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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 91 ADM-40

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: October 7, 1991

SUBJECT: Public Assistance (IV-A), Medical Assistance (MA) and Family
 and Children Services (F&CS) Interface with Child Support
 Enforcement (IV-D)

SUGGESTED

DISTRIBUTION: | IM Staff
 | CSEU Staff
 | SCU Staff
 | MA Staff
 | Children Services Staff
 | Staff Development Coordinators

CONTACT

PERSON: | Public Assistance: Carolyn Karins at 1-800-342-3715
 | extension 4-9343
 | Food Stamps: County Representative at extension 4-9225
 | Medical Assistance: Alvin Conyers at extension 3-5536
 | Child Support: OCSE County Representative at
 | 1-800-342-3012
 | Children Services: Your Regional Office

ATTACHMENTS: | Attachment I - Listing of Attachments - available
 | on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
See Attachment XI	See Attachment XI	See Attachment XI	See Attachment XI	See Attachment XI	See Attachment XI

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II. PURPOSE

This directive implements new Income Maintenance (IV-A) and Child Support Enforcement (IV-D) procedures, explains the IV-A, Medical Assistance (MA), Children Services and IV-D workers' responsibilities in the interface process and reinforces the Department's position that both parents must contribute, to the best of their ability, to the financial support of their children. Specifically, this directive:

- o Requires automated (electronic) IV-A/IV-D referrals in all districts (automated referrals in New York City will be developed);
- o Requires IV-D interviews for all cases referred by IV-A;
- o Clarifies that certain child support requirements apply to minors (persons under age 21) in receipt of Home Relief (HR) or PG-ADC (Predetermination Grant of Aid to Dependent Children) and in New York City, HR-PG (Home Relief Predetermination Grant), as well as children in receipt of Aid to Dependent Children (ADC); and
- o Transmits mandated forms.

III. BACKGROUND

The goals of the IV-A and IV-D programs are compatible in that both serve the needs of children. Established in 1935, Title IV-A provides financial assistance to needy families with dependent children of parent(s) who are deceased, absent from the children's home, physically or mentally incapacitated or unemployed. In 1975, Title IV-D was created to counter the rising costs of public

assistance related to the non-support of children by absent parents capable of contributing to their financial needs. The two programs are allied both in their long-range goals and their day-to-day operations. IV-A depends on IV-D to establish paternity and obtain child support to reduce IV-A expenditures, while IV-D depends on IV-A for timely, complete and accurate referrals of information relevant to child support enforcement activities. To foster family responsibility, meet the needs of children and be accountable to taxpayers, it is essential that the two programs are effectively coordinated.

Public assistance (PA) applicants and recipients also have a vital role in the support enforcement process. Title 6-A of Article 3 of the Social Services Law (SSL) requires applicants for and recipients of ADC to assign their rights to support and directs IV-A workers to refer certain ADC applicants and recipients to the IV-D unit for child support enforcement services, including paternity establishment. SSL Section 101 establishes the liability of spouses to support spouses and parents and step-parents to support children under the age of 21. SSL 132-a and 352-a require PA applicants and recipients to cooperate with districts to establish the paternity of their children and SSL 158 and 352 require their cooperation to obtain support. SSL 366-4(f) requires MA applicants and recipients to assign their rights, and the rights of any other person for whom the applicant/recipient can legally assign such rights, to any available medical care support and third party payments and requires MA applicants/recipients to cooperate with establishing paternity and securing medical care support. SSC III-b authorizes the department to accept assignments of rights to support owed to children receiving title IV-E foster care payments.

By cooperating with the child support enforcement process, PA applicants/recipients may benefit in several ways, including:

- Legally establishing their children's paternity may enable their children to gain rights to medical insurance, life insurance and inheritance, and Social Security, Veterans or other government benefits;
- Up to \$50 per month of current support collected on behalf of their children will be paid to them; and
- Support payments could help them to eliminate their need for public assistance, supplement their earnings and assist them to remain self-sufficient and enjoy a higher standard of living.

IV. PROGRAM IMPLICATIONS

Focusing both IV-A and IV-D attention on the client as the primary resource for information about the absent parent/putative father will enhance the chances for successful delivery of IV-D services to

establish paternity and secure child support. Through the delivery of these services, the Department hopes to promote greater self-sufficiency for its clients.

The renewed focus on child support services will affect districts' operations in several areas. Districts which are not already doing so will begin data-entering electronic IV-A/IV-D referrals. MA and Children Services workers will use mandated forms to refer cases to IV-D. CSEU workers will have increased contact with ADC applicants and increased responsibilities with respect to certain HR and PG-ADC/PG-HR households.

V. REQUIRED ACTION

Income Maintenance (IM), Medical Assistance (MA), Family and Children Services (F&CS) and Child Support Enforcement Unit (CSEU) workers have initial and ongoing responsibilities in the IV-D interface process. These responsibilities are summarized below and described in more detail in Section V.B.

A. Overview

1. IM (IV-A) Responsibilities

- a. Inform PA applicants and recipients of their rights, responsibilities and benefits of their cooperation with the child support enforcement process;
- b. Determine whether an applicant or recipient who claims to have good cause for refusing to cooperate actually does have good cause;
- c. Refer applicants to the CSEU using the mandated referral form (DSS-2860);
- d. Obtain necessary documentation from applicants and recipients and, according to district procedures, forward or make documentation available to the CSEU;
- e. Ascertain whether applicants and recipients have cooperated with the CSEU and, if appropriate, impose sanctions for individuals who have failed to cooperate;
- f. Promptly respond to CSEU requests for PA eligibility and payment information;
- g. Take appropriate action on referrals from the CSEU and on monthly Child Support Collected Greater Than PA Grant reports;

- h. Ask recipients for new and changed information about absent parents and forward all such information to the CSEU;
- i. Resolve child support pass-through mass rebudgeting/authorization (IV-D MRB/A) WMS "exceptions" and manually authorize pass-through payments when necessary;
- j. Resolve clients' pass-through complaints if possible; and
- k. Inform applicants/recipients of the pass-through desk review procedures.

2. MA Responsibilities

- a. Inform MA applicants and recipients of the benefits of their cooperation with the child support enforcement process;
- b. Advise all MA-only applicants/recipients that, as a condition of initial eligibility and recertification, they will be required to assign their rights, and the rights of any other individual for whom they can legally make an assignment, to any available medical care support and third party payments for medical care.
- c. Advise all MA-only applicants/recipients that, as a condition of initial eligibility and recertification, they will be required to cooperate in:
 - i. obtaining TPFI and medical payments for themselves and any other individuals for whom the MA-only applicant/recipient can legally assign rights; and
 - ii. establishing paternity of a child born out-of-wedlock for whom the MA-only applicant/recipient can legally assign rights.
- d. Give and explain DSS-4279: "The Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate" and, if requested, DSS-4280: "Second Notice - Right to Claim Good Cause for Refusal to Cooperate with Child Support Enforcement". (See Attachments IV and VI).
- e. Determine whether an applicant or recipient who claims to have good cause for refusing to cooperate actually does have good cause;

- f. Refer applicants to the CSEU with the DSS-2521: "Application for Child Support Services". (See Section V.H. Medical Assistance Implications);
- g. Obtain necessary documentation from applicants and recipients;
- h. Ascertain applicants' and recipients' compliance with the CSEU;
- i. Promptly respond to CSEU requests for MA eligibility and payment information; and
- j. Ask recipients for new and changed information about absent parents and forward any information to the CSEU.

NOTE: MA workers should not refer pregnant women to the CSEU until after the 60-day post-partum period.

3. Children Services Responsibilities

- a. If a child has been placed in foster care, determine if parental support should be calculated in accordance with Section 422.3 of Department Regulations or if the case should be referred to the CSEU pursuant to Section 426.8. An Informational Letter regarding parental support for children in foster care is forthcoming.
- b. Refer cases to the CSEU, if appropriate, using the mandated referral form (DSS-2860);
- c. Obtain necessary documentation from any available sources;
- d. Promptly respond to CSEU requests for foster care eligibility and payment information; and
- e. Forward to the CSEU any new or changed information about absent parents of children in IV-E foster care. Examples of changed information which should be forwarded to the CSEU include when children are discharged from foster care, placed in a different home, returned to parents or surrendered for adoption.
- f. Ensure that applicants/recipients of Transitional Child Care continue to cooperate with establishing paternity and securing and enforcing child support obligations. An Informational Letter clarifying this requirement is forthcoming.

4. CSEU (IV-D) Responsibilities

- a. Accept IM referrals for ADC, HR and PG-ADC (in New York City, HR-PG) minor cases, and MA and Foster Care referrals for IV-D eligible cases (e.g., MA-only cases which require paternity establishment and IV-E foster care cases);
- b. Conduct a CSEU intake interview as soon as practicable, but no later than twenty calendar days after PA case opening automated referral;
- c. Optionally, contact individuals found to be ineligible for PA, MA or IV-E Foster Care to ascertain if they wish to continue receiving child support services;
- d. Promptly complete Child Support Management System (CSMS) data entry of IV-D cases;
- e. Review and comment on IM or MA "good cause" requests. DSS-2859: "Exchange of Information" (Attachment VIII) may be used for this purpose. DSS-2859 is in the process of being revised. Until the updated version becomes available, districts should use existing supplies of DSS-2859;
- f. Notify IM or MA of applicants'/recipients' failure to cooperate. DSS-2859: "Exchange of Information" (Attachment VIII) may be used for this referral;
- g. If needed, request additional foster care case information from the services worker;
- h. Take appropriate actions based on Daily CSMS IV-A - IV-D Interface Reports and monthly Child Support Collected > PA Grant reports;
- i. Respond to IM, MA and Family and Children Services inquiries and requests;
- j. Resolve IV-D MRB/A CSMS "exceptions";
- k. Resolve client pass-through complaints when possible; and
- l. Inform recipients of the pass-through desk review procedures, when appropriate.
- m. Ensure proper crediting of support payments for pass-through purposes by accepting support payments up to the last minute the SCU is open to the public, including the last day of each month, and entering all such payments into the ASCU that day.

- n. Notify Children Services when a former PA recipient, who may be in receipt of Transitional Child Care payments, requests termination of child support services.

5. Desk Review Liaison

Each district has designated a contact person who responds to and oversees the district's resolution of Department inquiries regarding child support pass-through client complaints. To ensure that Department records of liaisons and procedures are current, each district must complete Attachment II: "IV-A/IV-D Procedures Questionnaire" and return it by November 1, 1991 to:

Director
Bureau of Income Support Programs
New York State Department of Social Services
40 North Pearl Street
Albany, New York 12243

The director must be notified whenever the liaison designation or procedures change.

Further information regarding the desk review process is provided in Section V.G.

B. Initiating the IV-A/IV-D Process

1. Informing PA Applicants

- a. Districts must give a copy of DSS-4148A: "What You Should Know About Your Rights and Responsibilities (When Applying for or Receiving Social Services)" to each PA household at the same time that an application form (DSS-2921) is distributed and each time a face-to-face recertification interview is conducted. The DSS-4148A booklet contains the "Important Notice Regarding Child Support," which describes the PA requirement to assign support rights to the Department; the requirement to cooperate with the child support enforcement program; the rights and obligations which may result from establishing paternity; information that in legal proceedings the district's attorney or designee represents the district and not the PA applicant/recipient; and the individual's right to be kept informed, upon request, of the time, date and place of pertinent legal proceedings. In addition, the DSS-4148A is being revised to include information about the pass-through desk review process.

As noted in 90 ADM-41, DSS-3908: "Important Notice Regarding Child Support" (Attachment III) is no longer

distributed at application or recertification. However, CSEU and Support Collection Unit (SCU) staff must continue to distribute DSS-3908 as described in Section V.F.3.

- b. During the PA eligibility pre-screening or interview, districts must give and explain DSS-4279: "Good Cause First Notice" (Attachment IV) to each PA applicant (ADC, HR or PG-ADC/ HR-PG) who is required to be referred to the CSEU for paternity establishment and/or child support enforcement.

DSS-4279 describes the PA requirement to cooperate with efforts to establish paternity and to secure child support; advises the applicant of potential sources of information regarding the absent parent; and advises applicants of the right to claim good cause for refusing to cooperate and the consequences of failing or refusing without good cause to so cooperate. Both the applicant and the IM worker must sign and date the DSS-4279 to acknowledge the applicant's receipt of the notice. The original is retained in the PA case record and a copy is given to the applicant.

- c. Each PA applicant must be afforded an opportunity to claim good cause for refusing to cooperate with establishing paternity or securing child support. Applicants may request a copy of DSS-4280: "Good Cause Second Notice" (Attachment VI), which explains the circumstances under which the district may find good cause, to help them decide whether or not to claim good cause.

Applicants and recipients may claim good cause at any time. Those who do so claim must sign and date the DSS-4280. The IM worker must sign and date the form, give a copy to the applicant, and place the original in the case record.

Procedures for determining whether an applicant has good cause for refusing to cooperate are contained in Section V.D.

- d. Pursuant to a stipulation in settlement of the case of Vasquez v. Blum, an individual's formal written statement that he or she lacks information about the absent parent's identity or location, in the absence of any evidence to the contrary, must be accepted as cooperation in identifying or locating the absent parent. Therefore, an applicant/recipients who denies knowing the putative father's or absent parent's name, address or employer must be given the opportunity to attest to the lack of information by signing

DSS-4281: "Attestation to Lack of Information" (Attachment V). The attestation form should be signed by an applicant/recipient who denies knowing any one or more of the three facts (name, address, or employer) about the absent parent. Item #3 on the form should be completed when an applicant/recipient denies knowing all three items and also denies having any other lead information, e.g., the absent parent's alias. The original is retained in the PA case record and a copy is given to the applicant. An attestation to lack of information does not exempt the case from referral to the CSEU or preclude further investigation and action by the CSEU.

NOTE: Applicants/recipients are not required to sign a separate attestation to the truth of any information which they have provided regarding an absent parent. Their signed application (DSS-2921) and recertification (DSS-3174) forms contain affirmations that they have given complete and true information during investigation of their initial and ongoing eligibility for PA and Medical Assistance.

- e. Districts should inform PA applicants and recipients who participate in Section 8 rent subsidy programs that child support pass-through payments may affect the calculation of their rent obligation amount.
2. Referring Applicants and Recipients to the CSEU
- a. IM must refer to the CSEU each PA applicant household which includes, and each recipient household which has gained, any of the following:
 - i. ADC/ADC-U Child(ren)
 - An ADC/ADC-U minor (under age 21) child or minor caretaker relative who has a continuously absent, living parent.
 - An ADC/ADC-U minor child or caretaker relative whose paternity has not been legally established (i.e., adjudicated in court), including a minor whose putative father resides with the ADC/ADC-U household.
 - An ADC/ADC-U pregnant woman unless she is married, living with her husband and at least 21 years old.

Note: A putative father's written acknowledgment of paternity is sufficient to verify relationship for PA purposes, but the household must be referred for paternity adjudication; or

ii. Child(ren) not in receipt of ADC

- An HR or PG-ADC/HR-PG minor who lives apart from a living parent.
- An HR or PG-ADC/HR-PG minor whose paternity has not been legally established, including a minor whose putative father resides with the HR or PG-ADC/HR-PG household.
- An ADC parent who resides with a non-PA minor who was born out of wedlock.
- An HR or PG-ADC/HR-PG pregnant woman unless she is married, living with her husband and at least 21 years old.

HR and PG-ADC/HR-PG minors are no longer exempt from pursuing support from parents who are themselves recipients of PA, MA or SSI. The Child Support Standards Act (L. 1989 c. 567) amended the Domestic Relations Law, Family Court Act and Social Services Law to establish guidelines for determining child support amounts, and set forth a minimum support obligation amount for non-custodial parents with low incomes.

IM's referral of HR and PG-ADC/HR-PG minors to the CSEU replaces the eligibility requirement for non-ADC minors to go directly to Family Court to file petitions for support. Instead, HR and PG-ADC/HR-PG minors are required to cooperate with CSEU efforts to establish paternity and secure support.

HR and PG-ADC/HR-PG households which apply for PA on or after October 1, 1991 and which are required to cooperate with establishing paternity and securing support must be referred to the CSEU. Households which are already in receipt of HR or PG-ADC/HR-PG and are now required to cooperate with the IV-D process must be referred to the CSEU with their first face-to-face recertification which occurs on or after October 1, 1991.

Note: A minor who is married, even if living with the spouse, is not exempt from the requirement to cooperate with establishing paternity and/or securing support from the minor's own parents.

- b. IM must complete a separate DSS-2860: "Child Support Enforcement Referral (Rev. 5/87)" (Attachment VII) for each absent parent and/or putative father associated with a PA household for referral to the CSEU. The DSS-2860 is a two-ply chemically carbonless form which serves as both a paper referral and a data entry document, as explained in Section V.B.3. Instructions for completing the DSS-2860 are provided on the reverse of the form's second page (Attachment VII, page 2). No local equivalent forms will be approved.

The DSS-2860 referral form is being revised to accommodate required changes in IV-A/IV-D interface procedures. The revised version will be transmitted under separate cover when the revised WMS Child Support Enforcement Screen (WSVIVD) is available on production.

To facilitate referrals made via the current DSS-2860, the worker making the referral must provide the following additional information (this additional information will be included in the revised DSS-2860):

- i. Above Case Number, indicate the category of assistance which the child is applying for or receiving: ADC, ADC-U, HR, PG-ADC (HR-PG in New York City), MA only, IV-E FC (Title IV-E Foster Care) or NPA (Non-PA). Inclusion of the category on the DSS-2860 assists CSEU staff to use forms and procedures consistent with the child's category, and is particularly helpful in districts which conduct pre-certification IV-D interviews, as described in Section V.B.3.a.

Example #1: Paul Myers applies and is found eligible for an ADC grant for himself and his two children. Because the children's mother is continuously absent from the household, the IM worker refers Paul to the CSEU with a DSS-2860, on which the worker has written "ADC" above the Case Number field.

Example #2: Eileen Roberts applies for assistance for herself only. Her four-year-old son lives with her but financial and medical support is provided by his absent father. Eileen is found eligible for assistance in the ADC category, and is referred to the CSEU because her

son's paternity has not been adjudicated. On the DSS-2860, the IM worker writes "NPA" because the child is not applying for PA, MA or Foster Care.

- ii. If the household is referred to the CSEU for paternity establishment only, i.e., the putative father resides with the child(ren), so indicate by writing "Pat. Est. Only" in the upper left-hand corner.

3. IV-A/IV-D Workflow

Each district must adhere to one of the following IV-A/IV-D workflow alternatives, and indicate its workflow selection in the IV-A/IV-D Procedures Questionnaire (Attachment II).

- a. Option I: Pre-certification IV-D Interviews (This option is recommended because it allows the CSEU to initiate case actions sooner):
 - i. IM interviews a PA applicant and determines that a CSEU referral is required.
 - ii. IM completes a DSS-2860 for each absent/putative parent.
 - iii. IM and CSEU set an appointment for the applicant's IV-D interview, which should follow the PA interview immediately if possible. IV-D's purposes for the interviews are to obtain additional information and to explain the IV-D process. The IV-D interview must be in-person, unless a telephone interview is appropriate. A telephone interview would be appropriate if minimal information or updating from the PA applicant is required, e.g., a CSEU case was established recently for the applicant and absent parent, the parties already have a support order payable through the SCU or the applicant is unable to travel to the CSEU office;
 - iv. Page two of the DSS-2860 is client-carried (for immediate IV-D interviews) or agency delivered (for later interviews) to the CSEU. This paper referral introduces the applicant to the CSEU and provides basic information which the CSEU needs to conduct the IV-D interview.
 - v. If the DSS-2860 indicates that the child is applying for or receiving assistance in a category other than ADC, ADC-U or IV-E FC (i.e., HR or PG-ADC/HR-PG), the applicant/

recipient must sign a DSS-2521: "Application for Child Support Services" in the CSEU. (The Application for Child Support Services will be included in the revised DSS-2860.)

- vi. CSEU conducts the IV-D intake interview and establishes a pending case record.
- vii. IM determines the applicant's PA eligibility and submits page one of the DSS-2860 with the Application Turnaround Document (APP-TAD: DSS-3636) or Authorization (DSS-3209) for data entry. The data entry operator returns DSS-2860 page one for filing in the PA case record. In New York City, system support for data entry of the DSS-2860 should be available in the future.

NOTE: PA eligibility determinations cannot be delayed pending applicants' compliance with the IV-D interview requirement, as explained in Section V.B.3.c.

- viii. Data which is entered from the DSS-2860 into the WSVIVD screen is passed to the CSMS - RSP screen to be accessed by CSEU as part of the CSMS case building process. CSEU is notified via the Daily CSMS IV-A - IV-D Interface Report (electronic referral).
- ix. For PA openings, CSEU data enters the CSMS case file, based on the IVDRSP screen and the IV-D interview.
- x. For PA denials and withdrawals, IM notifies the CSEU orally or in writing. CSEU, at the applicant's option and upon application for child support services (DSS-2521), may provide child support services (CSS) to these already-interviewed households.

b. Option II: Post-certification IV-D Interviews

- i. IM interviews a PA applicant and determines that a CSEU referral is required.
- ii. IM completes a DSS-2860 for each absent/putative parent.
- iii. IM determines the applicant's PA eligibility and submits page one of the DSS-2860 with the APP-TAD or DSS-3209 for data entry. The data entry operator returns the DSS-2860 page one to

IM for PA case record filing. New York City data entry of the DSS-2860 will be available in the future.

- iv. IM sends page two of the DSS-2860 to the CSEU.

NOTE: Districts may eliminate this paper referral once the DSS-2860 revision and corresponding WMS modifications are available.

- v. Data which is entered from the DSS-2860 into the WSVIVD screen is passed to the CSMS-RSP screen to be accessed by CSEU as part of the CSMS case building process. CSEU is notified via the Daily CSMS IV-A - IV-D Interface Report (electronic referral).
- vi. CSEU data enters the CSMS case file, based on the IVDRSP Screen.
- vii. If the DSS-2860 indicates that the child is applying for or receiving assistance in a category other than ADC, ADC-U or IV-E FC (i.e., HR or PG-ADC/HR-PG), the applicant/recipient must sign a DSS-2521: "Application for Child Support Services" in the CSEU. (The Application for Child Support Services will be included in the revised DSS-2860.)
- viii. CSEU must interview referred PA recipients within twenty calendar days after electronic referral from IM. IV-D's purposes for the interview are to obtain additional information and to explain the IV-D process. The IV-D interview must be in-person unless a telephone interview is appropriate. A telephone interview would be appropriate if minimal information or updating from the PA recipient is required, e.g., a CSEU case was established recently for the applicant and absent parent, the parties already have a support order payable through the SCU or the applicant is unable to travel to the CSEU office.

The requirement for the CSEU to interview PA recipients within twenty days of case referral is based on federal regulations pertaining to IV-D case processing standards.

ix. For PA denials and withdrawals, CSEU may provide CSS, at the applicant's option and application for CSS (DSS-2521).

c. Special notes pertaining to both workflow options

i. A district's option to conduct pre-certification or post-certification IV-D interviews must be applied consistently. However, exceptions may be made in special circumstances, e.g., a pre-certification district may arrange a post-certification IV-D interview for an applicant whose illness precludes an earlier appointment.

ii. PA eligibility determinations cannot be delayed pending applicants' compliance with the IV-D interview requirement.

For both the pre-certification and post-certification interview options, CSEU must notify IM promptly via DSS-2859 (Attachment VIII) when an applicant is contacted and refuses to comply with the IV-D interview requirement. The CSEU also must evaluate each PA case in which an applicant has not refused to cooperate, but who nonetheless has failed to cooperate with the IV-D interview requirement within twenty calendar days after electronic referral of the PA case opening. The CSEU must notify IM promptly if its recommendation is to sanction a PA applicant or recipient who has failed to cooperate. IM must use the guidelines in Section V.C to determine whether to impose a sanction.

iii. PA applicants who claim good cause for refusing to cooperate in establishing paternity or securing support are excused from IV-D cooperation until a final determination of whether good cause exists has been made. Pending a determination of good cause, IM cannot delay, deny or discontinue assistance to an individual who has claimed to have good cause for refusing to cooperate, provided that the applicant/recipient is cooperating with the district's investigation of the claim. Guidelines for good cause determinations are contained in Section V.D.

iv. The DSS-2860 must be data-entered with, not prior to, data entry of the PA case opening. IM workers should review the DSS-2860 which was completed during the PA eligibility interview and update any information which has changed in

the interim between intake and eligibility determination. Certain fields are crucial to the WMS/CSMS link which drives electronic (automated) referrals and daily and monthly interface reports, but also are prone to change. To maximize successful automated IV-A/IV-D interface, IM must take particular care to ensure the accuracy of the Case Number and Line Number fields on the DSS-2860.

C. Cooperation in Obtaining Support

1. Definition

Federal and state laws and regulations require individuals who apply for PA on behalf of a minor child to cooperate with efforts to identify and locate the parent of the child, establish the paternity of a child born out-of-wedlock and obtain support payments and any other payments or property due the applicant/recipient and/or the child.

In addition, state law requires an ADC, HR or PG-ADC/HR-PG applicant or recipient who is pregnant with or the mother of an out-of-wedlock child to cooperate with efforts to establish paternity and pursue support for that child. This requirement applies so long as the child lives with the applicant/recipient, regardless of whether the child is included in the application for assistance. By assisting the CSEU to establish paternity and obtain support for the non-PA child, the parent can help to provide a more secure future for the child.

Cooperation includes any of the following actions related to fulfilling the above-stated requirements:

- o Appearing at an IM or CSEU office to provide oral, written or documentary information known to or reasonably obtainable by the applicant/recipient which will aid IM and the CSEU in establishing eligibility and securing child support;
- o Appearing as a witness at judicial and other hearings and proceedings;
- o Providing information, or attesting to the lack of information, under penalty of perjury; and
- o Remitting to the CSEU/SCU any payments received from the absent parent. Application for or receipt of ADC or ADC-U constitutes an assignment of support rights on behalf of all persons for whom ADC or ADC-U is requested. This assignment includes rights to support payments which are due on or after the date on which

the district receives the signed application form (DSS-2921), and support payments which were due but were not paid prior to such application. The assignment is limited to the amount of PA granted. Federal and state laws do not permit ADC or ADC-U applicants/recipients to receive SCU-collectable assigned support payments and retain them as budgetable income.

The distribution of support monies payable to HR and PG-ADC/HR-PG recipients is addressed in Section V.E.1.

2. Exceptions to Cooperation Requirements

- a. The establishment of paternity and a support order are not required when the child has been surrendered for adoption or, for a period of up to ninety days after the child's birth, when the applicant is being assisted by a public or licensed private social services agency to decide whether to surrender the child for adoption.
- b. When a petition for the establishment of paternity has been filed but the putative father denies paternity, state law requires that further paternity proceedings be deferred until sixty days after the child's birth. For PA, this deferral applies only to paternity proceedings for the newborn child. Paternity and support proceedings for the applicant/recipient and other children in the PA household are not deferred.

NOTE: IM must refer a PA applicant/recipient to the CSEU, via the DSS-2860, immediately upon learning that she is pregnant or has a newborn child and paternity and/or support establishment services will be required. The CSEU should initiate paternity and/or support proceedings without delay, and the applicant/recipient should be encouraged to participate early in efforts to locate the putative father and to establish paternity and a support order. However, if she fails to cooperate, a sanction cannot be imposed until after the child has been born and, if appropriate, added to the PA grant. Her MA eligibility must be continued for 60 days after the birth of the child.

- c. The applicant is excused from cooperating with efforts to establish paternity and secure support if such cooperation would be against the best interests of the child, i.e., "good cause" exists for refusing to cooperate. However, the district may proceed without the applicant's cooperation if it has determined that

its actions would not risk harm to the applicant or child. Good cause determinations are addressed in Section V.D.

- d. MA-Only pregnant applicants are not required to cooperate with efforts to establish paternity or secure support for any of their children while they are pregnant or for sixty days after the birth of the child. See Section V.H, MA Implications, for MA-Only case requirements.

3. Refusal or Failure to Cooperate

a. Opportunity to Claim Good Cause

As stated in Section V.B.1, applicants and recipients must be informed of their responsibility to cooperate with the paternity establishment and support enforcement process, and of their right to claim good cause for refusing to cooperate. While the validity of a good cause claim is pending final determination, the applicant/recipient who claims good cause is excused from cooperating with the CSEU. Good cause can be claimed at any time during the IV-A/IV-D process. For example, a recipient may claim good cause due to recent potentially harmful events or circumstances which did not exist when the individual was initially referred to the CSEU.

b. Determining Refusal or Failure to Cooperate

A determination of refusal or failure to cooperate with identifying and locating an absent parent, establishing paternity or securing support must be based on reasonable grounds showing that the individual has withheld information, knowingly has given false information or refused or failed to take a requested action to fulfill the paternity establishment and support enforcement requirements. Reasonable grounds for a finding of non-cooperation must include objective evidence of non-compliance, and cannot be based solely on:

- o a suspicion or subjective belief that the individual is withholding or falsifying information;
- o failure to have information which the individual reasonably could be expected to have; or
- o dissatisfaction with the individual's demeanor.

An individual who has attested to lack of information, as described in Section V.B.1.d, cannot be determined

to have failed to cooperate in identifying or locating the absent parent/putative father unless the IM or CSEU worker:

- o has credible independent evidence showing that the individual's attestation is false; or
- o shows that the individual has given inconsistent information pertaining to the absent parent/putative father and has no reasonable explanation for the inconsistency.

c. Penalty for Non-Cooperation

i. Imposing a Sanction

An individual who refuses or fails to cooperate with paternity establishment or child support enforcement requirements, and who has not claimed and been found to have good cause for such failure to cooperate, is ineligible to receive ADC, ADC-U, HR or PG-ADC/HR-PG until he or she complies with such requirements. The individual's failure to cooperate with paternity establishment and child support enforcement requirements does not result in ineligibility for food stamps.

The IM worker may conclude that an individual has failed to cooperate based on the worker's own interaction with the client or based on a recommendation from a CSEU worker. In both instances, the IM worker is responsible for evaluating the available evidence and imposing a sanction.

When imposing such a sanction, only the ADC caretaker relative or the HR or PG-ADC/HR-PG grantee's needs are removed from the grant.

EXAMPLE #1: Joan Smith applies for PA for herself, her sixteen-year-old daughter, Marie, and Marie's son, David. Joan is willing to cooperate with the CSEU's efforts to establish paternity and secure support for Marie and David, but Marie refuses to cooperate with respect to David's father. Marie does not claim to have good cause for her refusal. Marie is sanctioned, but assistance is granted for Joan and David if they are otherwise eligible.

EXAMPLE #2: Donna Sears, an SSI recipient, applies for PA for her son, Michael. She refuses to identify Michael's father. ADC must be granted for Michael if he is otherwise eligible.

EXAMPLE #3: Susan Woods is six months pregnant. She has no other children. She applies for PA but refuses to identify the father of her unborn child. If otherwise eligible, Susan must be granted ADC. She cannot be sanctioned until the child has been born and placed on the grant. However, Susan's MA must continue until 60 days after the birth of the child: See Section V.H.

EXAMPLE #4: Michelle Thomas receives ADC for herself, her fourteen-year-old son, Michael, her seventeen-year-old daughter, Lisa, and Lisa's son, Jason. In the course of their investigation, the CSEU learns that Jason's father voluntarily makes support payments to Lisa for Jason. When questioned, Michelle acknowledges that Lisa receives \$20 per week for Jason's support. Michelle refuses to refund the countable portion of the support income to the SCU, and states that Lisa will continue to receive and retain the \$20 weekly child support.

As the applicant and ADC caretaker relative, Michelle assigned all rights to support on behalf of her household. Her refusal to pay to the district the support payments received directly by her ADC household is refusal to cooperate with IV-D requirements. The IM worker sanctions Michelle and recoups the overpayment from the assistance granted to the remaining household members (See Section V.E.1.a). The CSEU accelerates their efforts to establish Jason's paternity and secure a court order for support payable to the SCU on his behalf.

This example of a three-generation household differs from Example #1, in which the minor parent, not the grandparent, is sanctioned. In Example #1, the minor parent refuses to cooperate, and the grandparent has neither the information needed by the CSEU nor the ability to compel her daughter to divulge

the required information. The grandparent in Example #4, as the applicant/payee, has the responsibility and ability to pay to the SCU an amount equal to the countable portion of the assigned support payments received directly by the ADC household.

NOTE: Even when a caretaker grantee refuses or fails to cooperate with child support enforcement requirements, IM must refer to the CSEU each PA case which includes or will include a minor whose paternity has not been adjudicated or whose parent is continuously absent. Unless IM has determined that good cause exists, the CSEU will proceed, to the extent possible, without the caretaker's cooperation. Thus, in all of the preceding examples, the IM worker must refer the cases to the CSEU no later than case opening. Case #3 is referred based on the presumption that, at birth, the child will be added to the PA case. However, the mother cannot be sanctioned until the child has been born and added to the case or, if a petition has been filed and the putative father denies paternity, until sixty days after the child's birth.

ii. Sanction notification

For a PA applicant who is sanctioned at case opening, the "Action Taken on Your Application" (DSS-4013) must notify the household of the application acceptance. However, the IM worker must state, in the PA acceptance comments area, whose needs are included in the grant, who is sanctioned and the reason for the sanction. The reason should be stated as explicitly as possible, e.g., "You refused to cooperate in obtaining child support. On November 1, 1991 you refused to attend a November 2, 1991 meeting with a child support enforcement worker."

The PA notice also must indicate the MA acceptance for those individuals opened on PA and the MA denial, if appropriate, and reason for denial of the sanctioned individual.

For a PA recipient whom the IM worker proposes to sanction, timely and adequate notice must be provided in a "Notice of Intent to Change Benefits" (DSS-4015) or "Action Taken on Your Recertification" (DSS-4014), as appropriate.

iii. PA Budgeting for Non-Cooperation Sanctions

While sanctioned, the non-cooperating individual's needs are not included in the calculation of eligibility and grant amount for the remaining household members. The full (not pro-rated) needs of the remaining household members, if otherwise eligible, must be included. If the sanctioned individual is the biological or adoptive parent of a minor member of the PA household, the sanctionee's countable income is applied on a pro-rata basis.

EXAMPLE: Mary Smith applies for PA for herself and her two children. She receives \$75 per week in gross earnings. She refuses to cooperate with locating her children's putative father, and does not claim to have good cause for her refusal. Her children's ADC eligibility and grant amount are calculated based on the PA needs for a household of two persons; and two-thirds of Ms. Smith's net income, after applying the work expense disregard (currently \$90) and appropriate earned income exemption (\$30 plus one-third or \$30, if applicable), is budgeted. Use of "Earned Income Source Code 21 - Earnings of a Sanctioned Legally Responsible Relative" will cause WMS Automated Budgeting and Eligibility Logic (ABEL) to calculate the correct amount of applicable income in these situations.

For food stamps purposes, Mary and her children would comprise a mixed FS household of three, and her full income of \$75 per week would be budgeted.

iv. Granting Assistance to Remaining Household Members

Federal law and regulations require that ADC payments to the children of a caretaker relative who is sanctioned for non-cooperation with child support enforcement requirements must be made in the form of a

protective payment to an individual other than the sanctionee. Districts' procedures for designating protective payees must be consistent with the guidelines provided in PASB XVII-C-4,5. However, unless a determination of mismanagement has been made, IM may pay the ADC grant to the sanctionee if all reasonable efforts to identify a suitable protective payee have been unsuccessful.

An HR or PG-ADC/HR-PG individual who is sanctioned for non-cooperation may be the payee for the eligible household members, i.e., protective payments are not required.

v. Terminating a Non-Cooperation Sanction

Non-cooperation sanction durations are open-ended, i.e., until compliance. A sanctioned individual who indicates a willingness to cooperate must be informed by IM of the specific action(s) which must be taken to have assistance provided or reinstated. When the individual cooperates or makes a good faith effort to cooperate, the sanction must be ended. For example, a recipient who was sanctioned for refusing to testify in court, but who now agrees to testify, must have assistance reinstated upon so agreeing. The sanction cannot be continued until the individual actually testifies, because the setting of court dates is beyond the sanctionee's control. If there are no specific actions to be taken, the sanctionee's written statement of a willingness to cooperate must be accepted as sufficient evidence of cooperation to end the sanction.

D. Determining Good Cause

1. Definition of Good Cause

An ADC parent or caretaker relative or an HR or PG-ADC/HR-PG grantee may refuse, without penalty, to cooperate with paternity establishment and child support enforcement requirements when such cooperation would be against the best interests of the child. Following are the only circumstances under which "good cause" for non-cooperation may be found to exist:

- o Cooperation is expected to result in physical or emotional harm of a serious nature to the child for whom support is sought;
- o Cooperation is expected to result in physical or emotional harm of a serious nature to the parent/caretaker relative/grantee sufficient to impair the caretaker's ability to care for the child;
- o The child was conceived as a result of incest or rape, and establishing paternity or seeking support would be detrimental to the child;
- o Adoption of the child is pending before a court, or the caretaker is receiving pre-adoption counseling services (for up to three months after the child's birth).

Special considerations apply with respect to a good cause claim based on emotional harm. In order for IM to find good cause for refusal to cooperate due to the expectation of emotional harm, the applicant/recipient must demonstrate that the emotional harm would have a substantial effect on the individual's ability to function. When evaluating emotional harm good cause claims, IM workers must consider:

- o The present emotional state of the individual subject to emotional harm;
- o The individual's emotional health history;
- o Intensity and probable duration of the emotional impairment;
- o The extent of cooperation with the child support enforcement process which would be required; and
- o With respect to emotional harm to the child, the extent to which the child would be involved in the paternity establishment and support enforcement activities.

2. Procedures for Determining Good Cause

An applicant/recipient who claims good cause for refusing to cooperate must sign both the first and second good cause notices (DSS-4279 and DSS-4280), as described in Section V.B.1. The good cause claimant has the burden of proving that good cause exists, by specifying the circumstances which the claimant believes constitute good cause, providing corroborative evidence, and cooperating with IM's investigation of the claim.

IM must determine whether good cause exists based on the claimant's evidence, its own investigation if needed, and recommendations from the CSEU. Specific steps of the good cause determination process are:

- a. IM must notify the CSEU that an applicant has claimed good cause at the same time that IM refers the case to CSEU. IM must report a recipient's good cause claim within two days of the claim. IM may notify CSEU of good cause claims by filling in the Good Cause Indicator on the DSS-2860.
- b. The good cause claimant has 20 days from the day the DSS-4280 (Attachment VI) is signed in which to provide corroborative evidence. The IM worker must, upon supervisory approval, allow a reasonable additional period of time if the worker determines it to be necessary because the evidence is difficult to obtain.
- c. Good cause may be corroborated with the following types of evidence:
 - o A birth certificate or medical or law enforcement record indicating that the child was conceived as the result of incest or rape;
 - o Court or other documents indicating that legal adoption proceedings are pending;
 - o A written statement from a public or licensed private social agency that it is assisting the parent to decide whether to release the child for adoption;
 - o Court, medical, criminal, law enforcement, child protective services, social services or psychological records indicating that the putative father or absent parent might inflict physical or emotional harm on the child or the caretaker;
 - o Medical records indicating the child's or caretaker's emotional health history and present state, or written statements from a mental health professional licensed to practice in New York State indicating a diagnosis or prognosis of the child's or caretaker's emotional health; or
 - o Sworn statements from individuals (other than the claimant) with knowledge of the good cause circumstances. A "sworn" statement is signed before, and witnessed and signed by, a person who is empowered to administer an oath to the

testifier. Persons authorized to administer oaths include notaries public, commissioners of deeds, judges, town justices and justices of the peace.

- d. IM must examine the evidence submitted by the claimant and, if additional evidence is needed to make a good cause determination, promptly notify the claimant of what specific type of evidence is needed.
- e. If requested, IM must advise the claimant how to obtain needed documents, and attempt to obtain any documents which the claimant is not reasonably able to obtain without assistance.
- f. When no corroborative evidence is submitted or available, but the claim is based on anticipated physical harm, IM must investigate the claim if IM believes that, even without corroboration, the claim is credible. The intent of this requirement is to protect victims of domestic violence who have been too afraid or embarrassed to tell anyone about the violence that they have suffered and who, therefore, would be unable to provide evidence to support their claim.
- g. IM may further investigate and verify any good cause claim when the claimant's statement and evidence are insufficient to make a determination, i.e., the agency is not satisfied that it has adequate information to decide whether or not good cause exists.
- h. If IM conducts an investigation it will, if necessary to its determination, contact the putative father or absent parent. Before contacting the putative father absent parent, IM should consider whether the necessary information could be obtained from another source, and whether the absent parent is likely to be the most appropriate and objective source. For example, if a claimant alleges that an absent father has threatened to physically harm her, it is not reasonable to expect the absent father to corroborate her claim.

Also, before making such contact, IM must notify and give the claimant the opportunity to:

- o submit additional evidence or information to make contact with the putative/absent parent unnecessary;
- o withdraw the application for assistance or request that the case be closed; or

- o have the good cause claim denied.
- i. Prior to making a determination, IM must afford the CSEU an opportunity to review and comment on the findings and proposed determination. IM must take into consideration recommendations, if any, from the CSEU. If a written referral is necessary, IM may use Attachment IX: "Notification of Good Cause Claim" to make this referral.
- j. Pending determination, the CSEU must suspend all paternity establishment and support enforcement activities (including the intake interview of an applicant) for the children to whom the good cause claim pertains. However, child support services for the caretaker's other children should not be suspended.

The CSEU must update the CSMS IVDJSI screen to reflect that good cause has been claimed by entering the appropriate status code, e.g., G001, G002, etc. The CSEU must update the IVDJSI screen whenever the status of a good cause claim changes.

- k. IM cannot delay, deny, reduce or discontinue assistance pending a determination of good cause for refusal to cooperate, as long as the claimant is complying by furnishing corroborative evidence and information needed for investigation of the claim.
- l. IM's final determination must be made within 30 days after the claimant signs the DSS-4280, unless the claimant was allowed additional time to provide verification.
- m. The IM worker's final determination of whether good cause exists and the basis for the determination must be approved or disapproved by a supervisor, documented in the PA case record, and reported to the CSEU within two business days of supervisory approval. Attachment IX may be used to make this report to the CSEU.
- n. IM's final determination will be one of the following:
 - i. Good cause for refusal to cooperate exists and the CSEU cannot pursue paternity establishment or child support;
 - ii. Good cause for refusal to cooperate exists but CSEU's efforts to establish paternity and secure support without the individual's participation will not pose risk to the child or caretaker; or

iii. Good cause does not exist.

o. IM must provide the claimant with written notification of the final determination and the basis for the finding. The notice also must inform the individual that:

o If IM excuses cooperation but determines that CSEU activities may proceed, the individual may choose to withdraw the application or request to have the PA case closed.

o If IM determines that good cause for refusal to cooperate does not exist, the individual may cooperate, withdraw the application or request to have the PA case closed; but continued refusal to cooperate will result in a sanction. If the individual does not respond or cooperate within five business days, IM must provide notice of intent to impose a sanction as specified in Section V.C.3.d.

p. The district's fair hearing officer must notify IM and CSEU of, and give both the opportunity to participate in, any hearing on an individual's appeal of IM's good cause determination and/or non-cooperation sanction.

q. IM must review at each recertification each case in which good cause has been determined based on circumstances subject to change. For example, a good cause claim which was based on potential emotional harm to the caretaker and on caretaker's emotional state six months ago should be re-evaluated at recertification. In districts outside New York City, workers may use Anticipated Future Action Code "328: Follow-up on Referral (Other)" as a reminder to review good cause determinations. IM must notify the CSEU within two business days of any change in a good cause decision.

3. Good Cause Record Keeping

IM must retain records and submit quarterly reports to the Department of all applicants and recipients who claim good cause and all determinations made. Instructions for completing the required report form (DSS-3343) are contained in 81 ADM-25.

E. IM's Ongoing Responsibilities

1. PA Treatment of Support Income

a. ADC and ADC-U Cases

By signing the application (DSS-2921) and recertification (DSS-3174) forms, ADC and ADC-U applicants/recipients assign to the district and the Department their rights to all court-ordered and other support paid and payable on behalf of themselves and all children for whom they apply. Upon assignment, the CSEU takes necessary action to redirect support payments to the Department by changing the beneficiary of an order already payable through the SCU or by modifying the order to be made payable to the SCU based upon the assignment.

Subsequent to signing the PA application, any support payments received directly on behalf of an individual applying for or receiving ADC or ADC-U must be remitted to the SCU. The address of the district's SCU must be prominently posted in all PA and CSEU client reception and waiting areas.

Assigned support is not applied to reduce the ADC or ADC-U grant. However, assigned support is counted in the gross and net income eligibility tests (first \$50 per month of total current support amount is disregarded). ABEL budgeting instructions and information on the IV-D Indicator are provided in Section VI.

Assigned support which is received directly and retained by an ADC or ADC-U recipient must be recouped as an overpayment. The overpayment amount is equal to the total amount of support payments retained, minus \$50 per month of current support received by the household. For more information concerning the \$50 disregard (pass-through), please refer to Section V.E.5.

b. HR and PG-ADC/HR-PG cases

HR and PG-ADC/HR-PG applicants are not required to assign their support rights when they apply for PA or child support services. Support payments which are received regularly on behalf of an individual who is included in such a PA case must be budgeted as income. Irregular payments are not budgeted but must be turned in as reimbursement for PA granted, as described (ii) below.

However, districts should encourage HR and PG-ADC/HR-PG applicants to consent to have the SCU collect support payments on their behalf and apply the collections as repayment of assistance granted. By so consenting, an HR or PG-ADC/HR-PG recipient will benefit from the SCU and CSEU enforcement of child support order, will receive a full PA grant even when

support payment amounts fluctuate, and will be included in the IV-D MRB/A for automated pass-through payments. Districts may use the wording contained in Attachment X: "Voluntary Consent to Apply Support Collections as Repayment of Assistance" in a consent form which an HR or PG-ADC/HR-PG applicant or recipient may sign. The original signed consent form must be filed in the PA case record and a copy given to the applicant. Until the revised DSS-2860 is available, IM must notify the CSEU when an HR or PG-ADC/HR-PG applicant has signed a consent form by giving a copy of the signed form to the CSEU. The CSEU must ensure that appropriate staff are immediately notified to set up an account with the proper ledger, e.g., a 21BR ledger.

Treatment of HR and PG-ADC/HR-PG support income is determined by whether the recipient agrees to have the SCU collect and apply support payments toward repayment of the recipient's PA grant, as described below.

- i. HR or PG-ADC/HR-PG support collected and applied as repayment of PA

IM must notify the CSEU within two business days when an HR or PG-ADC/HR-PG applicant/recipient has voluntarily consented to have the district collect and apply support payments as reimbursement for PA granted. If a support order already exists but is not payable through the SCU, IV-D must notify the support obligor and/or petition in court to make the support obligation payable to SCU. Payments received by the SCU on behalf of the HR or PG-ADC/HR-PG recipient in excess of \$50 per month of current support collected are retained as reimbursement for PA granted. Such support income is not applied to reduce the household's PA grant, but is counted in the gross and net income eligibility tests. Instructions for ABEL budgeting and the IV-D Indicator are provided in Section VI.

Any support payments which the recipient receives directly must be given to the SCU. Support payments which are retained by a recipient and have not been surrendered as reimbursement for the PA grant must be recouped as overpayments, after applying the \$50 disregard, when appropriate.

- ii. HR or PG-ADC/HR-PG support received by the household

The actual amount of payments which are received regularly and retained by a member of the PA household, up to the amount of the obligation for current support (not arrears), must be budgeted as unearned income. Also, support payments which reasonably can be expected to be received regularly, as when an income execution has been issued against the support obligor's wages, must be budgeted. ABEL instructions for disregarding the first \$50 are provided in Section VI.

EXAMPLE: John Barnes is an eighteen-year-old PA applicant who is found eligible in the PG-ADC category. His father, Bob, is subject to a court order which requires him to pay to John \$75 per month in current support and \$10 per month toward past-due support. Bob's employer withholds \$85 per month from Bob's wages to send to the SCU for John. Because John reasonably can be expected to receive the full amount of current support regularly, his IM worker budgets \$75 per month as current support income. ABEL then disregards \$50 per month. The \$10 per month support arrears which John receives is not counted as income.

However, no support can be budgeted if:

- o In at least one of the preceding three months, the full monthly amount of the current obligation has not been received; or
- o Full payments reasonably cannot be expected because the obligor has not been located or is unemployed, hospitalized, incapacitated, incarcerated, has a sole source of income of PA or SSI, or has missed three consecutive payments.

When support payments are not budgeted because receipt is irregular or the amount uncertain, as described above, any current support payments which subsequently are received in excess of \$50 per month must be either:

- o surrendered by the recipient to the SCU, as repayment of PA granted; or
- o recouped as overpayments of PA.

c. Support sources which cannot be paid directly to the SCU:

- i. Military dependents' allotments which are paid voluntarily by a serviceperson to dependents generally are not payable to the SCU. If the serviceperson is not a member of the PA household which receives the allotment, the allotment is budgeted as support income. ABEL instructions for budgeting unassigned support and disregarding \$50 per month are provided in Section VI.

Court-ordered military allotments may be paid to the SCU and treated as assigned support. ABEL budgeting instructions are provided in Section VI.

- ii. Spousal support or alimony is payable to the SCU only when an order for child support also is assigned. Spousal support payments which are received directly by a PA household must be budgeted as described in Sections V.E.1.ii and VI.

EXAMPLE: Patricia Booth applies for PA for herself, her four-year-old daughter, Linda, and Linda's adjudicated father, Bill Walters. Patricia, who is incapacitated, receives \$40 per week alimony from her ex-husband. Patricia and Linda are determined eligible for ADC, and Bill is included in the ADC household as an essential person. Patricia and Bill are both over 21 years of age.

Patricia is not referred to the CSEU because her household does not include a minor who has an absent parent or whose paternity has not been established. Also, because no child support payments are assigned, the alimony cannot be collected directly by the SCU. Patricia's \$40 weekly income from alimony is budgeted against her needs, with \$50 per month of current support disregarded.

2. Food Stamp Treatment of Support Income

Support payments which are anticipated to be received directly by a household and not surrendered to the SCU as a reimbursement for PA are counted as Food Stamp income. FS treatment of support pass-through payments is described in Section V.E.5.d.

3. Requesting Information

IM has an ongoing responsibility to ask recipients for new and changed information concerning putative fathers and absent parents. As the agency's first and most frequent point of contact with recipients, and as the determiner of ongoing PA eligibility, the PA examiner is best able to remind recipients of the requirement and the benefits of cooperating with support enforcement activities. On the support enforcement team of IV-A, CSEU and the recipient, the recipient can be the most effective investigator. Often a recipient has access to vital information that can save months of investigation and location efforts.

To reinforce recipients' involvement in the support enforcement process, IM must question recipients regarding putative fathers and absent parents no less frequently than at each recertification. In addition to asking the support-related questions included in the recertification form (DSS-3174 sections 4, 5, 10 and 11) and completing all applicable questions in the recertification guide (DSS - 3608 sections 7, 11 and 15), PA examiners may ask appropriate and specific questions such as the following examples of questions about an absent father:

- o What is Suzie's father's social security number?
- o Do you have copies of decisions in paternity adjudication or support order proceedings? If not, in what court were the orders made?
- o When did you or Suzie last hear from Suzie's father?
- o Where is he living now?
- o Where is he working now?
- o What other income does he have?
- o Who else (his family or friends) might know where he is or where he is working?
- o When you need to contact him, do you have a telephone number where he can be reached?
- o Based on things you remember him saying or doing, to where do you think he might have moved?
- o Does he call or send Suzie cards or gifts? If so, from where are the calls or mail?
- o Does he send money for Suzie?
- o If he's not providing health insurance for Suzie, can he obtain it through his job?

- o What have you heard about his whereabouts from his family or friends?

In addition to asking location and support - related questions at recertification, IM must encourage recipients between recertifications to report any new or changed information immediately. IM must promptly refer all information to the CSEU so they can follow-up on leads while they are fresh. IM refers recipients' new and changed putative father/absent parent information to the CSEU on a data-entered DSS-2860 (Attachment VII). Additional comments or documents may be attached to the referral.

4. Acting on CSEU Information and Requests

a. Acting on CSEU information

- i. The CSEU receives, for referral to IM, monthly reports of PA households for whom current support collected equalled or exceeded the PA deficit amount. Promptly upon receipt of information from the CSEU that current support exceeds PA granted, IM must determine whether the household would remain eligible for PA if the household received the support directly.
- ii. IM also must redetermine ongoing PA eligibility when notified by CSEU that an absent parent has returned to a PA household. However, IM cannot close a PA case based on a parent's return until all of the following actions are completed:
 - o The household must be informed of filing unit requirements. Generally, the returning parent must apply for assistance and the parent's income must be counted against the PA budget for the household which includes that parent's minor dependent children;
 - o The household's financial eligibility for PA must be redetermined based on the inclusion of the returning parent's income and resources (or the household will be ineligible due to its failure to comply with filing unit or verification requests); and
 - o The household's category of assistance must be redetermined in light of the absent parent's return. If otherwise eligible, the household may continue to receive assistance

in the ADC category for three calendar months after the month in which the absent parent returns to the home.

iii. In addition to acting on financial information referrals from CSEU, IM must consider any CSEU recommendations to impose non-cooperation sanctions. Guidelines for determining non-cooperation and imposing sanctions are provided in Section V.C.3.

b. Responding to CSEU requests

IM must respond promptly to CSEU's questions or requests for information. Such requests may be prompted by their own investigation, their access to WMS records, or the "Daily CSMS IV-A - IV-D Interface Report."

The Daily Interface Report notifies CSEU of WMS transactions involving PA cases which are linked to IV-D cases. It serves as automated referrals from IM to CSEU, and reports occurrences such as case openings and closings, category changes, and additions or deletions of individuals to cases. These automated referrals eliminate the need for paper referrals in almost all situations. However, in order to ensure the accuracy of the reports, IM must:

- o Submit for data entry a DSS-2860 for each putative father and absent parent associated with each PA case.
- o Enter the appropriate WMS IV-D Indicator Code for each PA case which has been referred to the CSEU (see section VI for WMS instructions).
- o Use specific WMS Transaction Reason Codes, e.g., "950: Refusal to comply with IV-D" or "115: Absent parent's return."

Once the revised DSS-2860 and WMSIVD and IVDRSP screens are available, the automated referrals will eliminate the need for paper referrals.

5. Pass-through payments

a. Authorizing pass-through payments

For each PA household, the first \$50 per month of current child or spousal support collected must be disregarded in determining PA eligibility and degree of need. For a household which has assigned support rights, the first \$50 of current monthly support

collected on its behalf by the SCU must be paid ("passed through") to the household. This payment is made only for current support collections, not for arrears.

The monthly IV-D Mass Rebudgeting/Authorization process (IV-D MRB/A) supports the automated issuance of pass-through payments to eligible PA households and identifies households which potentially are eligible for pass-throughs. Based on an interface between CSMS and ABEL, IV-D MRB/A generates lists of eligible (automatically authorized) and exception cases. After the CSEU reviews and resolves the IV-D exceptions (cases excluded from the MRB/A prior to match with WMS), IM must review and resolve the IV-A exceptions and authorize pass-through payments manually for all exception cases eligible for pass-throughs. All "exceptions" must be resolved, appropriate manual authorizations data-entered and pass-through payments issued by the 20th calendar day of each month for support collected in the preceding month.

IM also must review the eligible and exception lists for cases with a "PA Warning" message in the "Message" column. This message identifies PA cases on whose behalf the previous month's current support collections equalled or exceeded the PA deficit amount in ABEL. IM must use the "total support collected" amount reported, and any additional information provided by the CSEU, to redetermine the household's PA eligibility.

b. "Current support" defined

"Current support" is the support collected in a month which represents payment toward the required support obligation for that month. Because only current support collections qualify a PA household for a pass-through payment, SCU staff have been instructed to enter the date of collection, as defined below, in the CSMS "receipt date" field which is used in the IV-D MRB/A match.

Federal law defines the date of support collection in New York State as the earlier of:

- o The date the support payment was received from the obligor by the SCU actually making the collection. For payments an obligor makes directly to another New York State SCU or another state's IV-D agency for forwarding to the

district's SCU, the date of collection is the date the payment is actually received by the first agency; or

- o The date the support payment was irrevocably withheld from the obligor's income by an employer or other income payor, e.g., unemployment insurance benefits (UIB). For payments withheld from an obligor's income for forwarding directly to the district's SCU, or through another agency for forwarding to the district's SCU, the date of collection is the date the payment is withheld by the income source.

When support obligations are fulfilled by income withholding and/or are collected by another district or state, they sometimes are received by the SCU in the PA household's district after the IV-D MRB/A match for the collection month. Subsequent months' IV-D MRB/A matches identify these payments, which represent current support paid in the two prior months, and authorize pass-through payments if the household is otherwise qualified. However, total pass-through payments for each month's current support collections cannot exceed \$50.

PA households are notified that current support payments have been received by their district's SCU on their behalf via DSS-3677: "Report of Support Collected". These monthly mailers are printed and mailed by the Department in conjunction with the IV-D MRB/A.

EXAMPLE: Tammy Lynn and her daughter, Mary, are Niagara County ADC recipients. Mary's father lives in Tennessee, where in January he began making payments toward his \$15 weekly child support obligation to the local IV-D agency. The collection dates and amounts, dates the payments are received by the Niagara County SCU, and the resulting pass-throughs paid to Ms. Lynn are shown below.

	Support Due	Support Collected in Tennessee	Support Received in Niagara	IV-D MRB/A Pass-through Paid
<u>Month:</u>				
December	\$ 0	\$0	\$ 0	\$ 0
January	\$60	\$60	\$45	\$ 0
February	\$60	\$45	\$15 (January Collection) \$30 (February Collection)	\$45 (January Collection)
March	\$60	\$75	\$15 (February Collection) \$60 (March Collection)	\$ 5 (January Collection) \$30 (February Collection)
April	\$75	\$60	\$15 (March Collection) \$30 (April Collection)	\$15 (February Collection) \$50 (March Collection)
May	\$60	\$ 0	\$30 (April Collection)	\$30 (April Collection)
June	\$60	\$ 0	\$ 0	\$20 (April Collection)
July	\$60	\$ 0	\$ 0	\$ 0

c. Pass-through inquiries

To the extent possible, IM must respond to and resolve recipients' inquiries about pass-through payment amounts and dates. If a recipient's questions involve the dates and amounts of support collections, the CSEU must assist IM to resolve the inquiry.

When an individual disagrees with the amount of pass-through payments received or with the district's response to an inquiry, the individual must be referred to the desk review process, as explained in section V.G.

d. Food Stamps

For food stamp purposes, the total amount of pass-through payments which a household actually receives in a month, for support due and collected in the preceding month, is budgeted as unearned income in the month following the month in which the pass-through is paid.

EXAMPLE: In March, Jane Rogers receives a \$50 pass-through payment for current support collected in February and a \$40 pass-through payment for current support collected in January. In April (the month following the month in which the pass-through payments are received), only the \$50 pass-through of February collections is budgeted as income for food stamp purposes. The pass-through payment received in March for January collections is excluded as income because it is considered a lump sum payment.

F. CSEU's Ongoing Responsibilities

1. Daily CSMS IV-A/IV-D Interface Report

The daily interface report represents electronic referrals from IM of actions taken on PA cases which are linked to a IV-D case (including pending IV-D cases). An updated desk reference guide for interface report messages was sent to CSEU coordinators on December 5, 1990.

The CSEU must review the daily interface report and, for each PA case action reported, initiate any appropriate IV-D case action. When additional PA information is required, the CSEU worker must request the needed information from IM

promptly. This request may be oral or written but, to expedite required case actions, requests should be oral if possible.

2. Acting on IM Information and Requests

CSEU staff must take appropriate action on information referred from IM via the data-entered DSS-2860 or other means. CSEU staff also must respond promptly to IM questions and requests for information.

3. Notifying PA recipients

The CSEU or SCU must notify PA recipients who are receiving IV-D services of their right to be informed, upon request, of the time, date and place of initial and subsequent hearings or court proceedings to establish paternity or establish, modify or enforce a support obligation, as follows:

- o In all districts, a copy of the DSS-3908: "Important Notice Regarding Child Support" must be either given to PA applicants/recipients at the time of the IV-D interview or, for those cases in which an in-person interview is not required, sent to PA applicants/recipients after a IV-D referral is received. Districts must ensure that PA applicants/recipients understand that any necessary and appropriate petitions will be filed on their behalf, and that the court will be advised to notify them of the time, date and place of any court hearing, if they choose to be notified. A PA applicant/ recipient who has assigned support rights must then indicate to the CSEU whether or not he/she wishes to be kept informed of the time, date and place of any proceedings involving such assignor of support rights. In some districts, it should be noted that the court routinely sends a summons or notification to all parties concerned, in all cases.
- o In districts where custodial parents customarily receive notification of or a summons for appearance at every court hearing or trial, no further action is necessary.
- o In districts where custodial parents are not customarily summoned for every court proceeding, when the CSEU files a petition for paternity establishment or establishment, modification or enforcement of a support order on behalf of a PA recipient who has requested to be informed, the court must be notified

at the same time to send a copy of the summons showing the time, date and place of the hearing to the custodial parent.

- o The CSMS case record must reflect on the IVDJRR screen or by other appropriate means that the PA recipient in a IV-D case requests notification of future proceedings. The CSEU must ensure that the recipient is so notified.

Directions for ordering supplies of the DSS-3908 are provided in Section VII.

Districts may add to the DSS-3908, or otherwise make available to recipients of IV-D services, the addresses and telephone numbers of local legal services agencies which agree to be listed as offering legal representation in the areas mentioned in the DSS-3908.

4. Referrals to IM

CSEU must notify IM promptly, via a DSS-2859, of any information which may affect a household's PA eligibility. Examples of situations which CSEU must refer to IM include:

- o Paternity establishments
- o Absent parent's return to the household
- o PA applicant's/recipient's refusal or failure to cooperate with efforts to establish paternity or secure support
- o PA applicant's/recipient's direct receipt of assigned support payments

In addition, the CSEU may review and add notations to the monthly "Child Support Collected Greater Than PA Grant" report prior to giving the report to IM for appropriate action.

5. Pass-through payments

a. Resolving Monthly MRB/A exceptions

CSEU staff must review and resolve IV-D exceptions in the monthly IV-D MRB/A, indicating the amounts of pass-through payments due, for referral to IM.

CSEU also must review the monthly eligible and exceptions lists for cases with a "PA Warning" message indicating that current support collections equal or exceed the PA deficit amount. Although individual referrals to IM are not required for every "PA Warning" case because IM will receive and take action on the MRB/A reports, CSEU must refer to IM any additional pertinent information which will assist IM

to make an accurate redetermination of these households' continuing eligibility for PA. Examples of additional information which should be referred include:

- o Cases for which the support order has been reduced, suspended or terminated subsequent to the collection month reported.
- o Cases for which CSEU has reason to believe that full payment of the current support obligation will not continue, i.e., the obligor has failed to make payments in the current month or has terminated employment.

b. Pass-through inquiries

CSEU must respond to and, to the extent possible, resolve IM workers' pass-through inquiries concerning dates and amounts of support collections.

When an individual disagrees with the CSEU/SCU's support collection records on which pass-through payment amounts are based, the individual must be referred to the desk review process, as explained in section V.G.

G. The Desk Review Process

Individuals who dispute the amount or claim non-receipt of a child support pass-through payment may request a "desk review". The Department conducts the desk review and reports its findings to the individual who requested the review and to the district's pass-through liaison.

The booklet DSS-4148A: "What You Should Know About Your Rights and Responsibilities" is being revised to include information for PA applicants/recipients about the desk review process. The mailers, DSS-3677 and DSS-3677 NYC: "Report of Support Collected", advise recipients how to request a desk review. In addition, IM and CSEU staff must inform recipients who are dissatisfied with a determination regarding a pass-through payment that they may request a desk review by:

- o Writing to: New York State Department
of Social Services
Administrative Hearing - Pass-Through
P.O. Box 1930
Albany, New York 12201

OR

- o Calling: 1-800-342-3009

As part of a desk review, the Department reviewer may contact the appropriate district's pass-through liaison. This contact person is responsible for providing the necessary PA eligibility and support collection data to the reviewer expeditiously, and ensuring that all pass-through payments which the reviewer determines are owed to the family are paid promptly.

H. Medical Assistance Implications

Medical assistance workers should continue to refer to the CSEU cases that include a child under 21 whose parent(s) are absent from the home and cases where the parent(s) are present in the home but refuse to provide medical support. However, MA workers should not refer pregnant women to the CSEU until sixty days after the birth of the child. To the extent possible, prior to such referral, districts should continue to pursue the availability of third party health insurance (TPHI). However, if a pregnant minor does not want her parents contacted, TPHI should not be pursued. All other MA-only applicants/recipients must cooperate in establishing paternity and securing TPHI and medical support when applicable. An applicant/recipient's failure to cooperate without good cause renders such person ineligible for MA. However, children under age 21 shall be authorized to receive MA if they are otherwise eligible.

Medical Assistance workers should continue to use DSS-2521: "Application for Child Support Services" until the DSS-2860: Child Support Enforcement Referral" is revised. At that time, the DSS-2521 will be eliminated and MA workers should use the revised DSS-2860 for IV-D referrals. The revised DSS-2860 will include all the pertinent information from the DSS-2521.

MA workers should note that in addition to the MA responsibilities summarized in Section V.A.2., they are required to explain good cause and provide good cause notices DSS-4279 (Attachment IV) and, if requested, DSS-4280 (Attachment VI) to applicants/recipients being referred to the CSEU. When good cause is claimed, the DSS-4280 should be signed and MA workers should determine whether the applicant/recipient actually does have good cause for refusing to cooperate with the CSEU.

In determining eligibility for ADC-related and HR-related MA-only applicants/recipients, MA workers should continue to disregard the first \$50 of total support payments, either court-ordered or voluntary, received in any month.

VI. SYSTEMS IMPLICATIONS

A. WMS Instructions

1. WMS IV-D Indicator Code (Districts Outside New York City)

A IV-D Indicator Code of "Y: IV-D Case" or "X: IV-D Case to be excepted in the IV-D Monthly Mass Authorization" must be entered in screen 1 of the DSS-3636 or DSS-3209 for each PA case which includes a minor whose paternity has not been legally established or who has an absent parent. The "X" is used to prevent automated authorization of the pass-through payment and causes an Exception Report in the IV-D MRB/A. It is used at worker discretion.

For an ADC (Case Type 11) case which is not required to be referred to the CSEU, the IV-D indicator must be coded "N: Not a IV-D Case".

2. Data Entry of DSS-2860 (Districts Outside New York City)

The information on each DSS-2860: "Child Support Enforcement Referral" must be data-entered in the Child Support Enforcement Referral Screen (WSVIVD), which is accessed from the WMS main menu through selection number 29, or from the system acknowledgment screen (WSYSAK) through special function key SF5.

3. Pass-through checks which are authorized manually in districts outside New York City must be coded "D1 - IV-D Payment".

B. ABEL Instructions

1. Districts Outside New York City

a. For ABEL PA budgets, the following "Other/Unearned Income Source" Codes should be used as appropriate:

- 02: Alimony/Spousal Support
(not assigned; \$50 disregarded)
- 06: Child Support Payments
(not assigned; \$50 disregarded)
(also used for unassigned military dependents' allotments when the serviceperson is not a member of the PA household)
- 10: GI Dependency Allotment
(not assigned; no disregard - used when serviceperson is PA household member)
- 13: Alimony/Spousal or Child Support assigned to Agency (Assigned; \$50 disregarded)

NOTE: When the amount of assigned support (minus \$50) is greater than or equal to the calculated budget deficit, or greater than or equal to the calculated surplus in a Gross Income Test failure, ABEL will

generate a "W" in the Surplus/Deficit (S/D) field as a warning that the worker should further investigate the household's eligibility for PA.

- b. Excess pass-through payments and overpayments resulting from support payments being received directly and retained by a PA recipient (other than unassigned support which is budgeted against PA needs as described in section V.E.1.) must be recouped using Recoupment Type Code "5: IV-D Payment".
- c. For ABEL Food Stamp budgets, child support pass-through payments are budgeted in the IV-D MRB/A as Other/Unearned Income Source Code "87: IV-D Payment".

2. New York City

If the ADC applicant/recipient household is in receipt of support payments, two possible codes may be used to record this income on the Individual Screen (NSBL06):

- 14 - Alimony/Spousal/Child Support received by the client
- 61 - Alimony/Spousal/Child Support assigned to the agency
- 87 - Child Support Bonus Payment (System Generated)

The total amount of support received must be computed and entered on a single line on the Individual Screen (NSBL06).

Code "14" income is treated by the system as follows:

The first \$50 received by the applicant/recipient household is disregarded by the system in determining PA eligibility and in calculating the PA grant. The entire amount received by the household is treated as unearned income in computing FS benefits.

Code "61" income is treated by the system as follows:

The first \$50 assigned to the support collection unit is disregarded by the system for the Gross Income Test. If the household passes the Gross Income Test, the entire amount assigned is disregarded in the calculating PA benefits.

Code "87" income is treated by the system as follows:

This code is entered by the automated IV-D Bonus Payment System. It represents the single issuance code 70 Bonus Payment - up to \$50 per month received

by the household as a pass through of support collected by the agency on the family's behalf. Code "87" income is exempt for PA and unearned income for Food Stamps. This income code and amount should not be changed by the eligibility worker. These fields are updated monthly by the automated system. Only one Bonus Payment is allowed for each suffix. If Code 87 income has been entered for more than one individual within the same suffix, error message "MORE THAN 1 INC SRC 87 EXISTS FOR PA SUFFIX" will be displayed upon transmission. The worker should determine which entry is correct and remove the incorrect entry. If the incorrect entry is on the current screen remove the entry and proceed. If the erroneous entry is on a previous Individual Screen, press the Menu Key and use Action Type 08 (Recalculate) on the Budget Menu Screen (NSBL00) to access the previous Individual Screen. Erase the erroneous entry, proceed to the correct Individual Screen and reenter the Code "87" income. If code "87" income is removed, the warning "SUPPORT INCOME EXISTS FOR INDIVIDUAL" appears. Upon retransmittal the warning will be removed and the next screen requested will appear.

Support payment codes 14 and 61 generate end dates three months from the effective date. The worker should contact the IV-D Unit or the client to determine the status of the support payments.

EXAMPLE:

\$300 per month is assigned to the agency for child support. \$50 out of this amount is received by the client. After update, Individual Screen (NSBL06) appears as follows:

SRC	<u>61</u>	GROSS	<u>3000</u>	FREQ	<u>1</u>	PROG	<u>P</u>
SRC	<u>87</u>	GROSS	<u>500</u>	FREQ	<u>1</u>	PROG	<u>E</u>

In this case the system applies \$250 from Code 61 to the PA Gross Income Test only. \$50 from Code 87 is budgeted toward the FS calculation only.

C. BICS (Districts Outside New York City)

To ensure that pass-through payments are issued in a timely manner and that timely and adequate notice of any resulting reductions in food stamp benefits are provided, as appropriate, districts must request a first BICS run of IV-D pass-through checks immediately upon receipt of the monthly IV-D MRB/A "eligibles" list from the CSEU. Subsequent BICS runs of IV-D checks must be requested at least weekly for the remainder of each month to process the "exceptions" cases and re-issuances of

lost or stolen checks. All pass-through payments, including manually authorized "exceptions" payments, must be issued by the 20th calendar day of each month.

VII. ADDITIONAL INFORMATION

A. Forms Availability

Districts will receive supplies of DSS-4279 (Attachment IV), DSS-4280 (Attachment VI) and DSS-4281 (Attachment V) automatically upon receipt from the printer. Districts should reproduce these attachments for use until printed supplies are received. Clear photocopied masters of Spanish versions (DSS-4279S, DSS-4280S and DSS-4281S) will be available to each district which requires Spanish notices. Districts will reproduce Spanish forms locally.

Requests for the Spanish masters, additional supplies of the English versions and additional supplies of DSS-2860 should be submitted on Form WMS-47 (Rev. 9/89): "WMS Order form" and should be sent to:

New York State Department of Social Services
Welfare Management System
Office of Systems Development
P.O. Box 1990
Albany, New York 12201

Questions concerning ordering the forms should be directed to the Office of Systems Development (OSD) by calling 1-800-342-3715, extension 6-6223.

Orders for DSS-2521, DSS-2859 and DSS-3908 should be submitted to:

New York State Department of Social Services
Forms and Publications
40 North Pearl Street
Albany, New York 12243

B. Additional Systems Support

Future systems enhancements which will facilitate IV-D interface include:

- The WMS WSVIVD screen will be re-formatted to correspond to revisions in the DSS-2860.
- WMS edits will require data entry of a DSS-2860 whenever an ADC-absent parent case is opened.
- Current CSMS respondent and support payment information will be accessible to IM via on-line WMS inquiry.

WMS coordinators will be notified when these screen changes and system edits are scheduled for implementation.

VIII. EFFECTIVE DATE

This directive is effective October 15, 1991.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance

Listing of Attachments

- Attachment II - IV-A/IV-D Procedures Questionnaire - available on-line
- Attachment III - DSS-3908: Important Notice - not available on-line
- Attachment IV - DSS-4279: Good Cause (First Notice) - not available on-line
- Attachment V - DSS-4281: Attestation to Lack of Information - not available on-line
- Attachment VI - DSS-4280: Good Cause (Second Notice) - not available on-line
- Attachment VII - DSS-2860: (CSE Referral) - not available on-line
- Attachment VIII - DSS-2859: (IV-D to IV-A Referral) - not available on-line
- Attachment IX - Notification of Good Cause - not available on-line
- Attachment X - Voluntary Consent to Apply Support Collections as Repayment of Assistance - available on-line
- Attachment XI - Filing References - available on-line

IV-A/IV-D Procedures
Questionnaire

Please return completed questionnaire by November 1, 1991 to:

Barbara Wellman, Director
Bureau of Income Support Programs
New York State Department
of Social Services
40 North Pearl Street
Albany, NY 12243

1. Pass-through liaison/contact person:

Name _____ Telephone _____

Location (IM, CSEU, etc.) _____

Address _____

2. IV-A/IV-D Workflow (Check One):

+---+

| | IV-D interviews are conducted **prior to** PA case opening

+---+

+---+

| | IV-D interviews are conducted **after** PA case opening

+---+

3. Pass-through procedures:

a. IV-D pass-through payments are issued (check one):

+---+

| | Daily | | Other (Specify) _____

+---+

+---+

+---+

| | Weekly _____

+---+

b. PA exceptions on the IV-D MRB/A list are resolved (check one):

+---+

| | By each PA examiner

+---+

+---+

| | Centrally, by (specify) _____

+---+

+---+

| | Other (specify) _____

+---+

c. (Required) Attach copy of written instructions for district IM CSEU and SCU staff for responding to client inquiries concerning pass-through checks.

NOTIFICATION OF "GOOD CAUSE" CLAIM

Case Name: _____

Case Number: _____

IM NOTICE TO CSEU OF "GOOD CAUSE"

Application/recipient has claimed "good cause":

1. Claim Pending
2. Determination that claim is not sustained
3. Determination that claim is sustained based upon the following:
 - Pending surrender of child for adoption
 - incest or rape
 - risk of physical harm to: _____
specify, caretaker relative and/or child
 - risk of emotional harm to: _____
specify, caretaker relative and/or child
4. Documentation
 - available in ADC case record
 - attached
5. IM has determined the applicant/recipient has "good cause" for failure to cooperate
 - CSEU may proceed with paternity establishment/support enforcement/active case
Decision based upon: _____
 - CSEU may **not** proceed with paternity establishment/support enforcement a recipient participation.
Decision based upon: _____
6. The applicant/recipient has been notified of this determination and elected to:
 - withdraw application / close case for public assistance
 - continue application for public assistance
 - cooperate with paternity establishment/support enforcement

IM Worker _____/Date _____

CSEU REVIEW/COMMENTS/RECOMMENDATIONS

1. CSEU agrees with IM Determination
2. CSEU disagrees with IM Determination
3. Comments and recommendations attached

VOLUNTARY CONSENT TO APPLY SUPPORT COLLECTIONS
AS REPAYMENT OF ASSISTANCE

(For households not applying for or receiving ADC, ADC-U or foster care. Signing this consent form is encouraged but not required.)

I hereby consent to allow the _____ County Department of Social Services and the State to collect support on behalf of my public assistance household. I agree to give to the County any support payments which I receive while I am on public assistance. The first \$50.00 of current support collected each month for my household will be paid to me in a separate ("pass-through") payment. This pass-through payment will not affect my public assistance grant, but may affect my food stamp benefits.

The County and the State will retain any support collected on my behalf, after the first \$50.00 per month of current support is passed through to me, as repayment for public assistance granted to me. This agreement applies to all support which is due while I receive public assistance. This agreement ends when my public assistance is terminated, and then I will receive current support directly. However, support which is due while I receive public assistance, but not paid until after my case is closed ("support arrears"), will be used to repay the County and the State for my grant. The total amount of support kept as repayment will not exceed the amount of cash assistance I receive.

By so consenting, I will receive the full cash grant to which I am entitled each month, even if the amount of support collected on my behalf fluctuates, decreases or stops. Support money collected by the County on my behalf will not be counted to reduce the amount of my cash grant, as long as I remain eligible for public assistance. If I did not consent to the County and State keeping support collections as repayment for my public assistance grant, all but the first \$50 per month of current support payments I received would be counted to reduce the amount of my cash grant.

I am voluntarily giving this consent. I may terminate this consent by giving the County a written request to terminate this agreement.

Applicant/Recipient Signature

Date

Witnessed by:

Worker Signature

Date

Distribution:
Original to PA Case Record
Copy to Applicant/Recipient
Copy to CSEU

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs. Legal Ref.	Soc. Serv. Law & Other	Manual Ref.	Misc. Ref.	
90 ADM-41	89 ADM-31	346		SSL 101	PASB	45 CFR
90 ADM-31	84 ADM-43	347		101-a	VIII-T	232.11
89 ADM-37	83 ADM-14	351.2		111	IX-J	232.12
89 ADM-31	83 ADM-10	352.15		111-a-k	XVI-J-	232.20
89 ADM-23	79 ADM-75	352.30		132-a	2 (all)	232.40-.49
84 ADM-43	79 ADM-24	352.31(a)(4)		348	XVI-R	302.31
84 ADM-39	78 ADM-115	352.31(d)		349-b	XVII-C-4,5	302.33
83 ADM-14	76 ADM-102	360-3.2(b)		352-a	FSSB	302.51
83 ADM-10	87 INF-44	369.2(b)		366	XII-C-1	91 LCM-79
81 ADM-25	86 INF-31	369.3(d)(1)		398	CSEM	90 LCM-14
79 ADM-75	86 INF-27	369.7		42 USC	Vol. I-III	89 LCM-39
79 ADM-24	85 INF-8	370.2(c)(3)		602(a)		89 LCM-12
78 ADM-115		381.4,381.7		654		
77 ADM-107		387.10(b)(2)		657		
76 ADM-102		415.7(d)(3)		671		
90 INF-65		422.3		1912		
87 INF-61		426.8				
87 INF-44						
86 INF-31						
86 INF-27						
85 INF-8						