

**County of San Diego, Health and Human Services Agency (HHS A)
Eligibility Policy and Procedure Guide**

Imposing and Lifting Child Support Penalties

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Issue Date:

04/13/2015

Effective Date:

04/13/2015

Background:

As a condition of eligibility for **CalWORKs**, the Federal child Support Enforcement Program requires each applicant/recipient to assign both spousal and child support rights of all members of the assistance unit (AU), and cooperate with the Health and Human Services Agency (HHS A) and the Local Child Support Agency (LCSA). Title IV-D of the Social Security Act established the child and spousal support enforcement program. Legislative changes in the Federal Deficit Reduction Act of 1989, the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1987 required that **Medi-Cal** applicants and beneficiaries must cooperate in medical support enforcement as a condition of eligibility.

Purpose:

This document provides staff with County policy for imposing and lifting child support penalties requested by the Department of Child Support Services (DCSS), Local Child Support Agency (LCSA).

Guidelines for County processes for imposing and lifting child support penalties can be found in the [Imposing and Lifting Child Support Penalties Processing Guide](#).

Policy:

Child Support Penalties Responsible Party:

Effective 4/14/2014, the Overpayment Specialist Unit (OSU) will be responsible for responding to, imposing and lifting all Child Support penalties as requested by the Department of Child Support Services (DCSS), LCSA. Family Resource Centers (FRC's) should no longer process any Child Support penalties associated with the **Child Support Non-Cooperation "023"** alert or the **No Child Support Penalty Needed "024"** alert.

Note: FRC's will still be responsible for imposing Child Support sanctions and the Child Support Liaisons may receive requests to sanction from the LCSA.

Child Support Sanction:

When a parent/caretaker relative refuses to assign support rights and does not have Good Cause, the parent/caretaker is not eligible to CalWORKs and is not included in the AU. When the parent/caretaker relative later agrees to assign support rights the sanction is removed at the end of the month in which cooperation occurs and, if otherwise eligible, the person is added to the AU the following month.

Child Support Penalty:

When a parent/caretaker relative fails to cooperate with the LCSA in establishing paternity and does not have Good Cause, a 25% penalty is imposed against the AU's grant amount and discontinuance

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is placed on the adult's Medi-Cal benefits. Child Support penalties occur after child/support rights have already been assigned (i.e. the CW 2.1 has already been signed and the adult agrees to cooperate with LCSA). Child Support noncooperation penalties are removed effective the first of the month in which the cooperation occurs and a supplement is issued.

DCSS Types of Non-Cooperation:

Types of Non-Cooperation Reasons include, but are not limited to, the following:

- Acceptance of Direct Payment
- Failure to Attend Hearings
- Refusal to Sign Forms
- Refusal to Report Private Attorney Actions (no form generation)
- Failure to Show for Appointment
- Failure to Show for Genetic Test
- Failure to Return Documents
- Other

Procedure:

Establishing Non-Cooperation:

When an applicant/recipient is non-cooperative with the LCSA and has not established good cause/reason for failure to cooperate, the LCSA Child Support Officer will notify the Overpayment Specialist Unit (OSU) by entering a Non-Cooperation status and explanation in their Child Support Enforcement System (CSE). The entries in the CSE system will cause a Non-Cooperation Alert to be generated in the HHSA CalWIN case.

Removal from Medi-Cal:

CalWORKs participants who are not cooperating with the LCSA and are receiving the 25% penalty reduction to their grant will not be entitled to Medi-Cal benefits.

Note: Currently the LCSA does not complete enforcement for a Medi-Cal only case. However, Medi-Cal regulations require workers to obtain the child support information when there is a child born out of wedlock or an absent parent.

Removal of Penalties after Cooperation:

When a parent/caretaker relative cooperates with the LCSA as required, the Child Support Officer will:

- Notify OSU by entering a cooperation status and explanation in their CSE system. The entries in the CSE system will cause a cooperation alert to be generated in the HHSA CalWIN case.
- The penalty will be removed for both programs effective the first of the month in which cooperation occurs.
- Medi-Cal benefits will be rescinded.

For more information regarding Child Support Cooperation Requirements, see [CWPG 43-200.C](#).

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Impacts:

CalWORKS Program

Medi-Cal Program

References:

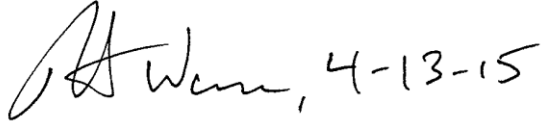
[Imposing and Lifting Child Support Penalties Processing Guide](#)

[CWPG 43-200.C](#)

Sunset Date:

This policy will be reviewed for continuance by 04/13/2018

Approval for Release:



Rick Wanne, Director

Eligibility Operations