

**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: April 21, 2006
Revised: June 12, 2008
Revised: July 7, 2010

Number: H-0121

Child Support Referrals

Purpose	To provide guidelines for determining when to refer a child’s case to Child Support Services.
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Approved	This policy was approved by Mike Ryan, Director of CFS, on July 7, 2010. <i>Signature on file.</i>
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Background	<p>Assembly Bill 1449 (Chapter 463, Statutes of 2001) added Section 17552 to the Family Code. It changed the requirement of referring all foster care cases to the local Child Support Services (CSS) to instead require Children and Family Services (CFS) to evaluate each case on an individual basis and make a determination whether it was in the child’s best interest to refer for child support collection. When a determination indicated that it was not in the child’s best interest to refer the case, CFS was to re-evaluate the decision for continued appropriateness following each court hearing.</p> <p>The intent of this evaluation was to ensure that court dependent foster children and their families could reunify with the maximum support available, enhancing the opportunity for family preservation. When families are billed for child support to repay county costs of foster care for their child, they experience an additional financial barrier to the lifestyle changes they must make for a safe return of their child.</p> <p>Assembly Bill 1743 (Chapter 198, Statutes of 2005) expanded the above requirement to include cases involving California Work Opportunity and Responsibility to Kids (CalWORKs) payments to caregiver relatives, Kinship Guardianship Assistance Payment (Kin-GAP) benefits, and other specified aid. It also amended the requirement of re-evaluations following each court hearing to instead be on an annual basis to correlate with the Aid to Dependent Children–Foster Care (AFDC-FC) or CalWORKs eligibility re-determination timeframes. Further, a re-determination could be made at any time that a change in circumstances warranted a reassessment, e.g., termination of Family Reunification (FR) services.</p>
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- Legal Mandates**
- AB 1449, 2001: Chapter 463 of the Statutes of 2001
 - AB 1743, 2005: Chapter 198 of the Statutes of 2005
 - Family Code Section 17415
 - Family Code Sections 17550 and 17552
 - CDSS Manual Letter No. CWS-05-01 dated March 3, 2005
 - All County Letter No. 05-37, dated November 22, 2005
 - CDSS Regulation: Section 31-503 Child Support Referrals
 - CDSS Regulation: Section 31-020 Grievance Procedures
 - Eligibility and Assistance Standards Manual Section 45-201

Definitions None.

POLICY

Child Support Referrals—Evaluation For each child under the jurisdiction of the Orange County Juvenile Court and in out-of-home placement, the social worker will evaluate the case for making a child support referral, taking into consideration the best interest of the child and the circumstances of the family. Circumstances may include:

- A. The parents' employment status.
- B. The parents' housing status.
- C. The impact on other children who may be at risk of removal.
- D. The availability of community-based services.
- E. Efforts to reunify.
- F. Whether parental rights have been terminated.
- G. Connection with CalWORKs or other public assistance program.

Note: Parents may continue to file a claim of good cause for non-cooperation directly with CSS, as they have in the past. In this case, staff will direct the parent to CSS to make the request.

Case Plan Goal—Family Reunification When the case plan goal is family reunification, the social worker will consider whether the child support payment will be detrimental to the child by adding a barrier to successful reunification with his/her family. A decision **not** to refer will be made if a child support payment would compromise any of the following:

- A. The parents' ability to meet the requirements of the case plan.
- B. The parents' ability to meet the current or future financial needs of the child.
- C. The parents' ability to meet the needs of other children in the household who may be at risk of removal.

Case Plan Goal—Other When the child's case plan goal is other than reunification, including guardianships with Kin-GAP funding, the social worker will use the same criteria to consider whether the child support payment will hinder a successful outcome of the case plan.

Documentation Using CWS/CMS Data Entry Standards—CW51 – Child Support – Good Cause Claim for Non-Cooperation, CFS staff will complete data entries in the child's electronic case regarding the decision of child support referral or non-referral.

A hard copy of the *CW 51* is printed, determination made, and signed by the assigned Senior Social Worker (SSW). The form is forwarded to the assigned Eligibility Technician (ET). The ET will generate a *Referral to Local Child Support Agency (CW 371)*, if appropriate, to complete the process.

Re-Determination

The case will be reassessed and a re-determination made annually to correlate with AFDC-FC or other cash aid re-applications. Upon each annual reassessment, a new *CW 51* is completed based on assessment criteria above indicating that it is not in the child's best interest **or** no longer contrary to the child's best interest to refer for child support collection.

A re-determination may also be made at any time a change in circumstances occurs that would warrant a change in referral determination, e.g., termination of FR services.

Complaints/ Appeals

When it is no longer a disadvantage to the child for the parent to pay child support and a determination is made to refer the child's case to CSS, the parent(s) will be notified of the CFS decision and the steps to take if parent disagrees with the decision. *Child Support Referral Letter (F063-25-542)* will be used for this purpose.

CFS clients and recipients have a right to request a hearing if dissatisfied with any action or inaction by Social Services Agency (SSA) related to services. SSA Program Integrity Appeals Unit handles the hearing requests. The SSW will assist the parent in requesting a hearing, if necessary.

The letter will advise the parent(s) that the request must be made within 10 days of the date of the letter, per CDSS Section 31-020. The parent will be directed to request the hearing either by:

A. Sending the written request to Orange County SSA, P.O. Box 22001, Santa Ana, CA 92702.

-OR-

B. Submitting the written request in person at the Appeals office located at Program Integrity/GRH – Bldg A/B, 1928 S. Grand Avenue, Santa Ana, CA 92705-4902.

If, however, the parent sends the written request directly to the SSW instead of following the directive provided by letter, the SSW is to sign and note the date received in the upper right-hand corner of the letter, staple the envelope to the hearing request, and forward immediately to the Appeals Unit, Building #180.

The Appeals Unit will process the request and notify the SSW if the case file or a personal appearance by the SSW is necessary. They will also advise of any needed action directed by the hearing decision.

REFERENCES

**Attachments and
CWS/CMS Data
Entry Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- CWS/CMS Data Entry Standards—CW51 - Child Support - Good Cause Claim for Non-Cooperation

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

None.

Other Sources

Other printed references include the following:

None.

REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name

Form Number

Child Support Referral Letter

F063-25-542

Referral to Local Child Support Agency

CW 371

Support Questionnaire

CW 2.1(Q)

**Hard Copy
Forms**

Required forms listed below must be completed in hard copy (including multi-copy NCR forms) and must be obtained in the CFS forms rooms. **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name

Form Number

None.

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name

Form Number

Child Support—Good Cause Claim for Noncooperation

CW 51

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name

Brochure Number

None.

PROCEDURE

Required Actions— Initial and Re-Determinations	The following actions must be completed at child’s initial out-of-home placement, at the annual re-determination, and when a change occurs in the child’s circumstances, such as termination of FR services.	
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Staff Responsible	Step	Required Action
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Assigned Clerical	1.	Initial Determination/Annual Re-determination/ Termination of FR services: Provide printed <i>CW 51</i> to assigned SSW, one form for each child of each parent, with identifying case information entered per CWS/CMS Data Entry Standards—CW51 - Child Support - Good Cause Claim for Non-Cooperation.
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Assigned SSW	2.	Review case; make a determination for each parent regarding a child support referral, using the assessment criteria in above policy.
	3.	<ul style="list-style-type: none"> a. Complete CLAIM DETERMINATION - COUNTY USE ONLY section of form, indicating determination of referral or no referral (include reason for not referring) to CSS. Sign. b. Forward to Assigned Clerical for processing.

Assigned Clerical	4.	Enter information regarding referral/no referral into child’s electronic case file, using CWS/CMS Data Entry Standards—CW51 - Child Support - Good Cause Claim for Non-Cooperation. If determination is to refer parent, proceed to step 5. If determination is not to refer parent, skip step 5 and complete step 6 only.
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	5.	<ul style="list-style-type: none"> a. For any parent being referred for collection of child support the first time, prepare <i>Child Support Referral Letter (F063-25-542)</i> entering assigned SSW name and phone number for contact purposes. Mail to parent. File copy of letter in child’s service file, Placement Acco. Proceed to step 6. b. For any parent previously referred for collection of child support, note on the completed <i>CW51</i>: “Child Support Referral Letter sent on original referral date.”
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	6.	Forward completed and signed <i>CW 51</i> to child’s ET. File copy of form in child’s service file, Placement Acco.
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ET	7.	If determination is not to refer parent(s) to CSS, file <i>CW 51</i> in child’s eligibility file.
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	8.	If determination is to refer parent(s) to CSS, complete entries in the “Display Absent Parent Summary” screen in CalWIN. Transmit <i>CW 371</i> and <i>CW2.1</i> electronically to CSS. Print and file copy in child’s eligibility file.
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SSW

- 9.** If requested, assist parent in filing of complaint. See above policy for instruction.
- 10.** If parent initiates a hearing, follow instructions of Appeals Representative.

OCCSSA