

## State Child Support Cooperation and Good Cause A Preliminary Look at State Policies

CLASP and the federal Office of Child Support Enforcement are conducting an ongoing review of state child support cooperation and good cause policies. This is a collaborative effort to identify state policy trends and best practices. This summary is CLASP's preliminary look at state trends. A more detailed matrix, with state contact names, has been developed by the Office of Child Support Enforcement.

- C Most states have in place a general requirement to cooperate or to cooperate in good faith as a condition of TANF eligibility. Very few states have adopted an *absolute information requirement*. A state has an absolute information requirement if custodial parents automatically lose TANF benefits when they fail to identify their children's fathers. In other words, if the custodial parent says she does not know the father's name, will she be automatically sanctioned for non-cooperation or will she be given an opportunity to establish that she does not know?
- C About one-fourth of the states have adopted an *information checklist policy*. States adopting an information checklist policy require custodial parents to provide specified items of information about the noncustodial parent, such as his name, Social Security number, employment, or relatives' names, if the custodial parents have the information or can reasonably be expected to have it. In other words, an information checklist policy requires the custodial parent to provide specific paternity information, but allows her to demonstrate lack of knowledge. Some of these states permit the custodial parent to attest to the lack of information, others set up more specific criteria for determining whether she reasonably should have the information, and still others require the custodial parent to explain their circumstances or otherwise allow the caseworker to determine whether the custodial parent has been diligent and forthcoming.
- C States have adopted a range of sanctions for non-cooperation. About one third of states have adopted a 25 percent penalty against the family's TANF benefits (with a handful of states adopting another fixed penalty). Another third have adopted full-family sanctions, resulting in total ineligibility for TANF. Another third have adopted progressive sanctions. In adopting progressive sanctions, states have taken two basic approaches. The first approach is to increase the penalty amount with each occurrence of non-cooperation. The second approach is to lengthen the penalty period. A few states have integrated the cooperation requirement into a personal responsibility or self-sufficiency plan, which will subject custodial parents to combined progressive work and child support penalties.
- C Most states have retained the old federal definition (or a similar version) of the good cause

exception to cooperation-- physical or emotional harm to the custodial parent or child, incest, rape, or adoption pending or being considered. Some states have a more fully developed domestic violence exception. One state expressly included retaliation as a basis for good cause, while another state included child kidnaping. A few states included other exceptions to cooperation, including mental impairment and lack of information. Other states addressed “no-show” issues by adopting exceptions for lack of transportation and child care, out-of-state travel, and lack of notice due to address problems. Evidentiary standards vary, with some states requiring official records and some states permitting client statements as sufficient corroboration of good cause.

- C Most states have kept the good cause determination in the TANF agency. A few states have assigned joint responsibility for good cause decisions to the TANF and child support agency. A few states have moved the responsibility for good cause decisions to the child support agency.
- C CLASP has identified 5 states, including Colorado, Idaho, Kentucky, Massachusetts, and Washington, that have developed some protocols for domestic violence victims so that they can safely pursue child support. These protocols include procedures for domestic violence screening, referral and waiver from child support cooperation requirements, methods for keeping a family’s address confidential, and special procedures used by the child support agency in cases with domestic violence concerns.
- C According to a 1997 APWA survey, 15 states require cooperation as a condition of food stamp eligibility, while 16 states require cooperation as a condition of receiving child care.<sup>1</sup>

By Vicki Turetsky, CLASP (rev. Aug. 1998)

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<sup>1</sup> July 1997 survey conducted by the American Public Welfare Association, Welfare Reform Information Center, reported in *Survey Notes* (Vol. 1, No. 3 and 5).

**PRELIMINARY DRAFT: FOR DISCUSSION PURPOSES ONLY**

## Appendix 6

## TANF Cooperation Policies

Revised August 1, 1998

<b>State</b>	<b>Do recipients automatically lose TANF eligibility if they fail to provide specific items of information?</b>	<b>What is the sanction for non-cooperation?</b>
Alabama	No. A participant must provide available information or attest to the lack of information.	First sanction: 25% penalty for first 4 months, then 1 month full family sanction. Subsequent sanction: the entire family is disqualified for 6 months.
Alaska	No. A participant must provide available information or attest to the lack of information.	Penalty of \$369.
Arizona	No. A parent or other relative must provide available information, including names, SSN, and addresses, or attest to the lack of information with supporting facts.	25% penalty.
Arkansas	No.	Entire family ineligible for 3 months, unless an exemption is allowed, then 25%. Exemptions include parental involvement in work activities or avoidance of foster care. Warning letter precedes sanction.
California	No. A participant must provide the noncustodial parent's name and other information, if known, such as address, SSN, telephone number, employment or school, names and addresses of relatives and associates, or attest to the lack of information. If the participant attests to the lack of information, the IV-D agency must determine whether the individual could reasonably be expected to provide the information, considering the child's age; the circumstances surrounding conception; the age or mental capacity of the parent or caretaker; the time that has elapsed since the last contact with the alleged father or obligor. A participant may not be required to sign a voluntary declaration of paternity.	25% penalty.

Colorado	No. A participant must make a "good faith effort" to provide information that is "reasonably obtainable." An information checklist is used, but a participant can attest to the lack of information.	25% penalty for first occurrence for up to 3 months; 50% for second occurrence for up to 3 months; full family sanction for third occurrence for 3-6 months.
Connecticut	No. A participant must provide the noncustodial parent's (1) name, and (2) SSN or employer, or two of the following items: date and place of birth, school, union or trade affiliation, professional license, date and place of arrest or incarceration, military, or other information that can be verified and could reasonably be expected to lead to the SSN. If the participant does not provide enough information to TANF agency, the case is referred to IV-D agency to determine whether any exceptions apply, including a deceitful noncustodial parent, a mental impairment, other "good faith" reasons, or exceptional circumstances.	Entire family ineligible.
Delaware	No. A participant must provide available information or attest to the lack of information.	Entire family ineligible.
DC	No. A participant must provide "reasonably obtainable" information, including the noncustodial parent's name, birthdate, employer, address, telephone numbers, occupation, union or trade affiliation, relatives' names, automobile, bank or credit card information.	Parent and child removed.
Florida	No. A participant must provide available informant, or attest to the lack of information. If a paternity test indicates that none of the identified persons could be the father, the mother will be deemed noncooperative.	Entire family ineligible; adult is ineligible for Medicaid (unless mother is pregnant).
Georgia	No.	Entire family ineligible.
Hawaii	No.	Entire family ineligible.
Idaho	Yes. A participant must provide the noncustodial parent's (1) name, and (2) two of the following items: birthdate, SSN, current address, current telephone number, employer, motor vehicle, parents' names, addresses and phone numbers.	Entire family ineligible.
Illinois	Definition being formulated.	For the first and second determination, 50% for 3 months. For the third determination, full family sanction for 3 months, even if cooperation occurs.
Indiana		Entire family ineligible.

Iowa	No. A participant must cooperate “in good faith” by providing the name and other information. An information checklist is used, but a participant can attest to the lack of information.	25% penalty.
Kansas	No. The participant must identify the father by name, and if known, by current address, with exceptions in cases of extreme hardship. The mother may attest to the lack of information with supporting information when she does not know who the father is because of rape, multiple partners, or she is unable to supply more than a partial name.	First failure results in ineligibility for entire family until non-cooperation ceases. Subsequent failure: family is ineligible for 2 months, even if cooperation occurs.
Kentucky	No. The participant must provide available information, or attest to the lack of information.	25% penalty.
Louisiana	No. The participant must provide available information, or attest to the lack of information.	Entire family ineligible.
Maine	No. The participant must provide “reasonably obtainable” information, or attest to the lack of information. If paternity is not established, she must sign an “affirmation of paternity.”	Adult removed, or 25%, whichever is greater.
Maryland	No. The participant must provide available information, or attest to the lack of information.	Entire family ineligible.
Massachusetts	No. Participant must “make a good faith effort by providing all the information he or she can reasonably obtain.” The participant must provide a sworn statement with “sufficient verifiable information” about the noncustodial parent, including his name, SSN, and two of the following: birthdate, address, phone, employer, parents’ names, or motor vehicle information. A participant also can provide information such as utility bills, parking tickets, other “reasonably obtainable” information, or a sworn statement documenting efforts taken and obstacles encountered.	Caretaker-only sanction under waiver.
Michigan	No. The participant must provide available information, or attest to the lack of information.	Adult removed for up to 4 months, with a home call each month. There is a full family sanction after the fourth month.

Minnesota	No. The custodial parent must “cooperate in good faith” by providing all “known” information, including name, address, SSN telephone, employment, relatives	25% penalty of MFIP assistance (which includes food stamps). Caretaker is ineligible for medical assistance. If a recipient has other TANF sanctions, benefits will be paid as vendor payments and the case reviewed for barriers, including good cause.
Mississippi		Entire family ineligible.
Missouri	No. The participant must provide information necessary to enable the agency to proceed with the case.	(Proposed penalty): Initial sanction: 25% penalty. Caretaker is ineligible for Medicaid. Subsequent sanction: entire family ineligible.
Montana	A checklist is used, but it is unknown whether the information requirement is absolute.	(1) Job Supplement: entire family is ineligible. (2) Pathways (cash assistance): application is denied; progressive sanctions applied.
Nebraska	No.	25% penalty.
Nevada	No. The participant must provide (1) the noncustodial parent’s name; (2) information about the relationship; and (3) at least one of the following items: SSN, last known address, employer, parents’ names, address and telephone number. If the information is unavailable, the participant must provide a reasonable explanation.	Same as work penalties. For first occurrence, 33% for first month, 67% for second month, 100% for next six months. For second occurrence, 50% for first month, followed by termination. If the caretaker relative is not a parent, then a child-only case is opened.
New Hampshire	No.	25% penalty.

New Jersey	Uncertain. A custodial parent must “cooperate in good faith.” An applicant must provide noncustodial parent’s name and 3 out of 5 specified items of information. If an applicant can not provide the listed information, she will be “deemed to be making a good faith effort” if she provides (1) the name and (2) all additional information that she can reasonably provide. If the information is not verifiable on two occasions, or if the named father is excluded by court order or genetic testing, the applicant will be considered noncooperative. More flexible standards for caretakers who are not the parents.	Entire family ineligible. Custodial parent is ineligible for Medicaid.
New Mexico	Yes. A participant must provide 3 items of information about the noncustodial parent, including the name, SSN, birthdate, and employer.	Initial sanction: 25%; after first month, 50%. Application is denied.
New York	No.	25% penalty.
North Carolina	No.	For first occurrence, \$50 for 3 months; for second occurrence, \$75 for 3 months; for third occurrence, \$75 for 6 months; for fourth occurrence, \$75 for 12 months. Adult loses Medicaid and must work 30 hours per week.
North Dakota	No. The participant must provide credible information, or attest to the lack of information.	For first occurrence: adult is removed for up to 6 months, until cooperation occurs. At the end of 6 months, entire family is ineligible. For second occurrence: Noncooperating adult is removed for 2 months; entire family ineligible after fourth month. Application denied.

Ohio	No. The participant must provide sufficient available information to verify the father’s identity and obtain support. Sufficient information “may include but is not limited to ” a information list. Information is “available” if the “caretaker can obtain the information through reasonable, diligent efforts.”	If the family fails to comply with its self-sufficiency contract (including cooperation), the family will become ineligible for one month for a first failure; for three months for a second failure; for six months for a third failure. Caretaker is ineligible until reapplication and cooperation. After 2 years (4- 6 month redetermination periods), the entire family is terminated. Medical benefits continue to the assistance group.
Oklahoma	Yes. The participant must provide the father’s name, and “if known,” his address and employer. If the legally responsible person is unknown, the applicant must submit a list of names. If the applicant does not identify the father, the applicant is ineligible unless the agency determines that the applicant more likely than not would be subject to abuse for identifying the person.	25%.
Oregon	No. The participant must supply sufficient information to allow the agency to proceed with appropriate action, including but not limited to as many of the items in an information checklist as possible and/or otherwise demonstrate a clear willingness to obtain necessary information and to local and identify the absent parent.	25% of net benefits for the first month; 50% for the second month; 75% for the third month; full family ineligibility for subsequent months.
Pennsylvania	No. The participant’s failure to identify the father by name, or the exclusion of two named fathers by paternity testing, creates a presumption of noncooperation which may be rebutted only by clear and convincing evidence.	25% penalty, or adult removed, whichever is greater.
Rhode Island	No.	25% penalty
South Carolina	Yes. The participant must provide 2 of the following: the noncustodial parent’s name, SSN, last known address, employment, parents’ names and address.	Parent and child removed.
South Dakota	No.	50% penalty.
Tennessee	No. As a part of a personal responsibility plan, the participant provide available information, or attest to the lack of information.	Entire family ineligible.

Texas	No. The participant must provide (1) the noncustodial parent's name; (2) information about the relationship; and at least one of the following items: SSN, last known address, employer, other contacts. If it is impossible to provide the information, the participant must provide a reasonable explanation.	\$78 penalty, with full case sanction for minor parents.
Utah	No.	\$100 until compliance.
Vermont	No.	25% penalty.
Virginia	Yes. The participant must provide the first and last name of the noncustodial parent, or if uncertain, all sexual partners. Failure to provide the name, except in cases of verified rape, will result in ineligibility. Any applicant or recipient who intentionally misidentifies another person as a parent is guilty of perjury. Litigation pending.	Adult is ineligible, with third-party payments for children. If participant is not cooperating and paternity has not been established, entire case is closed after 6 months of assistance. If paternity is not established after six months, the case must be reviewed to determine the reason. If paternity has not been established due to noncooperation, the local agency may suspend the entire grant or adult portion.
Washington	No. The participant must provide any available information from a checklist, but can attest to the lack of information.	25% penalty.
West Virginia	No. The participant must provide available information, or attest to the lack of information.	A part of the personal responsibility contract. If a substantial contract breach occurs, the following penalties apply in the WORKS program: For the first noncompliance, a one-third reduction for three months; for a second noncompliance, a two-thirds reduction for three months; for a third noncompliance, termination. In the rest of the state, the participant is removed from the grant.
Wisconsin	No.	Entire family ineligible.

Wyoming	No. The participant must provide information to help locate the noncustodial parent, including his name, address, SSN, and names of relatives, but cooperation is determined on a case-by-case basis.	Entire family ineligible.
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Compiled by Vicki Turetsky, with the assistance of Susan Notar and Susan Greenblatt from HHS, Office of Child Support Enforcement (March 17, 1998 draft matrix), Lisa Plimpton and the State Policy Documentation Project, a joint project of the Center for Law and Social Policy and Center on Budget and Policy Priorities, and individual states. Information also was contributed from surveys conducted by the American Public Welfare Association, Welfare Reform Information Center, reported in *Survey Notes* (Vol. 1, No. 3) (July 1, 1997 survey) and by the Taylor Institute.

**PRELIMINARY DRAFT: FOR DISCUSSION PURPOSES ONLY**

## Appendix 7

## Good Cause Policies

Revised August 1, 1998

State	Has state retained federal definition of good cause?	What evidence will the state accept as sufficient to establish good cause?	Will TANF or IV-D agency make good cause determination in TANF cases?
Alabama	No. Good cause and other exceptions from cooperation include: (1) physical or emotional harm to the parent, caretaker or child; (2) pending adoption proceedings; (3) the child was conceived by forcible rape or incest; (4) "situational" exceptions, including transportation problems; out-of-state visit; illness, job interview, lack of child care, address problems.	Official records and third-party statements. When the custodial parent's statement and corroborative evidence are insufficient, an investigation is made at the request of the good cause review team. The team contacts the noncustodial parent to establish good cause.	Good cause review team consisting of TANF and Family Service Unit staff, with IV-D review and comment. A IV-D good cause team makes good cause decisions in non-TANF cases.
Alaska	Yes.		TANF
Arizona	Good cause exceptions include: (1) physical harm to the parent, caretaker or child; (2) pending adoption proceedings; (3) participant has been working for less than 90 days with adoption agency; (4) child was conceived by sexual assault or incest.	Enacted legislation requires the agency to base good cause determinations on: (1) law enforcement records that indicate that the alleged father or obligor might inflict physical harm; (2) court documents on adoption proceedings; or (3) law enforcement records indicating sexual assault or incest. Following enactment, the agency sought advice from the state Attorney General, who determined that the statute does not comply with the federal law requiring good cause to be based on the "best interests of the child." The state agency intends to follow federal evidentiary rules.	TANF at intake, IV-D thereafter. Custodian can request good cause at any time.
Arkansas	Yes.		TANF

California	Good cause exceptions include (1) increased risk of physical, sexual or emotional harm to child; (2) increased risk of abuse to parent or caretaker; (3) rape or incest; (4) adoption proceedings; (4) cooperating in good faith, but cannot help identify or locate the father or obligor; (5) contrary to child's best interests.	Official records and sworn statements from third-parties and custodial parent. A sworn statement by a victim is sufficient to establish abuse unless the agency documents in writing an "independent, reasonable basis" to find the recipient not credible.	TANF
Colorado	Yes.	Official records, third-party statements, and custodial parent's statement alone.	TANF, with IV-D comment
Connecticut	Good cause and other exceptions include (1) a deceitful noncustodial parent; (2) mental impairment or incapacity; (3) domestic violence; (4) other "good faith" exemptions; and (5) exceptional circumstances. In addition, cooperation can be waived under FVO.		TANF decides domestic violence exception; IV-D decides other exceptions.
Delaware	Good cause exception exists when the pursuit of child support would create a danger to the caretaker.		IV-D
DC	Yes.		IV-D
Florida	Good cause exceptions include (1) reasonable certainty of harm to the child; (2) domestic violence against caretaker, including physical or emotional harm or retaliation; (3) documented or undocumented incest or rape; (4) adoption.	Official records, third-party statements; custodial parent's affidavit alone.	IV-D
Georgia	Good cause exceptions include (1) physical or emotional harm or threats of harm to the parent, caretaker or child; (2) sexual abuse of the child; (3) child conceived by rape or incest; (4) adoption pending or being considered; (5) child kidnaping threat, or (6) against the child's best interests.	Official records and third-party statements.	TANF
Hawaii	Yes.		TANF
Idaho	Good cause exceptions include (1) physical or emotional harm to the parent, caretaker, or child; (2) child conceived by rape or incest.	Official records and third-party statements.	TANF

Illinois	Yes.		TANF
Indiana	Yes.		TANF
Iowa	Good cause exceptions include (1) physical or emotional harm to the parent, caretaker, or child; (2) sexual abuse of the child; (3) child conceived by rape or incest; (4) adoption pending or being considered.	Corroboration, along with sufficient information to allow for an investigation.	TANF
Kansas	Good cause and other exceptions include (1) a “reasonable fear” that the noncustodial parent may cause physical or emotional harm to the caretaker or child; (2) child conceived by rape or incest; (3) adoption pending or being considered; (4) lack of information about the father because of rape or multiple partners.	Official records, and other documenting evidence.	TANF
Kentucky	Good cause exceptions include (1) a fear of physical or emotional harm to the parent or child; (2) child conceived by rape or incest; (3) adoption pending or being considered. In addition, cooperation can be waived under FVO.	Official records, third-party notarized statements, or (if corroborating evidence is not submitted) agency investigation	TANF, with IV-D review and comment
Louisiana	Yes.	Official records and third-party statements.	TANF
Maine	A good cause exception exists when an individual is unable to participate due to domestic violence (1) because of physical injuries or psychological effects of abuse, (2) legal proceedings, counseling or other activities related to abuse; (3) because the abuse actively interferes with the individual’s participation; (4) because the location puts the individual at risk; or (5) for other good cause related to domestic violence, including situations when cooperation may result in harm to the parent or child, or rape or incest.	Reasonable and verifiable evidence that may include, but is not limited to, official records or third-party sworn statements that establish that the individual has been a victim of domestic violence.	TANF
Maryland	Yes.		TANF

Massachusetts	Good cause exceptions include (1) physical or emotional harm or threats of harm to the parent, caretaker or child; (2) sexual abuse of the child; (3) mental impairment or incapacity; (4) child conceived by rape or incest; or (5) adoption pending or being considered.	Official records and third-party statements.	TANF
Michigan	Yes.	Official records and other written evidence furnished by the custodial parent.	TANF
Minnesota	Yes.		TANF and IV-D
Mississippi			IV-D
Missouri	Yes. Other exceptions include situations beyond the participant's control, such as child care or transportation problems, and illness.		TANF at intake, IV-D thereafter
Montana	Yes.		TANF (in some counties, TANF with IV-D)
Nebraska	Yes.		IV-D with TANF
Nevada	Yes.	Official records and third-party statements in some circumstances. Each good cause exception has specific evidence requirements.	IV-D
New Hampshire	Yes.		IV-D
New Jersey	Yes. In addition, cooperation can be waived under FVO.	Official records, third-party statements from community organizations; custodial parent's sworn statement required to corroborate rape or incest. Standard unclear for physical or emotional harm.	TANF
New Mexico			IV-D (TANF on paternity intakes only)
New York	Yes.		TANF
North Carolina	Yes.		TANF

North Dakota	Good cause exceptions include (1) physical or emotional harm to the parent, caretaker or child; (2) threats of harm to the parent or caretaker; (3) sexual abuse of the child; (4) child conceived by rape or incest; or (5) adoption pending or being considered.		TANF
Ohio	Yes.		IV-D
Oklahoma	Yes.		TANF
Oregon	Yes.	Official records, third-party statements, and custodial parent's statement alone. Parents who make a good faith effort to provide verification will be considered to have good cause.	TANF
Pennsylvania	Yes.		TANF or IV-D
Rhode Island			IV-A
South Carolina	A good cause exception exists when a participant fears for the safety or well-being of herself or child.	Custodial parent's statement alone; may need to corroborate.	IV-D
South Dakota	Yes.	Official records and sworn third-party statements.	TANF
Tennessee	Yes.	No set requirements for proof.	TANF
Texas	Good cause exceptions include (1) physical or emotional harm or threats of harm to the parent, caretaker or child; (2) sexual abuse of the child; (3) child conceived by rape or incest; or (4) adoption pending or being considered.	Each good cause exception has specific evidence requirements. Official records are required in most circumstances.	TANF
Utah			TANF
Vermont	Yes.		TANF
Virginia	Yes.	Third-party statements and custodial parent's sworn statement alone.	TANF
Washington	Yes.	Official records and third-party statements. Custodial parent's statement must be corroborated, except when an agency investigation establishes that the claim is credible without additional evidence.	TANF

West Virginia	Yes.		TANF
Wisconsin			IV-D
Wyoming	A good cause exception exists if there is documented evidence of domestic violence in the relationship.		TANF

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