

**County of San Diego, Health and Human Services Agency (HHSA)  
CalWORKs Program Guide**

<b>Child Support/ Referrals and Assignment of Rights &amp; Cooperation Requirements</b>	<b>Number</b>	<b>Page</b>
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**Revision Date:**  
February 1, 2022

**Background:**

Per state regulation (EAS 82-500), customers are required as a condition of eligibility to assign both child and spousal support rights of all members of the assistance unit (AU) to the county, and to cooperate with the Health and Human Services Agency (HHSA), and the Local Child Support Agency (LCSA) in the spousal and child support enforcement process.

**Purpose:**

This section is being revised to provide clarification regarding customer's right to refuse to assign support rights or to not cooperate in child support enforcement, the requirement to provide evidence to support good cause for noncooperation, and the distinction between sanction and penalties.

**Policy:**

**Child Support Enforcement Requirements**

All AU's are subject to the requirements of child support enforcement except when:

- Both married natural or adoptive parents of the child reside in the home with the child
- One or both natural or adoptive parents is/are deceased
- Both unmarried parents are living in the home and paternity has been legally established
- The supported child is a Non-Minor Dependent (NMD) and has reached age 19

**Assignment of Support Rights**

As a condition of CalWORKs eligibility, customers who are (aided or unaided), including caretaker relatives and customers who opt to keep child support payments for step/half-siblings, must assign all child/spousal support rights for all family members required to be in the AU to the County of San Diego LCSA. The assignment of support rights will remain in effect while the customer remains on aid.

**Cooperation Requirements**

Unless exempted from cooperation requirements the CalWORKs customer must be referred to the LCSA to cooperate with support enforcement activities such as:

- Identify and locate the absent parent, establish paternity and secure a support order
- Identify any third parties who may be liable for medical care or services
- Participate in the enforcement by providing information, serving as a witness, or genetic testing
- Turn direct support received over to the LCSA

**Refusal to Assign Support Rights**

The county must inform the customer of their right to refuse to assign support rights and to cooperate with Child Support Enforcement. A customer who claims good cause for noncooperation is required to supply evidence in support of the circumstances for which exemption from cooperation is claimed.

**Sanctions-Refusal to Assign Support Rights**

The county will deny or discontinue aid to customers who refuse to assign support rights and are not exempt or granted good cause. The eligible children will be aided.

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Penalties-Refusal to Cooperate with the LCSA without Good Cause

The county will reduce the AU's grant by 25% and discontinue Medi-Cal benefits when a customer fails to cooperate with LCSA without good cause in the child support enforcement activities. Child Support penalties occur after child support rights have been assigned.

Exemption from Support Requirements

Good Cause

Customers may be granted a good cause exemption from child/spousal support cooperation when such cooperation may reasonably be anticipated to result in serious physical or emotional harm to the customer or child or when:

- 1) The aided child was conceived as a result of incest or rape
- 2) Legal proceeding for adoption of the child is pending
- 3) A public or private agency is counseling the customer regarding adoption options

Customers who want to claim good cause for refusal to cooperate must complete and sign the Good Cause Claim form CW 51 HHS. Customers must provide evidence to support the good cause claim and the county must determine whether the claim for exemption is valid.

Safety Net, Fleeing Felon and Long-Term Sanctions

Safety Net, Fleeing Felon, long-term Employment Services Sanction cases and included parent(s) who are no longer eligible to receiving CalWORKs due to time limitations (K1 and 3F cases) are exempt from child support cooperation requirements and are not required to assign support rights to the county as a condition of CalWORKs eligibility. Child Support sanctions and penalties will not be applied to K1 and 3F cases. If a case transitions into a non-K1/3F aid code, any prior sanction or penalty will not be reapplied; However, child support assignment agreements and cooperation requirements must be re-initiated. The K1/3F family may voluntarily request child support services from the LCSA or continue to receive them if they already have an open child support case.

Voluntary Cooperation with LCSA

An AU that is exempt from child support enforcement requirements, and customers who are ineligible for aid, may volunteer to cooperate with the LCSA to receive the benefits of cooperation such as assistance in establishing paternity and in collecting support, including possible future social security, veterans, or other benefits from the absent parent. Staff must inform customers of their right to voluntarily cooperate with the LCSA and provide customers with the LCSA office locations, so the customers may contact the LCSA for services.

References:

EAS 82-500

ACL No. 15-72, 14-78, 13-70, 18-82

CPG 43-200.A2 Child Support Referrals and Information Transmittals to LCSA

CPG 43.200.C Good Cause for Noncooperation

Sunset Date:

This policy will be reviewed for continuance by February 28, 2025.

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**Approval for Release:**



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