

Chapter 15: Child Support

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

15.4.1 Requirements When the CSA Determines Noncooperation

When a parent is not cooperating with the CSA, the FEP receives an alert indicating the CSA's determination of noncooperation.

The FEP has up to seven calendar days from ~~receiving~~ the display date of the alert to act on the alert by pending W-2 and generating the Notice of Action Needed. The FEP must generate the Notice of Action Needed by the seventh calendar day. If the seventh calendar day is on a weekend or holiday, the FEP has until the next working day to act on the alert. ~~(See 15.6.3)~~ (See 4.1.3) The FEP must not pend W-2 or generate the Notice of Action Needed if a good cause claim exists and has not been denied.

When the FEP pends the W-2 case and generates the notice, the parent has seven working days from issuance the mailing date of the notice to cooperate with child support or file a good cause claim ~~(see 4.1.3)~~. (See 15.6.3) On (and not earlier than) the eighth 8th working day after the issuance mailing date of the notice, if the parent does not begin cooperating or file a good cause claim, the FEP must end the W-2 placement in CWW and run eligibility to close W-2.

The FEP must end the placement and close the W-2 case on the eighth working day after the mailing date of the notice to prevent any overpayments that may occur beginning on the eighth working day.

EXAMPLE 1: The FEP receives a noncooperation alert on Thursday, January 15, 2015. By the seventh calendar day, the FEP checks and sees that there is no new alert indicating noncooperation has ended. The individual participant also does not have an approved good cause claim or a claim awaiting approval. Therefore, on ~~Thursday~~ Wednesday, January 22 21, 2015, the FEP pends W-2 and generates the Notice of Action Needed. The mailing date on the notice is January 22, 2015. The participant then has seven working days from issuance mailing date of the notice (until ~~Monday~~ Friday, February 2, January 30, 2015) to start cooperating with child support or submit a good cause claim. The participant does not claim good cause or cooperate with child support, so on the eighth working day (~~Tuesday, February 3~~ Monday, February 2, 2015), the FEP ends the placement and runs eligibility to close W-2.

W-2 cases that are not closed on the eighth working day after the mailing date of the Notice of Action Needed where the participant does not cooperate with CS or file a good cause claim may incur overpayments. (See 10.3) Because W-2 agencies are required to send a notice when a participant is not cooperating with CS, the overpayment period could be determined to begin on the eighth working day after the mailing date of the notice.

When the W-2 remains open beyond the eighth working day (over payment begin date) after the mailing date of the Notice of Action Needed, and the participant has not begun to cooperate with CS or claim good cause, the overpayment period will continue until:

- The participant begins to comply with the CS cooperation requirements; or
- The placement closes.

If the CS noncooperation end date is unclear, the FEP should contact the CSA.

EXAMPLE 2: Eve is not cooperating with Child Support. Her FEP receives the CS noncooperation alert on March 6, 2018. The FEP acts timely by March 12, 2018 to generate the Notice of Action Needed. The mailing date on the notice is March 13, 2018. By the seventh working day of March 21, 2018, Eve does not respond. The FEP acts timely to close Eve's placement and eligibility on the eighth working day, March 22, 2018. The FEP acted timely to generate the notice and acted timely to close the placement for CS noncooperation. Eve did not receive any overpayments.

EXAMPLE 3: Alice's FEP received the noncooperation alert on April 6, 2018 and acted timely to generate the Notice of Action Needed. The mailing date on the notice is April 12, 2018 and the due date is April 20, 2018, the seventh working day. Alice does not respond by the due date. On May 1, 2018, her FEP acted on the overdue verification item, verifying no change to Alice's cooperation status and no good cause claim. The FEP ends Alice's placement on May 1, 2018. The FEP acted timely to generate the notice but did not act timely to end the placement.

Because the placement should have ended on April 23, 2018, the eighth working day, an overpayment occurred. The overpayment period start date is April 23, 2018, the day the placement should ended. The overpayment period end date is May 1, 2018, the day the FEP closed the placement. Alice received nine days of overpayments.

EXAMPLE 4: Patty's FEP received an alert indicating Patty's CS noncooperation status on April 2, 2018, but **did not** act timely to generate the Notice of Action Needed. The FEP did not run eligibility until April 11, 2018. The mailing date on the notice is April 12, 2018. The due date to either cooperate or claim good cause is April 20, 2018. The first working day after April 20, 2018, is Monday April 23, 2018. On April 23, 2018, the FEP acted timely on the verification item, verifying no change to Patty's cooperation status and no good cause claim. The FEP closes Patty's placement on April 23, 2018. The FEP did not act timely on the CS noncooperation alert but acted timely to close the placement by the eighth working day.

Despite the FEP not acting timely on the noncooperation alert, there was no overpayment in this scenario because: 1) overpayments for CS noncooperation cannot occur until after the Notice of Action Needed is mailed and the due date has passed without cooperation or a good cause claim filed; and 2) once the due date passed, the FEP acted timely to close the placement by the eighth working day.

EXAMPLE 5: Mira's FEP received the noncooperation alert on April 10, 2018, but did not act timely to generate the Notice of Action Needed. The FEP should have run eligibility to generate the Notice of Action Needed on or before April 16, 2018. However, the FEP did not generate the Notice of Action Needed until April 23, 2018. The mailing date on the notice is April 24, 2018, and the due date, the seventh working day, is May 2, 2018.

Mira did not cooperate nor claim good cause by the due date. The FEP did not act timely to end Mira's W-2 eligibility on May 3, 2018, the eighth working day after the mailing date of the notice. The placement and eligibility remained open. On May 15, 2018, the FEP received the alert indicating the CS noncooperation has ended and the cooperation status on the CWW Absent Parent page updates from **No** to **Yes**.

Because the placement should have closed on May 3, 2018, the eighth working day after the mailing date of the notice, an overpayment occurred. The overpayment start date is May 3,

2018, the day the placement should have ended and the overpayment end date is May 14, 2018, the day before the display date on the alert indicating CS noncooperation ended. Mira received 12 days of overpayments.

If a parent from the W-2 Group reapplies while another parent in the W-2 Group still is not cooperating with child support, the entire W-2 Group ~~is~~ remains ineligible for ~~either~~ W-2 services or a JAL until the uncooperative parent cooperates or establishes good cause for noncooperation. During the intake appointment, the FEP must generate the Notice of Action Needed to allow the applicant seven working days to cooperate with child support or claim good cause.

Note: Some individuals are exempt from cooperating with child support. Typically, the CSA does not report noncooperation for exempt individuals. Regardless, if an individual is exempt, the W-2 agency cannot impose any penalty for the individual's noncooperation, and he or she does not have to provide good cause for noncooperation (see [15.5.1](#)).

No further changes to Chapter 15.