

Updated W-2 Manual Chapter 1615: Child Support

1615.1 -Assignment and Distribution of Child Support Payments

15.1.1 Assignment of Child Support Payments

As a condition of eligibility, An all parents in the W-2 Group individual are is required by law to assign to the state all child support payments paid or accrued to the state as a condition for receiving W-2 payments while the W-2 Group is in one of the following placements:

- W-2 T₂₇
- CSJ₂ or
- a CMC placement when- Tthe individual CMC participant is only required to assign child support payments inf atthe CMC placement participant previously received AFDC, W-2, or CTS payments or if the CMC participant participates in a subsequent W-2 payment position or receives CTS. If an individual currently in a CMC placement did not previously receive AFDC, W-2 T, CSJ, or CTS, child support is not assigned during the CMC placement.

The “assignment” of support means that child support collections can be retained by the state to pay back some or all of the federal and state costs of the cash assistance paid to W-2 participants. Not all of the child support collected is retained by the state. While the Wisconsin passes through its portion of assigned and collected child support to W-2 participants, the federal portion is not passed through.

15.1.2 Distribution of Child Support Payments

As shown in the chart below, current W-2 participants subject to assignment of child support receive 75% of current child support payments and receive either 75% or 100% of past-due (arrear) child support payments, depending on whether the payment is past-due from the period of W-2 participation or from a period when the W-2 participant was not on W-2.

<u>Type of Child Support</u>	<u>Portion Paid to the Family</u>	<u>Portion Paid to the State</u>
<u>Current child support payments paid to parents in the W-2 Group subject to assignment of child support*</u>	<u>75%</u>	<u>25%**</u>

<u>Past due child support payments that accrued during months when the parent(s) in the W-2 Group was subject to child support assignment*</u>	<u>75%</u>	<u>25%**</u>
<u>Past due child support payments that accrued during months when the parent(s) in the W-2 Group was not subject to child support assignment</u>	<u>100%</u>	<u>None</u>

~~This results in the W-2 participant receiving approximately 42% (state share) of his or her assigned and collected child support.~~

* The following W-2 placements are subject to child support assignment: W-2 T; CSJ; and CMC when the individual in a CMC placement previously received AFDC, W-2 or CTS.

** When the child support paid amount is more than the assigned child support amount, the amount that exceeds the assigned child support amount is paid to the family.

Once a W-2 case closes, all child support received is paid to the family. If current or past due child support is paid when the family is no longer on W-2, the family receives 100% of the child support paid even if the child support previously was assigned to the state.

Any child support owed for periods while the children received AFDC remains owed to the state and no portion of the assigned child support is passed through to the family.

15.1.3 Informing Applicants about Assignment of Child Support Payments

W-2 agencies are required to give all W-2 applicants the [Notice of Assignment: Child Support, Family Support, Maintenance, and Medical Support form \(2477\)](#) and [the Good Cause Notice form \(2018\)](#). (For more information on the Good Cause Notice form, see [1615.6.1](#).) Those applicants being referred to the local

CSA or applicants already receiving services from the local CSA must sign the [Notice of Assignment form \(2477\)](#) acknowledging the assignment of child support or at least an understanding of how child support payments are assigned if and when they begin receiving child support payments while receiving *W-2* services. If ~~an~~the individual refuses to acknowledge the assignment, the *W-2* agency representative ~~must~~*is to* sign the gray shaded box, which indicates the ~~applicant~~*participant*'s refusal to acknowledge the assignment. In addition, these referred applicants or applicants already receiving child support services must receive the [Your Guide to ~~W~~-W-2 Services, Cash Benefits Programs, ~~and~~ Child Support brochure \(16232-P\)](#). (~~For more information on the Good Cause Notice form, see 16.3.2.~~)

~~Child Support programs are sometimes called "r;IV-D" program because they were established under Title IV-D of the Social Security Act in 1975.~~

15.2 Referral to the CSA

1615.2.1 -Referral to the CSA

The W-2 agency must refer ~~the~~ the following W-2 applicants ~~must be referred~~ to the local CSA:

1. Unmarried pregnant women, including minors;
2. Families where the natural or adoptive parent is absent from the home (but not cases when the absence is because of military service); and
3. Nonmarital co-parent cases (families where the parents either are not married to each other or were not married to each other when the child was born), and where paternity has not been established by legitimation, court action or paternity acknowledgement. Fathers with children needing paternity establishment are:
 - a. Acknowledged father, non-conclusive: voluntary acknowledgement without an effect of a judgment of paternity (pre May 1, 1998 in Wisconsin);
 - b. Alleged father: named by custodial parent as probable father; or
 - c. Claimed father: father lives with the child, claims to be the father but paternity has not been established.

Households with fathers in the home with children for whom paternity has been established should not be referred to the CSA. This would include:

1. Acknowledged fathers, conclusive: voluntary acknowledgment with an effect of a judgment of paternity (post May 1, 1998 if a Wisconsin birth) (typically the father will signed the voluntary Paternity~~paternity~~ establish~~Acknowledgement~~ Through Hospitals (PATH) form); or
2. Adjudicated fathers: paternity established through a court order.

~~An automated referral is sent via CARES screen~~ APGI when W-2 eligibility is confirmed.

W-2 agencies are encouraged to establish a collaborative working relationship with CSAs. Each W-2 agency is encouraged to contact its local CSA regarding any child support issues affecting the W-2 applicant's or participant's family.

15.2.2 Fees for the CSA's Services

The CSA will not charge a fee for services provided to W-2 participants. When a participant leaves the W-2 program or is determined ineligible, child support services will continue automatically. There will be no new application fee or application process necessary. However, if the individual leaves the W-2 program or is determined ineligible and also requests ~~that~~ his or her child support case be closed and then reapplies for child support services, the individual is subject to the child support fee structure and to court costs. (See the fees and costs for child support services at <http://dcf.wisconsin.gov/bcs/fees.htm>)

15.3 Child Support Cooperation

1615.3.1 - Cooperation with the CSA Child Support Agency

The CSA determines whether or not a parent is cooperating with the CSA for:

- paternity establishment;
- support order establishment; and
- child support enforcement.

In order to be eligible for W-2 services or, a JAL or a child care subsidy in a month, an applicant, or participant and any other all parents in the W-2 group including NCP must fully cooperate with the local CSA in relation to all children for whom the parent is a custodial parent or a noncustodial parent. Note: A parent can be both a custodial parent and a noncustodial parent if the parent does not have custody of all of his or her children.

~~The CSA makes the determination of whether an applicant is cooperating with child support enforcement services.~~

A custodial parent must cooperate with the CSA by:

1. Providing verbal information, written information, or other evidence that the custodial parent knows, possesses, or might reasonably obtain or by signing an affidavit declaring a lack of information with regard to identifying and locating an absent parent, establishing paternity or obtaining support payments;
2. Attending interviews and responding to written requests for information by the CSA;
3. Appearing as a witness at hearings or other legal proceedings;
4. Submitting to genetic tests pursuant to judicial or administrative order; and
5. Paying to the Department or its designee any court-ordered child support payments received.

The CSA must conclude a custodial parent is cooperative if the custodial parent has signed an affidavit attesting to full cooperation and there is no substantial independent evidence or verifiable information that suggests the custodial parent is not cooperating. The W-2 agency must consider a parent to be cooperative with child support if there is an open child support case for the child in question and there is no indicator of noncooperation from the CSA.

An NCP must cooperate with the CSA by:

1. Providing verbal information, written information, or other evidence that the non-custodial parent knows, possesses, or might reasonably obtain with regard to establishing paternity of an alleged child or obtaining support payments for which he or she may be responsible;
2. Appearing at hearings or other legal proceedings;
3. Submitting to genetic tests pursuant to judicial order; and
4. Paying court-ordered child support to the Department or its designee.

~~NCPs who volunteer for W-2 services and who are not part of a W-2 group follow the established policies in Chapter 14.~~

Once W-2 eligibility is determined, child support cooperation must continue in order for the W-2 gGroup to maintain eligibility unless there is a current exemption or good cause for noncooperation.

~~16~~15.3.2 - **Noncooperation with the CSA Child Support Agency**

15.3.2.1 Noncooperation by Custodial Parents

15.3.2.2 Noncooperation by Noncustodial Parents

~~16.3.2.1 Exemption for Pregnant Women or Women with Newborns~~

~~16.3.2.2 Three Instances of Noncooperation~~

~~The CSA makes the determination of whether an applicant is when a parent is not cooperating with the CSA. An alert is sent to the W-2 worker via CARES from KIDS regarding the CSA's determination of a W-2 participant's non-cooperation with child support. KIDS also generates a letter from the CSA to the parent regarding the CSA's determination of the parent's noncooperation with child support. child support enforcement services. A participant who is a custodial parent is considered to be cooperative if there is an open child support case for the child in question and no indicator of noncooperation noted.~~

15.3.2.1 Noncooperation by Custodial Parents

The CSA may determine a custodial parent is not cooperating if the custodial parent does any of the following without adequate reason:

1. Misses two consecutive CSA appointments;
2. Misses one CSA appointment and fails to respond to a written communication from the CSA within a 90-day period; or
3. Fails to appear for a hearing, other legal proceeding, or genetic test.

The CSA must consider any of the following reasons as an adequate reason for a custodial parent's failure to do any of the three noncooperation items above:

1. Personal or family illness or injury;
2. Family crisis;
3. Breakdown in transportation arrangements;
4. Inclement weather that causes a general breakdown in travel;
5. Failure to receive a hearing notice, appointment notice, or written request for information due to a demonstrable mail problem, address change, or extended time away from home;
6. Other reasonable circumstances as determined by the CSA or the Department.

When a custodial parent informs the CSA about any of the adequate reasons above for the custodial parent's noncooperation, the CSA must determine the parent is cooperating due to the adequate reason(s). The CSA may request evidence verifying adequate reason if there are repeated instances of failure to respond based on the above reasons.

15.3.2.2 Noncooperation by Noncustodial Parents

The CSA may determine a noncustodial parent is not cooperating if the noncustodial parent is the subject of a warrant relating to paternity or support, including a criminal warrant for failure to support, a civil warrant for contempt of court, or an arrest warrant, excluding a warrant issued for failure to complete service of process.

15.4 W-2 Agency's Follow-up on Noncooperation

15.4.1 W-2 Agency's Follow-up After the CSA's Determination of Noncooperation

The W-2 agency must follow-up on any of the following written communications regarding the CSA's determination that any parent in the W-2 Group has not cooperated with child support without adequate reason:

- An alert from KIDS regarding the parent's noncooperation with child support.
- A copy of the letter from child support to the parent regarding the parent's noncooperation with child support.
- A written communication, including an e-mail, memo or letter, from the CSA stating the parent is not cooperating with child support.

When the W-2 agency receives any of the written communications listed above if a W-2 applicant or any other member of the ~~W-2 gGroup~~ who is a parent of a child refuses to cooperate with child support without good cause, the W-2 agency has 7 working days from the CSA's determination of noncooperation to determine if there are any of the following three situations:

1. There is an exemption for the noncooperation (see 15.5).

If yes, the W-2 agency cannot impose any penalty for the noncooperation.

2. A good cause claim for noncooperation has been filed (see 15.6.3) and other eligibility criteria have been met, and the parent is cooperating with the W-2 agency in furnishing information to be used in determining the good cause claim.

If yes, the W-2 agency cannot deny, delay, reduce or discontinue W-2 benefits pending the W-2 agency's determination of the good cause claim.

3. The CSA determined the parent in the W-2 Group who had not been cooperating now is cooperating.

If yes, the W-2 agency cannot impose any penalty for noncooperation.

If the W-2 agency determines there are none of the situations, the entire W-2 gGroup is ineligible for W-2 services and/or a JAL. On (and not earlier than) the 8th working day from the CSA's determination of noncooperation, the W-2 agency must:

- end the W-2 placement in CARES;

- run W-2 eligibility in CARES to close the W-2 case (which generates the Notice of Eligibility Wisconsin Works (W-2) when there was eligibility for W-2 without Child Care eligibility or generates the Notice of Eligibility Child Care and Wisconsin Works (W-2) when there was eligibility for both Child Care and W-2); and
- confirm the W-2 case is closed in CARES. The person in the W-2 group not cooperating has seven working days in which to cooperate.

If the W-2 case closes due to noncooperation with child support and the W-2 Group reapplies while a parent in the W-2 Group is not cooperating with child support without an exemption or good cause for the noncooperation, the parent/individual who failed to cooperate with child support must be left/should be left in the noncooperation status when referred to the CSA. The W-2 Group is ineligible for W-2 services or a JAL until the parent/individual cooperates or establishes good cause for noncooperation.

If a W-2 case closes for a reason other than noncooperation with child support and the W-2 Group reapplies while a parent in the W-2 Group is not cooperating with child support, the W-2 agency has 7 working days after the W-2 application date to determine if there are any of the three situations regarding the noncooperation listed above. Then on (and not earlier than) the 8th working day, if the W-2 agency has determined there are none of the three situations, the parent who failed to cooperate with child support must be left in the noncooperation status. The W-2 Group is ineligible for W-2 services or a JAL until the parent cooperates or establishes good cause for the noncooperation.

16.3.2.1 Exemption for Pregnant Women or Women with Newborns

A custodial parent with a child under 60 days old is exempt from the penalty for failure to cooperate for that child. A pregnant woman who is not the custodial parent of a dependent child is also exempt from the penalty for failure to cooperate. If the CSA sends a noncooperation notice, do not impose a sanction, regardless of good cause.

15.4.2 W-2 Group with Multiple Child Support Cases

A parent in a W-2 Group may be part of more than one child support case. In these situations, it is possible for the CSA to determine there is cooperation with child support for one of the child support cases and also determine there is noncooperation for the other child support case. When the W-2 agency has determined a parent in a W-2 Group is not cooperating with child support and there is no exemption or good cause for the noncooperation, then the entire W-2 Group is ineligible for W-2 due to the parent's noncooperation with child support even if the parent or another parent in the W-2 Group is cooperating with child support.

EXAMPLE: Karina is the custodial parent of her daughter Bella age 5 and the noncustodial parent of her daughter Celeste age 6. Karina and Bella are members of a W-2 Group. Karina owes past-due child support for when she

previously was the noncustodial parent of her daughter Bella and also owes current and past-due child support for her daughter Celeste. The CSA determined Karina is cooperating with child support for her daughter Bella and not cooperating for her daughter Celeste. The W-2 agency determined there is no exemption or good cause for Karina's noncooperation. Karina is ineligible for W-2 due to her noncooperation with child support for her daughter Celeste even though Celeste is not a member of the W-2 Group and Karina is cooperating with child support for her daughter Bella.

1615.4.34 - Three Instances of Non-cooperation

A member of a W-2 Group who W-2 applicant or participant who fails to cooperate 3three times without an exemption or good cause to cooperate remains ineligible until all of the members of the W-2 Group cooperate or for W-2 services for a period of 6six months, whichever is later. After six months, the group remains ineligible until all of the members of the W-2 group cooperate. If a child support worker notifies the FEP that atthe report of noncooperation was in error, the FEP must not count thate incident as one of the 3three times.

EXAMPLE: Marissa applieds for W-2 in AugustOctober 20096 and again in DecemberNovember 20096. The first time, she was denied W-2 eligibility because she failed without an exemption or good cause to meet as scheduled with the CSA and failed to respond to the CSA's written communication for a 90-day periodprovide the local CSA information about her 7-year old child. In DecemberNovember, Marissa was denied W-2 eligibility because without an exemption or good cause, while she provides information about her 7-year old, she misseds 2 consecutiveher interview appointments with the CSA despite several attempts to contact her. In June 201007, Marissa again applieds for W-2, provideds the necessary information, attendeds her appointmentsinterview with the CSA and wasis found eligible for W-2. However, Wwhile on W-2, however, Marissa didoes not attend the schedulednecessary legal proceedings to help determine the paternity of her child and, without an exemption or a good cause claim, Marissa therefore, loses her W-2 eligibility. Because it was her 3third instance of failureing to cooperate with child support without an exemption or good cause, Marissa was found to be she is ineligible for W-2 for 6six months due to noncooperation with child support regardless of whether she chooses to cooperate at this point.

15.4.4 W-2 Agency's Access to the Child Support Automated System

The Child Support automated system KIDS includes information about custodial parents' noncooperation with child support. FEPs can query KIDS. If FEPs do not have FIQY to KIDS, and need access to KIDS noncooperation screens, FEPs can request FIQY access through their agency security officer. An NCP's cooperation must be determined by contacting the CSA.

15.5 Exemption to Noncooperation

15.5.1 Exemption to Noncooperation for Pregnant Women or Custodial Parents with Newborns

The W-2 agency determines when there is an exemption to noncooperation. A pregnant woman who is not also the custodial parent of a dependent child is exempt from any penalty for noncooperation. A custodial parent with a child under 60 days old also is exempt from any penalty for noncooperation for the W-2 Group that includes the child. When there is an exemption and the CSA still sends a noncooperation notice, the W-2 agency must not impose any penalty for noncooperation, regardless of whether there is good cause.

If there are multiple children in a child support case ~~with that has~~ an exemption for having a child under the age of 60 days, that exemption applies to all of the children in the child support case. ~~When a parent in the W-2 Group has an exemption with child support.~~ If the W-2 Group has only that child support case, then the entire W-2 Group is protected from any W-2 penalty for that noncooperation. (See 15.4.2 for W-2 Groups with multiple child support cases)

EXAMPLE: A W-2 Group has three members: Kayla the custodial parent; her child Tia who is 5 years old; and her child Tisha who is 30 days old. Tia and Tisha are part of the same child support case. The CSA determined Kayla is not cooperating with child support. The W-2 agency determined there is an exemption for Kayla and Tisha because Kayla is the custodial parent of Tisha who is under 60 days old. However this exemption also protects the custodial parent from any noncooperation for Tia because the exemption protects the entire child support case.

15.6 - Good Cause Claim for Noncooperation with the Child Support Agency

16.3.3.1 Good Cause Notice

16.3.3.2 Good Cause Exemption Reasons

16.3.3.3 Filing a Good Cause Claim

16.3.3.3.1 Types of Corroborating Evidence

When the W-2 agency is notified by the CSA of noncooperation by a W-2 participant, it is the responsibility of the FEP to determine whether there is good cause for the noncooperation. When the W-2 agency and the IM agency are not the same, an individual may file a good cause claim with both the W-2 and IM agencies. If this happens, the IM worker will typically make the decision on whether to grant good cause, but the IM worker should consult the W-2 worker when making that decision. When a good cause claim is filed with the W-2 agency for noncooperation with the CSA, the W-2 agency determines whether or not there is good cause for the noncooperation.

If the individual also is receiving Medicaid, he or she also may apply for good cause with the IM agency. It is possible the IM agency may determine the individual does not have good cause while the W-2 agency determines the individual does have good cause. Under current automation for the absent parent screen in CWW, the IM workers entry regarding good cause over-rides the W-2 worker's entry.

In these cases, the W-2 agency is encouraged to coordinate with the IM agency to see if the IM agency will reconsider its/their decision that the parent does not have good cause. If this approach is not effective, the W-2 agency should contact the Department's regional coordinator to discuss next steps.

15.6.1 - Good Cause Notice

At application, the W-2 agency must provide to all W-2 applicants and participants the [Good Cause Notice form \(2018\)](#) describing the cooperation requirements and the right to good cause as an exception to the [child support](#) cooperation requirements.

The Good Cause Notice form must be provided to W-2 applicants and participants:

1. When they apply for W-2;
2. When a child is added to the W-2 Group;
3. When a parent leaves the W-2 Group;
4. At a reapplication/review for continued benefits; and

5. If a participant discloses to his or her *W-2* worker that the participant is experiencing circumstances that may meet the good cause criteria.

1615.6.2 - Good Cause Exemption Reasons

A custodial parent or NCP non-custodial parent is eligible for a good cause exemption from the cooperation requirements when the *W-2* agency determines that any of the following criteria applies:

1. Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of domestic abuse or child kidnapping ~~or domestic abuse~~;
2. Cooperation is reasonably anticipated to result in either physical or emotional harm to the parent, including domestic abuse;
3. Cooperation with the *CSA* would make it more difficult for the individual to escape domestic abuse or unfairly penalize the individual who is or has been victimized by such abuse, or is at risk of further domestic abuse;
4. The child was conceived as a result of incest or sexual assault;
5. The parent is considering whether to terminate parental rights and sought the assistance of a public or licensed private social services agency not more than three months ago; or
6. A petition for the adoption of the child has been filed with a court, except this reason does not result in any exemption from the parent's responsibility to make payments under an existing court order.

1615.6.3 - Filing a Good Cause Claim

A *W-2* agency must provide thea Good Cause Claim form (2019) to any *W-2* applicant or participant upon request. TheAn individual applicant or participant may file a gGood eCause eClaim form with the *W-2* agency at any time. IndividualsParticipants may also ask for and receive the Good Cause Claim form to help them decide whether or not to claim good cause for not cooperating.

Upon receipt of the Good Cause Claim form, the W-2 agency must notify the CSA within 2 working days of the date the Good Cause Claim form was signed. The CSA must not take any further action until the W-2 agency determines whether good cause exists.

An individual applicant or participant who submits a gGood eCause eClaim form is required to submit at least one document of corroborative evidence and a statement specifying the circumstances that the individual applicant or participant believes ~~will~~ provide sufficient good cause for not cooperating. The statement may beis usually written on the claim form.

If an individual does not submit sufficient evidence for the W-2 agency to substantiate the good cause claim, the W-2 agency must notify the individual that additional evidence is required and must outline the types of evidence that may be used as listed in 15.6.4. The W-2 agency must make a reasonable effort to obtain specific documents or information that the individual is having difficulty obtaining.

The ~~individual applicant or participant~~ must submit corroborative evidence to the W-2 agency within 20 calendar days from the day the claim was signed. A W-2 worker may, with supervisory approval, determine that more time is needed due to difficulty in obtaining corroborative evidence. The W-2 agency must ~~also~~ advise the individual that if assistance is needed in obtaining the evidence, the agency will assist. If the good cause claim is based on domestic abuse and no corroborative evidence is currently available, the W-2 agency may permit the applicant or participant to submit evidence to the W-2 agency within 60 calendar days from the date the claim was signed.

~~If an individual is cooperating with the W-2 agency in furnishing evidence and information to be used in determining the good cause claim and other eligibility criteria are met, W-2 benefits may not be denied, delayed, reduced, or discontinued pending the determination of a good cause claim.~~

~~Upon receipt of the good cause claim, the W-2 agency must notify the CSA within two days that no further action may be taken until it is determined whether good cause exists.~~

1615.6.4 - Types of Corroborating Evidence

A good cause claim may be corroborated with any of the following types of evidence:

1. Court, medical, criminal, child protective services, social services, psychological, school, or law enforcement records regarding domestic abuse or physical or emotional harm to the parent or child;
2. Medical records or written statements from a mental health professional that pertain to the emotional health history, present emotional health status, or prognosis of the parent or child;
3. Birth certificates, medical records, or law enforcement records that indicate ~~that~~ the child may have been conceived as a result of incest or sexual assault;
4. Court documents or other records that indicate ~~that~~ a petition for the adoption of the child has been filed with a court;
5. A written statement from a public or private social services agency that the parent is being assisted by the agency in deciding whether to terminate parental rights;

6. Written and signed statements from others with knowledge of the circumstances on which the good cause claim is based, including, but not limited to, statements from neighbors, friends, family, or clergy;
7. Identification by the *BST* as an individual or parent of a child who is or has been a victim of domestic abuse or is at risk of further domestic abuse and the alleged perpetrator is the other parent; or
8. Any other supporting or corroborative evidence.

15.7 - Good Cause Claim Investigation and Determination

15.7.1 Good Cause Determination Timeline

~~16.3.4.2 Decision that Good Cause Does Not Exist~~

15.7.2 Determination that Good Cause Does Exist

15.7.3 Determination that Good Cause Does Not Exist

15.7.4 Reviewing Good Cause Claims

~~If the applicant's or participant's good cause claim is based on anticipated harm and the claim is credible, t~~The W-2 agency must investigate any the good cause claim based on anticipated harm, even if the applicant or participant fails to submit corroborative evidence or evidence is unavailable. (See 15.6.4)

If corroborative evidence is submitted, but the applicant or participant's statement and corroborative evidence does not provide enough information for the W-2 agency to make a determination, the W-2 agency may investigate any good cause claim.

The W-2 agency must give the CSA the opportunity to review and comment on the agency's findings prior to the W-2 agency's final determination on good cause ~~by the W-2 agency~~. The W-2 agency ~~must~~ shall take into consideration any the recommendations from the CSA.

~~**15.7.1 - Good Cause Determination Timeline**~~

The W-2 agency must determine whether good cause exists within 45 calendar days from the date the claim was signed, unless an extension to submit evidence was granted to the applicant or participant or more time is necessary for the W-2 agency to obtain evidence. If the W-2 agency allowed up to 60 calendar days to submit evidence for a claim of domestic abuse, the agency must determine whether good cause exists within 85 calendar days from the date the claim was signed.

15.7.2 Determination that Good Cause Does Exist

If the W-2 agency determines the applicant or participant does have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining child support payments, the W-2 agency must promptly notify the applicant or participant of the good cause determination and the basis for the determination in writing. In addition, the W-2 agency must:

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1. Direct the CSA to suspend all further case activities if the individual did not request the CSA to proceed without his or her cooperation; or
2. Notify the CSA that it may proceed with child support services if the individual wants the CSA to proceed without his or her cooperation. If

good cause is granted for items 1 through 4 in 15.6.2, the CSA must send a notice to the person alleged to have caused harm that states the CSA is proceeding without the cooperation of the applicant or participant.

1615.7.32 - Determination Decision that Good Cause Does Not Exist

If the W-2 agency determines ~~that~~ the applicant or participant does not have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining child support payments, and there is no exemption for noncooperation (see 15.5), the W-2 agency must~~shall~~:

1. Promptly notify the applicant or participant of the W-2 agency's good cause determination and the applicant's or participant's right to a W-2 agency Fact Finding Review; and
2. Notify the CSA that it may proceed with child support services and require the cooperation of the individual applicant or participant. However, the CSA must~~may~~ not proceed with child support services for 10 calendar days from the date of the notice to the applicant or participant to allow the individual the opportunity to withdraw the application, request the case be closed, or request a Fact Finding Review of the W-2 agency's good cause determination decision. If the applicant or participant requests a W-2 Fact Finding Review, the W-2 agency must~~shall~~ instruct the CSA to suspend child support services during the review process.

16.3 Decision that Good Cause Does Exist

~~If the W-2 agency determines that the applicant or participant does have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining support payments, the W-2 agency shall promptly notify the applicant or participant of the determination and the basis for the determination in writing. In addition, the agency will either:~~

- ~~1. Direct the CSA to suspend all further case activities; or~~
- ~~2. If the applicant or participant wants the CSA to proceed without his or her cooperation, notify the CSA that it may proceed with child support services.~~

~~If option 2 is chosen and the good cause is granted for items 1 through 4 in 16.3.1, the CSA shall send a notice to the individual alleged to have caused harm that states that the agency is proceeding without the cooperation of the applicant or participant.~~

1615.7.4 - Reviewing Good Cause Determinations/Claims

The W-2 agency must review good cause determinations/claims that are based on circumstances subject to change at each review of eligibility or upon new

evidence. Good cause determinations based on permanent circumstances do not need to be reviewed.

If the *W-2* agency determines that good cause for noncooperation no longer exists, the parent must be allowed 10 calendar days before cooperation requirements are imposed to request ~~that~~ the case be closed or request an agency Fact Finding ~~r~~Review.

EXAMPLE 1~~x~~ample: Joanne was granted good cause for not cooperating with child support because she was working with Catholic Social Services to complete the adoption process for her baby son. Joanne met with her *FEP* ~~3~~three months later to update her Employability Plan and the *FEP* inquired about the adoption services. Joanne told the worker she no longer meets with Catholic Social Services because she decided to keep her baby instead of placing him for adoption. The *FEP* reviewed the Good Cause Claim form with Joanne and ~~explains~~ed that good cause no longer exists ~~for~~because of the a pending adoption, ~~so~~and Joanne has 10 calendar days before cooperation requirements will be implemented by the CSA. During that time, Joanne may to file another good cause claim for a different good cause reason or cooperate with child support.

EXAMPLE 2~~x~~ample: Ada ~~was granted~~has a good cause ~~exemption~~ due to domestic abuse. She has been fleeing her former abusive partner for the last 6 years. Her former partner is the father of her 8-year old child. The *FEP* does not review the ~~G~~good ~~C~~ause ~~C~~laim form because of the permanent nature of Ada's domestic abuse~~family's~~ circumstances.

1615.8 - Fact Findings Reviews

1615.8.1 Fact Finding Reviews by CSAs For Noncooperation Determinationscisions

~~Claims of noncooperation by the CSA are subject to a fact finding review in the event the individual disagrees with the CSA's decision. Noncooperation determinations must be reviewed by the CSA. A n individualparent who has been determined noncooperative by a CSA may petition the CSA for a Fact Finding rReview. The parentapplicant or participant must submit a request for a Fact Finding rReview to the CSA, the CSA will conduct the Fact Finding Reviewprocedure, and the parentapplicant, participant or the parent's representative may appear for the Fact Finding Review via telephone conference if the CSA is in a different county than the parentapplicant's or participant's current residence.~~

1615.8.2 -Fact Findings Reviews by W-2 Agencies For Good Cause Determinationscisions

~~Good cause determinations by the W-2 agency are subject to a fact finding review (19.3.1) in the event the individual disagrees with the W-2 agency's decision. An individual W-2 applicant or participant who is denied good cause by the W-2 agency for child support noncooperation with child support and disagrees with the W-2 agency's determination by the W-2 agency may request a Fact Finding rReview by the W-2 agency. In the event that a Fact Finding rReview for W-2 and a fair hearing for an IM program are based on the same issues and facts, the fair hearing decision shall takes precedence.~~

~~The W-2 agency must provide the CSA withmust be given reasonable notice of any Fact Finding rReview by the W-2 agency that occurs due to the W-2 agency'sa denial of a good cause.~~

16.5.1 Child Support Confidentiality

~~Neither the W-2 agency nor the CSA may release information to a person regarding the whereabouts (address, phone number and employer name, location or phone number) of another person including a custodial parent or NCP if any of the following applies:~~

- ~~1. The person seeking the information is subject to a temporary restraining order or injunction with respect to the person about whom the information is sought and the W-2 agency or CSA has notice of the temporary restraining order or injunction; or~~

~~2. The W-2 agency and CSA have reason to believe that releasing the information may result in physical or emotional harm to the person about whom the information is sought.~~

~~16.6.1 Children First Program~~

~~Children First is a program which promotes the emotional and financial responsibility that an NCP has towards his/her child(ren). The NCP who has no current means of meeting a child support obligation and does not work full time may be ordered by the court into the Children First program. The Children First program provides job search assistance, work experience, education and training opportunities, and case management services designed to enable eligible noncustodial parents to obtain and retain employment. The Children First program is considered successfully completed when a participant makes full child support payments for three consecutive months or completes 16 weeks of employment and training activities. If these goals are not achieved, the participant may be referred to court for appropriate disposition.~~

~~A successful Children First program reinforces a parent's responsibility for the continuing growth of the relationship between the child(ren) and the NCP.~~