

468-000-340 NON-COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Examples of noncooperation include but are not limited to the client's refusal to:

1. Appear or respond when requested to provide written or verbal information that is reasonably available to the client;
2. Appear as a witness at judicial or other hearings or proceedings;
3. Provide information or attest to the lack of information;
4. Sign any necessary legal documents or Child Support Enforcement forms;
5. Pay to the Department any support payments received from the non-custodial party or other party after support is assigned;
6. Submit herself/himself and/or the child(ren) for genetic testing and otherwise assist in the establishment of paternity for a child for whom assistance is claimed;
7. Identify and provide relevant information about any third parties who may be liable for Medicaid costs;
8. Provide dependent Social Security numbers when requested;
9. Provide information about payments made directly from any third party;
10. Forward any payments made for medical expenses to the Department or to the health care provider. Noncooperation status continues until the child/spousal support or third party medical payments have been repaid or a satisfactory agreement for repayment has been made and kept. If an agreement is made and subsequently broken, cooperation is considered restored when the client makes a current, regularly scheduled payment according to the terms of the agreement. The client is not required to make up the missed payments in order to be considered cooperating; or
11. Repay the Department any support incorrectly paid.

1-001 Acceptable Circumstances for Good Cause: A client may claim a good cause exemption from the cooperation requirement at any time s/he believes that cooperation or proceeding to establish paternity or secure support is against the best interests of the child(ren) for whom support is sought when:

1. Cooperation is likely to result in physical or emotional harm to the child(ren);
2. Cooperation is likely to result in physical or emotional harm to the custodial party with whom the child(ren) is living which reduces the capacity to care for the child(ren) adequately;
3. The child(ren) was conceived as a result of incest or forcible rape;
4. Court proceedings are pending for the adoption of the child(ren) except in the case of stepparent adoption; or
5. The custodial party is working with an agency helping him/her to decide if s/he should place the child(ren) for adoption, and the custodial party has been working with the agency for this purpose not more than three months.

Good cause claims must be confirmed or substantiated by sworn statements. When documentary evidence is not available, the client must furnish sufficient information as to the location of the information. The client must submit the evidence within 20 calendar days of the claim for good cause.

1-001.01 Physical or Emotional Harm to the Child or Custodial Party: The client's cooperation in establishing paternity or securing support is reasonably anticipated to result in physical or emotional harm to the child or custodial party.

1-001.01A Documentary Evidence: Documentary evidence which indicates these circumstances includes:

1. Medical records which document emotional health history and present emotional health status of the custodial party or the child for whom support would be sought;
2. Written statements from a mental health professional indicating the diagnosis or prognosis concerning the emotional health of the custodial party or the child for whom support would be sought;
3. Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the alleged father or noncustodial parent might inflict serious physical or emotional harm on the child or custodial party; or
4. Sworn statements from individuals other than the client with knowledge of the circumstances which provide the basis for the claim.

1-001.01B Worker's Considerations: If the determination in whole or in part is based upon the anticipation of emotional harm to the child or the custodial party, the worker must consider and document the following evidence:

1. The present emotional state of the individual subject to emotional harm;
2. The emotional health history of the individual subject to emotional harm;
3. Intensity and probable duration of the emotional upset;
4. The degree of cooperation required by the custodial party; and
5. The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

1-001.01C Evidence Not Submitted by Client: When the claim is based on the client's anticipation of physical harm and corroborative evidence is not submitted in support of the claim:

1. The IV-D worker will investigate the good cause claim when s/he believes that the claim is credible without corroborative evidence and corroborative evidence is not available; and
2. The worker must find good cause if the client's statement and the investigation indicate that the client has good cause for refusing to cooperate.

1-001.02 Incest or Forcible Rape: The child for whom support is sought was conceived as a result of incest or forcible rape. Documentary evidence which indicates this includes:

1. Birth certificate;
2. Medical records;
3. Law enforcement records; or

4. Sworn statements from individuals other than the client with knowledge of the circumstances which provide the basis for the good cause claim.

1-001.03 Adoption: Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction. Documentary evidence which indicates this circumstance includes:

1. Court documents;
2. Other records; or
3. Sworn statements from individuals other than the client with knowledge of the circumstances which provide the basis for the good cause claim.

1-001.04 Pending Adoption: The client is currently being assisted by a public or licensed private social agency to resolve the issue of whether to relinquish the child for adoption, and the discussions have not gone on for more than three months. Documentary evidence which indicates this circumstance includes:

1. Written statement from a public or licensed private social agency; or
2. Sworn statements from individuals other than the client with knowledge of the circumstances which provide the basis for the good cause claim.

1-002 Initiating Good Cause Claim:

1. If the "Good Cause Claim" is made to the case manager, the case manager sends the claim to Child Support Enforcement, including the worker's recommendation and any supporting evidence. If evidence is not available at such time, the "Good Cause Claim" is submitted without evidence. Any evidence subsequently received is forwarded to the Child Support Enforcement worker as soon as it is received.
2. If the "Good Cause Claim" is made to Child Support Enforcement, the child support case is suspended, stopping all new child support activities (It does not stop any enforcement methods in place). The "Good Cause Claim" is sent to the case manager for his/her comments and/or recommendations. The case manager should return the "Good Cause Claim" to the Child Support Enforcement worker with his/her comments as soon as possible.

1-003 Investigation of Good Cause Claim: Once the evidence has been obtained, the Child Support Enforcement worker must make a final determination of good cause within 30 calendar days of receipt of the "Good Cause Claim" from the custodial party.

1-004 Determination on Good Cause Claim: Child Support Enforcement makes the determination if the child support case will proceed.

The Child Support Enforcement worker completes the "Good Cause Claim" decision sections, and sends a copy to the case manager. Notice is given to the custodial party in writing that the request for good cause was denied or awarded.

If the case does not qualify for Good Cause but either the non-custodial party or custodial party has claimed family violence, the custodial party may complete the Statement of Safety Concerns to prevent the disclosure of identifying information. Case processing will continue.

1-005 Non-cooperation Following Denial of Good Cause Claim: If the custodial party continues to not cooperate after good cause has been denied, the Child Support Enforcement worker notifies the case manager of non-cooperation via the "Notice of Non-Cooperation." A copy of this notice is also sent to the case manager's supervisors.

The case manager imposes a sanction as provided in 468 NAC 2-020.08B2b.

1-006 Cooperation After Good Cause Is Denied: If the custodial party cooperates after the good cause claim was denied, the Child Support Enforcement worker notifies the case manager by sending the "Notice of Non-Cooperation" with the "Notice of Resumption of Cooperation and Request to Remove Sanction" section completed.

If a sanction has been applied, the case manager removes the sanction.