

2250 - COOPERATION WITH CHILD SUPPORT ENFORCEMENT**POLICY STATEMENT**

The AU must cooperate with Child Support Enforcement (CSE) in order for AU members to receive Family Medicaid, unless Good Cause exists.

**BASIC
CONSIDERATIONS**

Eligibility of AU members for Family Medicaid is contingent upon cooperation with CSE, unless Good Cause exists.

A non-custodial parent (NCP) whose child receives Medicaid under any Family Medicaid COA is considered to have incurred a debt to the state because of his/her failure to provide medical support for the child.

States are required to establish a program to enforce the NCP's obligation to provide support in the form of medical insurance for his/her child(ren). Child Support Enforcement administers this program in Georgia.

CSE performs the following functions:

- locating the non-custodial parent(s)
- establishing legal paternity
- collecting and distributing child support payments
- obtaining medical support agreements
- participating in hearings regarding Good Cause
- reviewing the agency's Good Cause decisions

A Medicaid AU's rights to medical support are assigned by law to the state upon receipt of Medicaid.

A Family Medicaid AU must cooperate with CSE in locating the NCP of a dependent child included in the AU, establishing legal paternity and obtaining medical support from him/her, unless Good Cause exists.

**BASIC
CONSIDERATIONS
(cont.)**

EXCEPTIONS: A referral to, and cooperation with CSE is **NOT** a requirement in the following situations:

- TMA
- Any child-only Family Medicaid case.

NOTE: A child-only Family Medicaid case is defined as a Medicaid AU in which no adults are receiving Medicaid under the child's case. An AU that contains a penalized

**BASIC
CONSIDERATIONS
(cont.)**

- A minor parent who is included in an AU as a dependent child cooperate with CSE if the minor parent's child is included in the AU unless the minor parent chooses to exclude his/her child.
- A minor parent is not referred to CSE unless he/she is receiving assistance as a dependent child.
- A referral to CSE is not required for an 18 year old receiving Medicaid under RSM-Child and CWFC Medicaid COA's.
- The NCP(s) of a married minor is not legally responsible for support of a married minor and is therefore not referred to CSE.
- The NCP of a child included in a Medicaid AU is not referred to CSE if the NCP provides health insurance for the child.

Cooperation with CSE includes, but is not limited to the following:

- Providing the following relevant information about the NCP in an attempt to locate and obtain support from the NCP:
 - name
 - date of birth
 - Social Security number
 - current and/or former address
 - medical insurance information
 - employment information
 - any other information that would assist in locating the NCP
- Attesting to the above information or attesting to the lack of information, under penalty of law.
- Submitting to a paternity test, if paternity is questionable.

If an AU reapplies for Medicaid following denial or termination due to non-cooperation, the AU must cooperate with CSE prior to approval of the new application.

Good Cause for failure to cooperate with CSE may be claimed for non-cooperation with either the child support process or the medical support process.

Good Cause

Good Cause may be claimed at any time during the application

**BASIC
CONSIDERATIONS****Good Cause
(cont.)**

Good Cause can be established if one of the following circumstances exists:

- Cooperation with CSE would result in physical or emotional harm to the child or the A/R.
- The child was conceived as the result of rape or incest.
- Legal proceedings for the adoption of the child are pending
- The A/R is receiving assistance from a public or licensed service agency to resolve the issue of whether to keep the child or release the child for adoption and the discussions have not pending for more than three months.

Assistance is not delayed, denied or terminated pending a determination of Good Cause if the A/R has cooperated in providing information and/or evidence in support of the Good Cause claim.

chart 2250 .1 – evidence needed to substantiate good case determination	
GOOD CAUSE CIRCUMSTANCE	PROOF REQUIRED
Physical and/or emotional harm to the child	Child Protective Services (CPS), court, criminal, law enforcement, medical, psychological or social services records indicating the possibility of physical or emotional harm by the NCP
Physical and/or emotional harm to the grantee relative	Court, criminal, law enforcement, medical psychological or social services records indicating the possibility of physical or emotional harm by the NCP
Child conceived as a result of rape or incest	Medical or law enforcement records indicating conception resulted from rape or incest
Pending legal adoption proceedings	Court documents or statement from social services indicating that adoption is pending
A public or private social service agency is assisting the A/R in deciding whether to keep the child or release him/her for adoption	Written statement from the public or private social service agency assisting the A/R
Any of the above Good Cause circumstances	Sworn statement from individual(s) with knowledge of Good Cause circumstances when the above proof cannot be obtained

**BASIC
CONSIDERATIONS
(cont.)**
Failure to Comply

If a Family Medicaid AU member fails to cooperate with CSE without Good Cause, the adult who failed to cooperate is penalized.

EXCEPTIONS:

- In a RSM AU, a parent who fails to cooperate remains in the BG
- Certain Medicaid COAs and circumstances which do not require cooperation with CSE. Refer to exceptions in this Section.

PROCEDURES

Provide the following information to the A/R at initial application, review and when adding a child to the AU:

- explanation of the child support program
- assignment to the state of child support and/or medical support
- the requirement to cooperate with CSE and the consequences of failing to cooperate
- notice to the A/R of the right to claim Good Cause at any time.

Review with the A/R Form 138, Notice of Requirement to Cooperate and Right to Claim good Cause for Refusal to Cooperate in CSE and Third Party Resource Requirements.

Obtain the A/R's signature on Form 138 and provide the A/R with a copy. File the signed original in the case record.

Follow the procedures below when an A/R claims Good Cause:

**Determining Good
Cause**

Notify the A/R of the evidence needed to establish Good Cause and establish a deadline for returning the information 20 calendar days from the date Good Cause was claimed.

Step 1

NOTE: Reasonable extensions may be granted with supervisor approval. Document the reason for the extension.

Step 2

Refer to the Chart 2250.1 in this section for types of documentary evidence needed to establish a Good Cause claim.

PROCEDURES**Determining Good Cause (cont.)**

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|---------------|---|
| Step 3 | Notify CSE immediately when Good Cause is asserted if an NCP had previously been referred. |
| | NOTE: CSE will suspend enforcement activities pending the Good Cause determination. |
| Step 4 | Review all information provided by the A/R and any other available evidence. |
| Step 5 | Request additional evidence from the A/R if necessary. Assist the A/R in obtaining information if requested to do so. |

- Step 6** Conduct an investigation if the evidence submitted by the A/R is insufficient to substantiate the Good Cause claim. Notify the A/R in writing when such an investigation is required.
- NOTE:** Do not contact the NCP unless necessary to determine Good Cause. Notify the A/R prior to contacting the NCP.
- Step 7** Base the Good Cause determination on the supporting evidence provided by the A/R and/or the information obtained during the investigation.
- Step 8** Determine Good Cause within 45 calendar days of the application or 30 calendar days at any other time.
- Step 9** Document the Good Cause determination.
- Step 10** Notify the A/R of the Good Cause determination.

**Good Cause
Established**

If Good Cause **IS** established, notify the A/R that the NCP will **NOT** be referred to CSE and that CSE activities will be terminated if the NCP had been previously referred.

NOTE: Review the case circumstances at the next review if Good Cause is subject to change.

**PROCEDURES
(cont.)**

**Good Cause
Not Established**

If Good Cause is **NOT** established, notify the A/R within 2 days of the decision. Notify the A/R of the following options and allow 10 days for the A/R to choose an option:

- cooperate with CSE
- request a closure of the Medicaid case
- request a hearing
- withdraw the application

Take appropriate action based on the decision of the A/R.

Do not impose a penalty or refer to CSE if a hearing is requested.

Notify the A/R that Good Cause may be asserted again if circumstances change.

**Notice of
Non-Cooperation**

Follow the steps below when a notice received from CSE cites substantial evidence of the AU's non-cooperation.

Step 1

Discuss the non-cooperation allegations with the A/R.

Step 2

Discuss any mitigating circumstances with the CSE agent.

Step 3

Determine if Good Cause exists.

Step 4

If Good Cause is established, notify CSE.

If Good Cause is not established, impose appropriate penalty and notify the AU and CSE. Inform the AU of the right to request a hearing.

Step 5

If a hearing is requested, include the name and address of the local CSE agent on the hearing request.

**PROCEDURES
(cont.)****Reapplication
Following Denial/
Termination Due to
Non-Cooperation**

Follow the steps below when an application for Family Medicaid is made following denial or termination due to non-cooperation with CSE:

Step 1

Inform the A/R that cooperation with CSE, prior to approval of Medicaid, is required.

Step 2

Obtain A/R signature on the CSE Compliance Agreement. Provide a copy of the Agreement to the A/R and to the CSE office assigned to the case. File the original Agreement in the case record.

Step 3

Inform the A/R that s/he must contact CSE and, if deemed necessary by CSE, schedule an appointment.

Step 4

If CSE notifies the agency that the A/R has cooperated, approve the case if otherwise eligible.

Step 5

If CSE notifies the agency that the A/R has failed to cooperate, determine whether Good Cause for non-cooperation exists. If it is determined that Good Cause exists, approve the case if otherwise eligible.

