

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

Good Cause for Non-Cooperation

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Revision Date:

February 1, 2022

Background:

Customers have the right to claim exemption/good cause from the requirement to cooperate with the Child Support Enforcement Program, prior to referral to the Local Child Support Agency (LCSA). The good cause determination process applies to all cases where the client claims exemption for refusing to cooperate in establishing paternity and/or obtaining support.

Purpose:

This section is being revised for formatting updates and sunset review as well as to renumber the section. This section is being renumbered from CalWORKs Program Guide (CPG) section 43-200.D to CPG 43-200.C. This revision also includes aligning the good cause section to current standards and removes procedures that are obsolete due to the interface between the CalWIN automated system and the Child Support Enforcement (CSE) automated system. Procedures that are still relevant have been removed from the CPG section and moved to a processing guide. CalWORKs Processing Guide 43-200.C1 has been created for those processes.

Policy:

County Responsibility when Exemption is Claimed

When a customer claims exemption from cooperation to assign support rights, Self-Sufficiency Services (SSS) must promptly report this to the LCSA. The LCSA must then suspend all activities to secure child support.

SSS must evaluate the claim for exemption and determine whether the claim for exemption from cooperation is valid. The customer must provide evidence to support the circumstance for which the exemption is claimed.

When SSS determines an exemption from cooperation requirements exists, the LCSA must be notified. Activities to secure child support will be started or resumed only when the customer makes a request.

When SSS denies the request for exemption from the cooperation requirements or determines that an exemption no longer exists, the LCSA will be notified. Activities to secure child support will immediately be started or resumed

Exemption from Cooperation Requirements

An exemption determination will be made when SSS determines that cooperation in establishing paternity and securing support or providing information to assist the county in pursuing third parties who may be liable or pay for medical services is not in the best interest of the child. This determination will be made when the customer demonstrates:

- Cooperation with the LCSA would increase the risk of physical or emotional harm to the child, or increase the risk of abuse to the parent or caretaker relative
- Efforts to establish paternity or establish, modify, or enforce a support obligation would increase the risk of abuse to the parent or caretaker with whom the child is living

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- The child for whom support is sought was conceived as a result of incest or rape
- Legal proceeding for the adoption of the child is pending
- The customer is being assisted by a public or licensed private adoption agency to resolve the issue of whether to keep or relinquish the child for adoption
- Any other reason that would be contrary to the best interest of the child

Good Cause Exemption for Children Placed Out-of-Home

Parents of dependent children placed in out-of-home care may establish immediate good cause per the Milliken Court Order. The purpose of this good cause is to facilitate the reunification of families, who are under the jurisdiction of the Juvenile Court, specifically those families whose children are in court ordered out-of-home placement.

Claiming Good Cause Exemption

The customer has the burden to establish the existence of grounds for the exemption and is required to:

- Specify circumstances that provide enough grounds for the exemption
- Provide supporting evidence for the claim of exemption
- Provide the supporting evidence within 20 days from the day the claim for exemption is made, except in cases when it is difficult to obtain; in such cases, the county will allow reasonable additional time
- If requested, provide enough information (such as the alleged father or absent parent's name and address) to permit an investigation

Types of Supporting Evidence

Types of evidence to support a claim for exemption include, but is not limited to:

- Legal/medical documentation (i.e. birth certificates, medical records, information regarding mental health, rape crisis, or domestic violence, police reports and/or law enforcement documentation which indicates the child was conceived as the result of incest or rape)
- Court Documents or other records which show legal proceedings for adoption are pending before a court of competent jurisdiction
- Adoption statement from a public or licensed private adoption agency that the customer is being assisted to determine whether to keep the child or relinquish the child for adoption
- Sworn statements under penalty of perjury made by the customer or other individuals with knowledge of the circumstances which provide basis for the claim for exemption

References:

Processing Guide 43-200.A1 Assignment of Support Rights and Cooperation Requirements
EAS 82-500

Sunset Date:

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

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Approval for Release:

AW, 2-3-22

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