child Support Rules](#)
- M40-171D – Basic Approval – Partial
- M82-832H- CW 52 Request Deny
- M82-832G – Grant Change

Resource Guide

- [Good Cause for Not Cooperating with Child Support Services Resource Guide](#)
- [Child/Medical Support Interface - Parent Non-Cooperating Resource Guide](#)

- [WT 73 - SB 380 Child Support Income Chart for grant chart](#)

OCCSSA