

C. Requirement to Cooperate, Noncooperation Penalties and Good Cause

1. Requirement to cooperate with the Department of Human Services (DHS) and the Division of Child Support (DCS) in obtaining child support payments

Child support for TANF applicants. To be eligible for TANF, caretaker relatives must cooperate (unless good cause exists – see items [3](#) through [6](#), below) with DHS and with DCS in establishing paternity and obtaining support payments for all children in the benefit group. (This does not apply to applicants who may be eligible for cash benefits as a two-parent family.)

Child support for TANF recipients. TANF participants must also cooperate (unless good cause exists, see items [3](#) through [6](#) below) with DHS and DCS in establishing paternity and obtaining support payments for all children in the benefit group. (This does not apply to TANF participants in the JOBS Plus, SFPSS or Post-TANF programs or those who are getting Employment Payments or who are a two-parent household.) When a TANF participant who is required to cooperate does not cooperate (and does not have good cause for the noncooperation), the participant will be subject to the penalties in item [8](#) below.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF Rule

[461-120-0340](#)(1) — Client Required To Help Department Obtain Support From Noncustodial Parent; TANF

2. Evidence of cooperation

Cooperation with child support exists when the participant provides information that DHS and DCS need or request to establish paternity, or to establish, modify or enforce a child support order, for the child(ren) in the TANF benefit group.

The participant demonstrates cooperation by doing all of the following:

- Supplying sufficient information to enable DCS to proceed with appropriate action. *Sufficient information* includes, but is not limited to, as many of the following elements of information as the participant knows (or can reasonably be expected to find out) regarding any and all noncustodial parents of such dependent children:
 - Full legal name and nicknames;
 - Social Security number;
 - Current or last known address;

- Current or last known employer, including name and address;
 - If a student, current or last known school;
 - Criminal record, including where and when incarcerated;
 - Date of birth, or age;
 - Race;
 - Date and place of each child’s conception (if paternity is not established);
 - Any known group or organizational affiliations of the noncustodial parent;
 - Names and addresses of close friends or relatives.
- Any other information DHS or DCS may request that would help locate or identify a noncustodial parent of a child in the benefit group;
 - Supplying documentation or explanation of efforts to get information requested by DHS or DCS (if unable to provide any necessary information listed above);
 - Keeping appointments with DHS and DCS related to establishing paternity;
 - Returning telephone calls or responding to correspondence when requested by DHS or DCS;
 - Otherwise demonstrating a good faith effort to obtain necessary information and to locate and identify each alleged parent or noncustodial parent, establish legal paternity, establish and enforce a support order, and obtain support payments, to the full extent possible allowing for the participant’s individual circumstances.

**Client Required To Help Department Obtain Support From Noncustodial Parent;
TANF Rule**

[461-120-0340](#)(1) — Client Required To Help Department Obtain Support From
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3. Good cause for failure to cooperate; child support

A participant may claim good cause for not cooperating with DHS and/or DCS to establish paternity or to collect child support.

- *Good cause* for failure to cooperate with child support exists when any of the following are true:
 - Cooperation is reasonably anticipated to result in emotional or physical harm to the child(ren) in the family;

- Cooperation is reasonably anticipated to result in emotional or physical harm to the participant or to other caretaker relatives of the child(ren) involved;
- One of the following circumstances exists and DHS believes that continuing efforts to obtain support would be detrimental to the child(ren):
 - (a) The child was conceived as a result of incest or rape;
 - (b) Legal proceedings for adoption are under way before a court;
 - (c) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption. This good cause reason is limited to three months.
- If good cause is found, DCS will take no action to establish paternity or a child support order or to enforce child support on a new or ongoing child support case;
- When DCS determines that a participant is not cooperating and there is an open TANF case, DCS will tell the DHS branch office. The DHS branch office is responsible for determining if the participant had good cause or if noncooperation penalties shall be applied.

On a closed TANF or former ADC case where past-due support remains assigned to Oregon or to another state and the former participant is not cooperating, DCS may determine if the former participant has good cause for not cooperating. DCS will make this determination pursuant to all DCS rules and policy regarding good cause. If DCS determines that the former participant has good cause for not cooperating, DCS will not pursue collection of assigned arrears if doing so could lead to harm to the former participant or to the children. If the former participant does not have good cause for not cooperating, DCS will continue to pursue assigned arrears (but there will be no reduction of TANF benefits, since the former participant is no longer receiving TANF);

- If good cause is found on an open TANF case, DHS should:
 - 1) Code the case with good cause by adding a Y to the absent parent field on PCMS or CMUP.
 - 2) Notify the appropriate DCS worker that the case has been coded good cause by email.
- The need for continued good cause coding should be reviewed at each redetermination. If good cause still exists and A, B, C or M is coded in the absent parent field on PCMS or CMUP, update that coding to a Y;

- When DCS is told by an obligee who is applying for or getting TANF that the pursuit of paternity and/or support may cause a safety concern for the obligee or the obligee's child(ren) and the TANF case has not already been coded with good cause for noncooperation with support, the following steps shall be followed:
 1. The DCS worker who learns that the obligee has a concern will either:
 - Send an email to the local DHS worker (if DCS is able to identify the worker) and to the appropriate DHS SSP Child Support Point Person;
or
 - Send an email to the appropriate DHS worker, if DHS and DCS local management have agreed to a local process different from that described in the paragraph above.
 2. The email sent by DCS will include the name of the obligor, the name of obligee, the name(s) of the children and any information the DCS worker has about the safety concern.
 3. The same day that DHS receives the email from DCS, the TANF case will be coded by DHS with good cause for noncooperation with support, and the local DHS worker will narrate that good cause was added at the request of DCS.
 4. The local DHS worker will proceed with determining whether there is good cause for noncooperation with support, or whether claim of risk may be an option to enable pursuit of paternity and support safely.
 5. If the local DHS worker determines that the case should be coded with good cause for noncooperation with support, the worker will leave the case coded good cause. If the DHS worker determines that the case should not be coded with good cause, the worker will remove the good cause coding. The worker will narrate on TRACS whether the determination was to leave or remove the good cause coding. The worker will also email the DCS worker to let the DCS worker know whether good cause coding has been removed.

Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support Rule

[461-120-0350](#) — Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support

4. Good cause; branch office responsibilities

The DHS branch office is responsible for informing participants of their right to claim good cause, both when the participant applies for assistance and at each redetermination of eligibility. When the participant applies for TANF and one or both parents of any child in the benefit group are absent from the benefit group, the branch office will explain to the participant that, unless the participant has good cause for not cooperating or is eligible for TANF as a two-parent family, cooperation in efforts to obtain child support payments is a condition of eligibility for TANF. (This is true even when the TANF applicant is pregnant).

- Ask the participant to read and sign a *Cooperating with Child Support Enforcement* form ([DHS 428A](#)), except for a two-parent family applying for TANF benefits for a pregnant female who chooses not to cooperate with DCS;
- Explain to the participant the purpose of the referral to DCS and encourage the participant to cooperate with DHS and DCS for the benefit of the children.

Confidentiality of participant’s address. Explain to participants that under state law, certain information that is confidential under DHS rules could be released during legal proceedings. For example, the participant’s home address could be revealed to the noncustodial parent if the address appears in the noncustodial parent’s copy of a support order.

Contact address. If the participant does not want their address revealed, determine if there is good cause for not pursuing support per OAR [461-120-0350](#). If the participant does not want to claim good cause but does not want their address known to the noncustodial parent, the participant may ask DCS to use a contact address. The contact address must be in Oregon and will be used for child support purposes only. The contact address will only be used once DCS adds the address to the DCS computer system. If the contact address was not requested at the time the child support case was created, the home address may have already been included on child support paperwork sent to the other party on the case or to court.

If DHS knows the participant would like to use a contact address, DHS should notify DCS of this by calling or emailing the appropriate DCS worker.

CAUTION



- *Due to the nature of the linkage between the DHS (CM) computer system and DCS’ Child Support Enforcement Automated System (CSEAS), the participant’s address on CSEAS will show the same address as on CMS. The only place the contact address will appear on the CSEAS system is on a separate screen in CSEAS, accessible only to DCS staff;*

CAUTION

- *If a contact address has been in place for six months, DCS will attempt to contact the participant to ask if the contact address is still valid prior to initiating a new legal action. The contact address will stay in effect until retracted by the participant;*
- *It is very important that participants be alert to picking up mail at their contact address. If participants do not pick up their DCS mail, they may lose an opportunity to establish paternity or to help determine a proper monthly support or arrearage amount. If the participant does not respond to a mailed notice, DHS could also determine that they have failed to cooperate with the support requirement;*
- *Even if the participant claims good cause per OAR [461-120-0350](#), the participant may want to designate a contact address (for mailing support information only). This is because support enforcement agencies are required by law to provide services (including establishment of paternity) not only to custodial parents but also to noncustodial parents – including self-alleged fathers – who apply for services. If the only address on the case is the DHS address, this is the address that will be on the legal documents during any subsequent proceedings. If the participant claiming good cause wants to use another address, proceed as above;*
- *DCS **cannot** guarantee that the participant’s actual home address will not be revealed during enforcement or court proceedings. Designating a contact address simply decreases the likelihood of this occurring, and enables DCS to proceed on what could otherwise be a good cause case.*

Nondisclosure of information based on a Claim of Risk. Also tell the participant that DCS has further protections available for participants who would cooperate if their personal identifying information will not be revealed. This is known as “claim of risk.”

Advise the participant that, before initiating any court proceedings, DCS will notify the participant in writing that:

- DCS must include the participant’s personal identifying information in any motions, pleadings, petitions, orders, or other legal documents filed with the court; **and**

- To avoid having their personal identifying information revealed in court documents, the participant may file a “nondisclosure of information based on a claim of risk” request with DCS. To file a “nondisclosure of information based on a claim of risk” request, the participant must provide a contact address.

If the participant files a “claim of risk” request in response to receiving notification from DCS of a forthcoming legal action, DCS will reveal the participant’s personal identifying information to the court only in the form of sealed documents submitted to the court. These documents do not become “Public Record.”

- The participant can contact DCS to request claim of risk. However, if DHS knows the participant would like to request claim of risk, DHS should:
 1. Code the DHS case with good cause until DCS has coded the child support case as “claim of risk.” (This is necessary to prevent automated notices or other child support-related information from being sent to either party on the child support case before DCS has coded the DCS case with claim of risk.)
 2. Notify the appropriate DCS worker of the “claim of risk” by phone or email.
 3. Have the participant fill out the Claim of Risk (DHS 8660) and fax to the appropriate DCS office.
 4. The following day, review child support mainframe screen SJ7F to see if DCS has coded claim of risk on the DCS case. When the DCS case has been coded claim of risk, a grid with “COR” will appear on DCS screen SJ7F. (If the COR grid is not on SJ7F the following day, it is important for the DHS worker to review the DCS case in following days until the COR grid has been added.) Once the COR grid is on SJ7F, the DHS worker must remove the good cause coding from the appropriate absent parent.

FAMILY COACHING OPPORTUNITY

If the participant claims “good cause” due to a domestic violence situation, discuss with the client any crisis intervention or domestic violence counseling services that may be locally available.

Confidentiality -- Finding of Risk and Order for Nondisclosure of Information Rule

[137-055-1160](https://www.dhs.gov/137-055-1160) — Confidentiality -- Finding of Risk and Order for Nondisclosure of Information

Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support Rule

[461-120-0350](tel:461-120-0350) — Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support

5. Evidence of good cause; child support

Evidence of good cause for noncooperation with child support includes, but is not limited to:

- A participant statement, for participants who believe that pursuing support will put their safety or the safety of their child(ren) at risk;
- Birth, medical or law enforcement records as evidence of incest or rape;
- Court records, other legal records or written statements from a public or licensed private social agency or an attorney regarding possible or pending adoption of the child(ren) in question;
- Sworn statements from individuals, other than the participant, with knowledge of the circumstances that provide the basis of the participant's claim of good cause.

6. Encouraging cooperation

To encourage participants to cooperate, emphasize these points:

- Support from the noncustodial parent could help lessen the child's feelings of abandonment or desertion;
- Establishing paternity can entitle the child to receive SSB or veteran's benefits on the alleged father's account should the alleged father die or become entitled to disability benefits;
- Support payments can help families pay for living expenses and become self-sufficient, especially after the family is no longer eligible for TANF;
- If the participant is interested in good cause, also inform the participant that there may still be options for safely collecting support, such as by establishing a contact address and/or filing a "nondisclosure of information" request – see item [4](#), above. Give the participant a copy of the *Client Safety Packet on Good Cause Version A (DHS 8660)* to aid in the discussion of options for safely collecting support.

7. Determining noncooperation with support

DHS or DCS may determine if a participant is not cooperating with support. DCS must advise DHS whenever they determine noncooperation. DHS shall then contact the participant and:

- If the participant claims good cause under OAR [461-120-0350](#) for not cooperating, ask the participant for further information and work with the participant to determine if the participant qualifies for a good cause exception;
- If the participant does not claim good cause under OAR [461-120-0350](#) for not cooperating, or if the participant claims good cause and DHS determines that the participant does not have good cause, apply penalties per items [9](#) or [10](#), below.

8. Penalties for noncooperation; child support

The penalties for failure to cooperate with support requirements are:

- For benefit groups **not currently receiving** TANF, where the failure to cooperate occurs during the process of applying or reapplying for TANF, total ineligibility for the filing group;
- For benefit groups **receiving** TANF when failure to cooperate is determined, the net monthly TANF benefit amount, after income deductions and reductions for JOBS noncooperation are applied (where applicable), shall be reduced by the following percentages:
 - 25 percent for the month following the month in which failure to cooperate is determined;
 - 50 percent for the second month following the month in which failure to cooperate is determined;
 - 75 percent for the third month following the month in which failure to cooperate is determined;
 - 100 percent (total ineligibility for the benefit group) for the fourth month following the month in which failure to cooperate is determined, and all subsequent months in which failure to cooperate continues. The worker must add coding to close TANF benefits at the end of the fourth month and TANF will remain closed in subsequent months in which the noncooperation continues. The CS4 notice that is generated by the system explains the case will close and no additional closure notice is needed.

NOTE



Before applying the 100 percent level of penalty, use the existing grant termination staffing process to assess the family's situation. When appropriate, involve community partners in the family assessment.

NOTE



There is no requirement to cooperate with child support (and no penalties for noncooperation) for participants in the JOBS Plus, SFPSS or Post-TANF programs or those who are getting Employment Payments or who are a two-parent family.

- Once a penalty has ended (see Section C.10 ([cs-c.10](#)) of this chapter), any subsequent penalties for noncooperation with support will start at the first level (25 percent, per above) for participants who were previously disqualified or penalized for noncooperation but later had full benefits restored;
- For SNAP, when a TANF payment is reduced or ends due to DCS noncooperation, count the amount the TANF benefit payment would have been if not reduced for noncooperation, for the duration of the penalty. (See SNAP chapter G.14 ([SNAP-G.14](#)) in the Family Services Manual.)

**Client Required To Help Department Obtain Support From Noncustodial Parent;
TANF Rule**

[461-120-0340](#)(4) — Client Required To Help Department Obtain Support From Noncustodial Parent; TANF

9. Imposing a support disqualification

When it has been determined that it is appropriate to impose a disqualification for noncooperation with support, the worker codes the person line on CMUP as follows:

- (A) Type the case descriptor and matching N/R code on the disqualified person's line. The N/R END must be the current or next month/year. The N/R END cannot be continuous (C). The child support disqualification codes are CS1, CS2, CS3 and CS4.
- (B) The system will reduce the net benefit by the appropriate percentage.

NOTE



The system will impose only one penalty per case. If a case has more than one child support disqualification, the system will impose the higher penalty only.

The disqualification will continue until the N/R TYPE is removed. The system will automatically move the disqualifications up through the progressive steps, including CS4. You must send notice prior to the next level of child support disqualification being imposed.

NOTE



The system uses the N/R date to help it determine whether to move the disqualification to the next month. When the system does the EOM processing, if the date is the current month, the system will move the N/R to the next CS code and advance the date. If the N/R date is already for the next month, this tells the system the disqualification is just starting and the system does not change the CS code or date.

The disqualification remains active as long as the N/R code is on the person's record. (To end a support disqualification, see [#10](#) below.)

10. Ending support penalties

End the support noncooperation penalties when the participant cooperates by completing the necessary forms, providing requested information, scheduling an appointment with DCS or taking whatever other actions are required to indicate cooperation as listed above.

- When a disqualification ends because the client cooperated with child support, the worker inactivates (ends) the participant by removing both the N/R TYPE and the case descriptor. Supplement the TANF grant back to the date the participant cooperated;

NOTE



If there is a new instance of noncooperation with child support following a period of cooperation, child support disqualification begins at CS1.

- When a case closes while in active child support disqualification, the worker leaves the case descriptor and removes the N/R.

NOTE



If TANF has closed while there is an active child support disqualification and the participant reapplies, the worker should review what is needed to cooperate with child support. For benefit groups not currently receiving TANF, when a failure to cooperate occurs during the process of applying or reapplying for TANF (and the worker has determined there is not good cause for noncooperation with child support), the filing group is ineligible for benefits.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF Rule

[461-120-0340](#)(4) — Client Required To Help Department Obtain Support From Noncustodial Parent; TANF

11. Special considerations; support

- Explain to participants that under state law, certain information that is confidential under DHS rules, such as the participant's address, may be released during legal proceedings. Refer to Section D ([CS-D](#)) for more information on DCS referrals;
- If any participants who are not required to pursue child support want help getting the support, refer them to their local county district attorney (or to the DCS branch office for those counties where DCS provides such services in lieu of the district attorney).

12. Coordination on cases excused from the requirement to pursue child support

General

Self-Sufficiency and Child Welfare agree to work together, and with other impacted agencies, such as the Division of Child Support (DCS) and the Oregon Youth Authority (OYA), on cases that have been granted good cause or a permanent exemption and that transition from one program to another.

- TANF– Participants receiving TANF are excused from the requirement to pursue child support (OAR [461-120-0340](#)(1)) if:
 - Helping the Child Support Program could result in emotional or physical harm to the child or to the caretaker relative;
 - The child was conceived as a result of incest or rape and efforts to obtain support would be detrimental to the child; or
 - The parent is working with a public or private social agency to help decide whether to release the child for adoption.
- Child Welfare – Participants receiving services from Child Welfare are excused from the requirement to pursue child support if:
 - The biological mother conceived the child as a result of incest or rape and efforts to obtain support would be detrimental to the child;
 - The biological parents have signed a relinquishment of parental rights or have been terminated of parental rights by a court action;
 - A child who has been adopted through the State of Oregon comes back into state care because of emotional or physical treatment needs; or
 - The Assistant Director of Children, Adults and Families, or their designee, determines that pursuit of child support is not in the best interest of the child.

Coordination on cases

In order to support the transition and coordination of cases that have been excused from the requirement to pursue child support because of good cause or a permanent exemption, Child Welfare and Self-Sufficiency agree that:

- Whichever program makes a determination of good cause or permanent exemption “owns” the determination until or unless that program is no longer providing services. This means only the program that made the determination of

good cause or permanent exemption may change the determination until or unless that program is no longer providing services;

- A determination of good cause or permanent exemption applies to all open cases that involve the same obligee and obligor without regard to which program made the determination of good cause or permanent exemption and whether the children are receiving multiple services. This means, for example, that if a Self-Sufficiency participant were excused from pursuing child support for good cause, that participant would also be granted a permanent exemption for not pursuing child support if the participant subsequently opens a case with Child Welfare;
- Once a case closes, or services are no longer provided by a program, that program may not change a determination of good cause or permanent exemption that it made prior to the case closing;
- When there has been a determination of good cause or permanent exemption and services are closed with one program, such as Self-Sufficiency, and opened with another program, such as Child Welfare, the new program providing services will follow steps (1) through (3) set out below.
 1. The new program providing services will determine whether good cause or permanent exemption is still appropriate by contacting the person who originally claimed good cause or permanent exemption.
 - 2.(a) If it is determined after contact with the person who originally claimed good cause or permanent exemption that there are still safety or other issues that continue to make good cause or permanent exemption appropriate, the new program providing services will code the newly-opened case with good cause or permanent exemption.
 - 2.(b) If it is determined after contact with the person who originally claimed good cause or permanent exemption that there are no longer safety or other issues, the new program providing services will not code the newly-opened case with good cause or permanent exemption and will notify DCS that good cause or permanent exemption coding should be removed from the Child Support case and pursuit of child support resumed.
 3. If, pursuant to (2)(b) above, it is determined after contact with the person who originally claimed good cause or permanent exemption that there are no longer safety or other issues, the new program providing services will give notice to the person who originally claimed good cause or permanent exemption. Notice to the person who originally claimed good cause or permanent

exemption must be documented by the program providing notification.

Coordination with partner agencies

When the OYA has excused a case from the requirement to pursue child support or medical support, Child Welfare and Self-Sufficiency shall coordinate with OYA in the same manner as if Child Welfare or Self-Sufficiency had excused the participant from pursuit of child support because of good cause or a permanent exemption.

When a case has been excused from the requirement to pursue child support or medical support, regardless of which program has made the determination of good cause or permanent exemption, Child Welfare and Self-Sufficiency will work with DCS to support transition and coordination of the case.

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