

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
CHILD SUPPORT	COMAR 07.03. 03.10	Section 500

501 REQUIREMENTS:

A. As a condition of eligibility, a TCA applicant or customer must:

1. File an application for child support enforcement services for each child in the assistance unit who has one or more absent parents:
2. Comply with Child Support Enforcement requirements before TCA benefits are authorized.
 - Case managers should not delay benefit issuance if the applicant is willing to comply, but cannot get an appointment with the Child Support Agency or the State's Attorney's Office (SAO).
 - Include compliance with Child Support requirements as part of the Family Independence Plan when appointments are not available prior to benefit authorization.
3. Minor parents who are heads of household must file applications for support from their own absent parents.
4. Assign to the State any rights to support for any child in the assistance unit, including:
 - a. Support from the absent parents of the minor parents who are heads of household
 - b. Support from the parents of the non-custodial minor parent
5. Comply with establishing and enforcing child support for each child, unless exempt for good cause, to:
 - a. Identify and locate the absent parent,
 - b. Establish paternity of a child born out of wedlock, and
 - c. Obtain support payments, health insurance coverage, or other payments or property due the relative or child

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Notes:

Each applicant is required to take as many steps as possible during the TCA application process to comply with establishing and enforcing child support. The requirement can vary depending on the current status of child support and the time factors needed in the local jurisdiction to initiate child support activities.

Non-parent caretaker relatives are not exempt from child support requirements and must assign child support rights for all absent parents of children in their care. If the non-parent caretaker relative refuses to comply, without good cause, the case is subject to sanction.

- B.** The caretaker relative must meet the requirements in A. above for any child added to the assistance unit, including newborns
1. When pregnancy is reported, try to get all needed information before the baby is born
 - a. Gather all identifying information about the absent /non-custodial or putative father. This can be done during the interview, by phone, or in writing.
 - Give the customer the DHS/FIA 20 and a DHS/FIA 491 to return to the Agency to report the baby's birth.
 - b. When feasible, require the pregnant woman to see the Child Support worker before the baby's birth.
 - c. When the baby is born and the case manager receives the form 491 or finds out about the baby's birth from another source, enter the information into CARES and add the baby to the assistance unit.
 - i. Entering the information into CARES begins the Child Support process and meets the initial requirement to file the Child Support application prior to issuance of benefits, the assignment of support rights, and compliance even if the pregnant woman could not be interviewed by Child Support.
 - ii. Child Support will follow up with an appointment, if needed.
 - iii. It is not necessary for the custodial parent to come into the office when the baby is born.
 2. Do not delay adding the newborn to the grant pending the interview with Child Support.

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3. When the baby is not reported until after it is born or the new child being added is older, the caretaker relative must provide any needed verifications.
4. The parent or caretaker does not need to be seen in the office to apply for child support for the new child. The case manager should request the non-custodial (absent) parent information by phone or mail and enter it into CARES.
 - Child Support will contact the customer.

Note: Entry of the absent parent information in CARES generates the application and meets the requirement.

502 REQUIREMENTS

- A. Parents and non-caretaker relatives must comply with establishing and enforcing child support unless good cause can be established.
- B. Compliance includes:
 1. Providing to the Child Support Enforcement Agency (CSEA) or the local department written or verbal documentary information that the customer can reasonably obtain, such as:
 - a. First and last name of the putative father or absent parent
 - b. Other information that can help identify and locate the putative father or absent parent:

Social Security Number	Occupation	Address
Aliases	Any incarcerations	Schools attended
Birthdate	Employer, employer's address and telephone number	Physical description
Credit card or bank numbers	Names and addresses of parents and relatives	Motor vehicle information

2. Appearing as a witness in court or at other hearings or attending interviews

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3. Providing information or attesting to the lack of knowledge under penalty of perjury
4. Submitting to and/or having the child submit to genetic testing
5. Providing information about another person who may be the parent if genetic test precludes the individual previously named
6. Informing the child support enforcement agency of any address or telephone changes for the custodial relative
7. Informing the child support enforcement agency of any changes for the non-custodial parent(s)

Note: Changes reported to the case manager and entered into CARES go to Child Support Enforcement through the automated interface. The customer does not need to notify Child Support Enforcement directly.

8. Paying to the child support enforcement agency, any child support received from an absent parent that is covered by the assignment of support

503 GOOD CAUSE

A. "Good cause" exists when:

1. Compliance with a requirement is reasonably expected to result in serious physical or emotional harm to the:
 - a. Child, or
 - b. Relative with whom the child lives
2. The child was conceived as a result of incest or forcible rape
3. The relative is currently working with a public or licensed private social service agency to resolve whether to:
 - a. Keep the child or relinquish the child for adoption, and
 - b. The discussions have not gone on for more than 3 months
4. Legal adoption proceedings are pending before a court authorized to handle the particular case

B. When the customer claims good cause because compliance may result in physical or emotional harm to the child or the caretaker relative:

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1. Do not require the caretaker relative to provide documentation
 2. Make a referral, immediately, to the in-house family violence expert who, with the case manager, will determine if there is a valid good cause claim
 3. Do not pursue the assignment of child support rights process
- C. The customer may be required by Child Support to keep an appointment with them.
- D. An applicant or customer may make a claim of good cause at any time

504 GOOD CAUSE EVIDENCE

- A. If the individual can obtain the following documents, they may be used as acceptable evidence of good cause:
1. Birth certificate or law enforcement record that indicates the child was conceived as a result of incest or forcible rape
 - If these documents are not available, accept the customer's statement
 2. Court document or other record that indicates legal adoption proceedings are pending
 3. Court, medical, criminal, child protective services, psychological, or law enforcement records indicating that the putative father or absent parent may inflict physical or emotional harm on the child or the relative
 4. Medical records of past and current emotional health status or written statements from mental health providers which indicate that complying with child support requirements would endanger the mental or emotional health of the child or the relative's ability to care for the child
 5. A written statement from the public or licensed private social service agency that the relative is being assisted to resolve whether or not to relinquish the child for adoption and the discussions have not gone on for longer than 3 months
 6. Written statements from the caretaker relative or others with knowledge of the circumstances that support a good cause claim
 7. Notification of a good cause finding from the family violence counselor

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- B. Do not contact the absent parent to get additional information while investigating the claim of good cause

505 GOOD CAUSE DETERMINATION

- A. The FIA case manager determines if good cause exists based on an examination of the evidence supplied by the caretaker relative
- B. The decision concerning good cause must:
 - 1. Be in writing
 - 2. Give the basis for the decision
 - 3. Be made within 45 days, unless information needed to verify the claim cannot be obtained within the time standard
- C. Retain a copy of the decision and basis for the finding, in ECMS, or the case record.
- D. Promptly provide a copy of the decision and basis to Child Support
- E. Put all information about the good cause claim and decision in the case narrative
- F. If a claim of good cause is pending, do not deny, delay, or terminate the TCA case for non-compliance with Child Support Enforcement requirements.

506 GOOD CAUSE DECISIONS

- A. When the good cause claim is established:
 - 1. Notify Child Support not to pursue support action
 - 2. Review the decision when the circumstances that substantiated good cause are likely to change
 - 3. Conduct the review at each recertification
 - 4. Initiate child support activities when circumstances change and good cause no longer exists
- B. When the good cause claim is not established, notify the caretaker relative and give the following choices:
 - 1. Comply with child support enforcement requirements - notify Child Support to pursue support

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2. Continue to refuse to comply - deny or close the case (the state may pursue support as reimbursement for TCA payments already made)
3. Withdraw the application - the state may continue support activities as reimbursement if TCA payments were made
4. Appeal the decision - notify Child Support not to pursue support activities pending the appeal decision

507 ADEQUATE REASON

- A. When the local department's Child Support Agency finds that the caretaker relative is not complying with child support requirements, they are responsible for determining if there are adequate reasons for the non-compliance.
- B. Adequate reasons for non-compliance are circumstances beyond the relative's control that prevent the individual from complying with a specific requirement needed to establish or enforce child support, which includes, but are not limited to:
 1. Mail from Child Support going to the wrong address
 2. Natural disaster or civil disorder
 3. Critical illness
 4. Family crisis requiring the relative's full attention
 5. The relative's absence from home for a period that includes both the time the notices were sent and the appointments were scheduled
 6. The caretaker relative has acted in good faith, but cannot reasonably be expected to have the required information for various reasons, including but not limited to:
 - a. No contact with the absent or putative parent for several years
 - b. The relationship was so casual, little personal information was exchanged
 - c. The putative father misrepresented himself
 7. The information is not sufficient to locate the absent or putative parent, but there is no indication that the caretaker relative is:
 - a. Withholding information, or
 - b. Providing false, inconsistent, or contradictory information

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Note: When there is insufficient information to establish a court order or paternity, the Child Support worker may require the caretaker relative to sign a sworn statement that all available information was provided.

Documentation may be required to substantiate other adequate reason claims.

- C. When an adequate reason is established, the family remains eligible for TCA and the relative is given another opportunity to meet the requirement
- D. When an adequate reason is not established or the relative does not claim a reason for non-compliance, Child Support notifies the family investment case manager
- E. The case manager determines if there is a good cause reason for not complying, and
 - 1. If so, notes the reason and decision in the case narrative and notifies Child Support
 - 2. If not, takes the case actions listed in Non-Compliance – Case Action, below

508 NON-COMPLIANCE—CASE ACTION

- A. Always screen every case for family violence issues prior to imposing a sanction or denying a case
 - 1. Customers who claim family violence safety issues have good cause
 - 2. Document the results of the screening in the CARES narrative and follow the instructions under Good Cause
- B. At application, deny the case for non-compliance, but do not sanction
 - 1. Continue to process the SNAP application – do not use phantom income
 - 2. Continue to process Medical Assistance eligibility for the children – the caretaker relative is not eligible because compliance with child support requirements is also an MA requirement

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C. Impose a full-family sanction on an active case for non-compliance after the following actions:

1. Notify the relative about the finding of non-compliance
 - Ask the relative to come to the local department for a conciliation conference or call to discuss the situation
 - Determine if good cause exists, and if so, make a note in the narrative, notify Child Support, and do not impose the sanction
2. Make every effort to secure the relative's compliance within the 30 days following the determination of non-compliance

Note: Place emphasis on the benefit to the child, the child's future, and that child support can help the family achieve independence.

3. If unable to obtain the customer's compliance, send the **Notice of Adverse Action (NOAA)** at least 10 calendar days before the end of the 30-day period

Note: Give only one 30-day conciliation period per TCA case for non-compliance with CSE. For subsequent incidents:

- Notify the caretaker relative about the non-compliance
- Determine if there is good cause
- Send the **NOAA** immediately if there is no good cause

4. A sanction incident occurs the date the **NOAA** is sent
5. Make the full-family sanction effective the first of the month following the expiration of the adverse action period
 - a. The children remain eligible for Medical Assistance if otherwise eligible
 - b. The adult is not eligible because compliance with child support requirements is also a requirement for MA
 - c. Update the Supplemental Nutrition Assistance Program case continuing to include the household income plus the TCA received prior to the sanction (phantom income)

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6. Lift the sanction for TCA only when the customer has complied with the requirement that caused the case to close.
 - a. If the relative complies in the first non-payment month, the family receives a full check for the month. It is not pro-rated.
 - b. If the relative agrees to comply in the first non-payment month but is unable to meet the requirement because an appointment or court date could not be scheduled in that month:
 - i. Do not authorize a TCA grant for the first non-payment month
 - ii. Authorize a full grant for the month in which compliance occurs
 - c. If the relative does not begin to comply until after the first non-payment month, authorize benefits based on the application date, only after the relative has complied with the requirement
 - d. If the relative begins to comply after the adverse action notice is sent and before the effective date of the sanction, but the specific requirement to meet compliance cannot be achieved until after the effective date of the sanction:
 - i. Allow the full-family sanction to go into effect
 - ii. After compliance, re-open with no proration
 - e. If the relative begins to comply before the notice of adverse action is sent, do not initiate a sanction and do not count a sanction occurrence

509 VERIFICATION

- A. Require documentation, using local procedures, that an applicant or customer applied for child support
- B. Case managers may require documentation to substantiate:
 1. Adequate reasons for not complying
 2. Good cause reasons for not complying if the reasons are other than family violence

510 CASE MANAGEMENT TIPS

- A. Require child support compliance for TCA, Medical Assistance, and Purchase of Care, but not for the Supplemental Nutrition Assistance Program

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1. Use the TCA benefit as phantom income for SNAPs under the “non-compliance with other means tested programs” provision if the customer was non-compliant and the case is sanctioned
- B. Reinstate the sanctioned case only before the effective date of the closing if the customer complies before the expiration of the adverse action period.
- C. Re-open a sanctioned case after the effective date of the closing, prorate the benefit from the day after the customer complies with the child support requirement.
- D. Do not add a newborn to the grant until the customer submits an Interim Change **Form 491** and assigns support rights
 1. Gather the absent parent information based on section 15 of the 9701.
 2. When the case manager receives the **Form 491**, add the child and enter the absent parent information on CARES.

EXAMPLES:

Example 1. Martha Washington applies for TCA for herself and her son George because George’s father went to Delaware and does not pay support. Mrs. Washington is referred to Child Support. She agrees to return on another day to see the Child Support worker because she has to be home before her son gets home from school. Although Mrs. Washington does bring in proof that she has looked for a job, she does not file for child support and does not claim good cause. There is no problem getting appointments with the child support agency.

- Deny the case for non-compliance
- If Ms. Washington tried to get an appointment with child support, but the agency was back-logged, approve the case and include child support requirements in her Independence Plan

Example 2. Mary Lincoln applies for assistance for herself and her three children, Abe Jr., Todd, and Willie. She files for support for Abe and Todd, but does not want to file for Willie because his father buys Willie’s clothes, diapers, and formula. She is afraid he will stop any support if he has to go to court. After discussing the benefits for Willie of establishing paternity and a court order, Ms. Lincoln still will not file for support for him.

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- Deny the case because child support compliance is required for every absent parent

Example 3. Abigail Adams applies for TCA for herself and two children, John and Abby. She is claiming good cause because the children's father John, Sr. has threatened her if she takes him to court for a divorce or support. She believes him because he has been abusive in the past and she definitely does not want him to have her address. Mrs. Adams has never filed a police report, been to the hospital, or confided in any friend or health professional.

- Refer Mrs. Adams to the family violence expert
- Accept a statement from Mrs. Adams corroborating the good cause
- Base the good cause determination on Mrs. Adams' statement and the family violence expert's documentation
- Approve the case and notify Child Support to suspend all activities

Example 4. Dolly Madison receives TCA for herself and her son James. She did not attend the scheduled hearing for support and did not respond to Child Support's attempts to contact her. Child Support notified the Family Investment case manager who determined that Ms. Madison did not have good cause and began the 30-day conciliation period by sending a letter to Ms. Madison and having a telephone conference. Ms. Madison said she took her son to the doctor to get his shots. Child Support agreed to accept this as adequate reason and rescheduled the hearing. Again, she missed the hearing and did not respond to Child Support's attempt to contact her. After notification from Child Support, the case manager contacted Ms. Madison who again did not have good cause. She just wasn't feeling very well but had no reason for failing to talk to the Child Support worker. Child Support does not accept this as an adequate reason.

- Send Ms. Madison a notice of adverse action and impose the full-family sanction
- Retain MA for James through the TCA end date and reconsider his eligibility again at that time
- Update SNAPs, using the TCA benefit paid prior to the sanction as phantom income

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Example 5. Ms. Madison comes back to the local department on March 22, as soon as she receives the NOAA, and promises to keep the next hearing date. The effective date of the case closing is April 1. Ms. Madison cannot get another court date until May 24. She does not appeal.

- Allow the full-family sanction to go into effect
- Re-open the case when Ms. Madison submits proof she attended the hearing
- Do not authorize TCA for April because Ms. Madison did not meet compliance in April
- Authorize a prorated TCA benefit on May 25th the day after Ms. Madison fully met compliance.

Example 6. Ms. Patsy Jefferson receives TCA for herself and her daughter Jillian. She filed for Child Support but did not keep her appointment with the state's attorney. Ms. Jefferson now wants to claim good cause because Jillian's father is her uncle who raped her. She has no outside proof.

- Notify Child Support Enforcement to stop all child support activity as Ms. Jefferson has proven good cause
- Accept Ms. Jefferson's statement
- Refer Ms. Jefferson to the family violence expert
- Review the situation at recertification since it could change

Example 7. Ms. Margaret Truman applied for TCA for herself and her one-week-old baby, Bess. She only expects to need TCA temporarily because she is working with a service agency to have Bess adopted and does not want to file for child support. Ms. Truman will not provide the name of the agency or bring in a statement from them and will not file for support.

- Refer Ms. Truman to services to help obtain the information
- If Ms. Truman still does not comply, deny the case because Ms. Truman will not provide information to document her good cause claim. Providing that information will not endanger her or her child, so her statement alone is not sufficient

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ADDITIONAL INFORMATION

- Sanctions – Child Support
- Adverse Action – Adverse/Timely Notice
- Application – Payment Date
- Application – Family Violence Screening