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ELIGIBILITY REQUIREMENTS
CHILD SUPPORT

SECTION 45-201.4
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I. GENERAL

All parents are required by law to contribute to the support of their children. This requirement continues if the child is placed outside of the home, either voluntarily or by court order.

- A. All parents of children in out-of-home care shall be referred to the Department of Child Support Services (DCSS).
- B. A referral is required for each parent.

EXCEPTION: Child Support referrals are not required for ‘45’ Medi-Cal nor for children whose parental rights have been terminated.

II. PROCESS

A. Good Cause

A good cause claim is initiated by the Social Worker (SW) when a determination is made that it is not in the best interest of the child to refer the case to Child Support Enforcement. The SW will complete the *CW 51, “Child Support—Good Cause Claim for Noncooperation”* and forward to the Eligibility Worker (EW) of record. Subsequent actions on the EW’s part will depend on whether there is an existing child support referral, as follows:

1. If a child support case does not exist, the EW shall retain the documentation in the case file. There is no need to notify the DCSS.
2. If there is an existing child support case, the EW shall inform DCSS not to proceed with child support enforcement.

B. Voluntary Placement Referrals

Applicant parents **MUST** agree to cooperate with DCSS as a condition of placement by completing the *CW 2.1, Child Support Notice and Agreement*, and *CW 2.1Q, Support Questionnaire*, for each parent. The EW shall refer both absent parents to DCSS.

NOTE: It is possible for the placing parent to establish good cause for failure to cooperate with the referral of the absent parent.

C. Referral Forms

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The DCSS will contact the parent(s) when a referral is received.

The following forms are used to make a referral for child/medical support:

1. A CW 371, *Referral to Local Child Support Agency*, is used to make DCSS referrals for Foster Care cases.
2. If the child’s parent, relative, or legal guardian is completing the application, he/she shall sign the CW 2.1 and CW 2.1Q.
3. A CW 51 form must be completed if the child’s parent, relative, or legal guardian wishes to claim ‘good cause’ for not cooperating with the child/medical support requirements.

D. Deceased Parents

Child/medical support referrals are not required if the child’s parent(s) are deceased, provided that sufficient documentation is on file in the case record (i.e., death certificate).

E. Relinquishment For Adoption/Termination of Parental Rights

EWs shall notify DCSS via the email template (see Section I, COMMUNICATION WITH DCSS below) to stop child/medical support activity when the EW is notified that the parent(s) have relinquished their child for adoption and also when the court has terminated the parental rights of the child.

F. Reinvestigations (RVs)

If additional information about the absent parent(s) is obtained at the RV, the CW 2.1 may be used to relay the information to DCSS. When the child has income or the income amount has changed, send an email (template) to DCSS with updated income information.

G. OVERSTATED TOTAL AID PAID SITUATIONS

To establish a parent’s child support liability, DCSS must determine the ‘Total Aid Paid’ for each child. When a child in Foster Care has his/her own income (e.g. Social Security, SSI and/or VA benefits) and our agency is the payee, the child’s income goes to the Fiscal Government Benefit’s Unit and is recorded in accounts receivable. The EW pays the full grant amount. The Government Benefits Clerk (GBC) abates the claim.

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In the situation described above, the ‘Total Aid Paid’ shown on record is overstated, as it does not reflect the child’s income. Family Support could overcharge the parents unless notified that the child has income which has been used to meet his/her needs.

The EW shall notify DCSS using the email (template) that *“The child has income of \$_____ per month beginning _____ which is deposited into the child’s fiscal trust account”*. This information should be sent to DCSS at intake, RV and when the EW is notified that the child’s income has changed.

DCSS will then know to confirm the ‘Total Aid Paid’ when establishing support liability.

H. Compromise of Child Support Arrearage (AB 1449)

A compromise of assigned arrearages is an agreement between the obligor parent and DCSS. The agreement (compromise) will reduce or waive the court ordered child support debt (arrear and interest) which accrued during the time the child was separated from the parent(s) that resulted in aid being granted for the child in the form of CalWORKs, Foster Care, or Kin-GAP. The purpose of the compromise is to reduce the financial hardships on the parent in cases where that child has returned to the parent and the parent continues to have a financial responsibility to support the minor child as defined in Family Code Section 3901.

EWs may refer parents who inquire about this program to the public telephone number for DCSS at 1-866-901-3212.

I. Communication with DCSS

The most preferred means to communicate with DCSS is the Email template provided by DCSS when inquiring about information from or providing information to DCSS. Likewise, EWs need to acknowledge emails from DCSS when they are requesting additional information or requesting that the EW take specific actions on a case, i.e. correct or update Absent Parent windows, etc.

Complete instructions for emailing DCSS can be found in CalWIN Central, ‘How To’ #298. Short-cut steps to find the email template in Outlook are:

1. Choose the ‘New Items’ box (to the right of ‘New Email’)
2. Choose ‘More Items’
3. Choose ‘Choose Form’

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4. Choose 'Child Support EW Question'

III. REFERENCE

EAS 43-105 Responsibility for Support
CalWIN Central, How-To #298