

Department of Social and Health Services

Olympia, Washington

EAZ Manual

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Division CSD

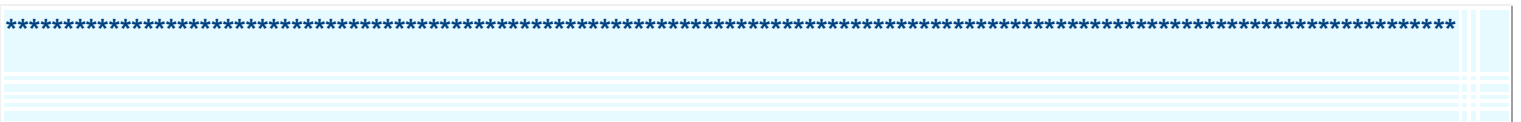
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Summary

Clarified DCS good cause language and WF reorg job class titles.



Division of Child Support (DCS) Good Cause

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WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care?

Purpose

This chapter provides the department's policy and procedures for determining if a custodial parent has "Good Cause" (GC) for non-cooperation with TANF/SFA program requirements.

The Division of Child Support (DCS) helps families with a variety of services including the collection and disbursement of child support. Parent/caretakers receiving TANF/SFA for themselves and/or their child(ren) are required to cooperate with DCS to help establish paternity, set a child support order, and enforce child support.

"Child Support" includes health insurance coverage, medical expenses, birth costs, and child care or special child rearing expenses. Either or both parents are required to provide health insurance for the children, and both parents are required to contribute to uninsured medical expenses, regardless of whether the children received medical assistance.

The DCS cooperation requirement is waived if you determine that establishing and/or enforcing child support may result in serious physical or emotional harm to the child or parent/caretaker. This requirement may also be waived in instances of rape (including rape of a child), incest, or when an adoption discussion is taking place. See [WAC 388-422-0020](#) and the [EA-Z Manual - Child Support](#) for more information.

Clarifying Information

DCS Good Cause Referrals

1. All requests for DCS Good Cause due to threat of serious physical or emotional harm to the child or parent/caretaker are referred by the Public Benefits Specialist (PBS) or ~~WorkFirst Program Case Planning and Support Specialist (Case Planner)~~ [er Support Specialist \(CPSWFPS\)](#) to the WorkFirst Social Service Specialist (SSS). The SSS can see a list of cases pending Good Cause on the discrepancy reports in the Barcode Good Cause system. The SSS reviews any documents associated with the referral including but not limited to:

- a. The parent's/caretaker's signed sworn statement, ~~which could be on~~ the [DSHS 18-334\(X\)](#) Your Options for Child Support Collection, outlining their fears and concerns; and
- ~~a.b.~~ [The DSHS 18-334 includes boxes that parents/caregivers can check that will indicate the level and specific nature of help they outline their fears and concerns.](#)
- ~~b.c.~~ [Any](#) additional documents, statements or other types of verification that has been gathered ~~to hat~~ support the parent's/caretaker's Good Cause request. Even without other documentation, you must accept a sworn statement in support of the good cause claim.

NOTE: Even without other documentation, the Department must accept a signed, sworn statement (DSHS 18-334) in support of the Good Cause claim. [Parents/caregivers can use the appropriate check boxes on the form to explain their fears and concerns.](#)

Parent Interview

Whenever possible, interview the parent/caretaker on the same day you receive the Good Cause referral. If the interview is not done the same day the referral is received, schedule the interview as soon as possible allowing for adequate notice, but no longer than 30 days.

During the interview, the WorkFirst Social Service Specialist:

1. Finds out why the parent/caretaker does not want to pursue Child Support.
 - a. Asks if there are current issues around Family Violence, rape, incest or pending adoption.
 - b. Reviews eJAS for possible Family Violence.
 - c. Reviews address to determine if the parent/caretaker is enrolled in the Address Confidentiality Program (ACP).
 - d. If the parent, caretaker, or child(ren) share they are in danger, or at risk of serious harm, seek assistance from an on-site or community-based domestic violence advocate. A referral to a community based domestic violence advocate can be made for ongoing services and support.
2. Talks with the parent/caretaker about what they view as the pros and cons of establishing paternity and/or collecting Child Support. If you feel the parent/caretaker is misinformed about a child's rights to resources, benefits, or entitlements, help the parent to seek advice from appropriate resources. Resources may include legal advocacy, DCS staff located in the CSO, the local DCS office, a family violence advocate, etc.
3. Informs the parent/caretaker:
 - a. About the advantages and disadvantages of pursuing Child Support.

- b. About their choice between Good Cause Level A and Level B options and document their decision. (See Section 7 for more information about Level A and B)
 - c. They have the option to change the level of Good Cause claimed by communicating with their SSS to make the update.
 - d. If Good Cause is approved now, but later withdrawn, DCS will begin necessary actions to establish paternity and/or to establish and enforce both past and current child support from the NCP. It is important that a victim of family violence understand this if there are any continuing safety risks at the time DCS action begins.
 - e. If cash assistance closes after Good Cause Level A approval, the Good Cause claim will not close. It will remain open through the next review period.
4. If there is more than one noncustodial parent (NCP) for the children in the assistance unit, the parent/caretaker must be given the option of claiming Good Cause for each NCP. When possible, the parent needs to complete and sign an individual DSHS 18-334(X) form, with the separate NCP and child in common, when filing the Good Cause claim.
5. Once a support order is established, the NCP has an obligation to pay child support for the child. Granting either level of Good Cause does not cancel the support obligation or any existing child support order. However when Good Cause Level A is approved, DCS closes the case and does not take any action to establish paternity or to establish/ enforce a child support order against that NCP until the Good Cause claim is withdrawn or the parent/caretaker applies for non-assistance support enforcement services. This makes it important to obtain and maintain accurate information about the basis for the Good Cause exemption.
6. If Good Cause Level A is approved and has not been denied or withdrawn at the time the parent/caretakers cash assistance is terminated, DCS will not reopen the case at that time. DCS will reopen the case only if the parent/caretaker applies for TANF again without claiming Good Cause, or submits a non-assistance support enforcement application to DCS.
7. If the NCP is in another state or country, DCS may need to ask the other state or/ country to help. DCS may be required to provide the parent/caretaker address to the other state and rely on that state to keep it confidential.
8. Asks the parent/caretaker for verification. Discuss with the parent/caretaker the types of verification that can be used to substantiate the Good Cause claim. Document which type of documentation was used to make the determination. The parent/caretaker has 20 days to provide verification of Good Cause, however they can request more time and help getting proof. Verification may include one the following, but the department **only needs can use** the signed sworn statement (DSHS 18-334 form) **as good cause verification**:
 - a. A signed, sworn statement which ~~includes could be~~ the completed [18-334\(X\)](#) or other signed statement from the survivor ~~herself or himself~~**themselves**, outlining

his/her/their fears and concerns (see the CSD Procedures Handbook section - [Determining Good Cause for Non Collection of Child Support](#));

- b. A statement from clergy, friends, relatives, neighbors or co-workers.

NOTE: DSHS cannot require a parent to provide documents such as court orders or police records in order to support a claim of Good Cause. There are many reasons why a victim of family violence would not be in possession of these, for example, if the client has fled and left these papers behind, or if seeking copies of these documents would alert a perpetrator to the client's whereabouts. Many victims, for a variety of good reasons, have never sought help from systems like the police, courts or medical facilities.

9. Offers a referral to the on-site or community based domestic violence advocate, if available. For households where the custodial parent/caretaker is not on WorkFirst, provide the National Domestic Violence Hotline number (1-800-799- SAFE or 1-800-799-7133).

10. Withdraws the request if the parent/caretaker does not want to proceed with the Good Cause claim.

- a. Remind the parent that they may request Good Cause at any time if their circumstances change. Document the parent's request to withdraw the claim.
- b. Send a DSHS 18-444 (X), Good Cause Decision, to the parent/caretaker and DCS, marked withdrawn. If you choose central print, a copy will automatically be sent to the parent/caretaker and DCS. An alert will auto generate for financial staff to update 3G.
- c. If the parent/caretaker has questions or fears about issues related to custody, visitation or paternity, refer the parent/caretaker to the legal services CLEAR line (1-888-201-1014).

11. Makes third party contacts with the knowledge and consent of the parent/caretaker. Inform the parent/caretaker of each specific contact.

When the decision is based upon phone verification, document the date, phone number, and the person you talked with, along with the information you received.

If the parent/caretaker needs help getting verification and consents to your helping them, have the parent/caretaker complete and sign the [DSHS 14-012 - Authorization to Release Information](#).

If the parent/caretaker does not consent to department assistance, talk with the parent/caretaker in order to identify other ways to get the verification.

Offer the parent/caretaker the opportunity to obtain the information on their own.

1. Document more time is needed to obtain the information.

12. Explains to the parent/caretaker that the parent/caretaker has the opportunity to decide what level of Good Cause protection is necessary and document their decision. There are two levels:

- **Level A:**

- DCS **will not** pursue the establishment of paternity, establishment of a support order, or enforcement/collection of child support or from the NCP because any contact with the NCP poses a risk of serious harm to the child or parent/caretaker.
- DCS closes the child support case, takes no actions on the child support case and the parent/caretaker will not receive child support. Even though DCS closes the child support case, any child support owed under an existing child support order continues to accumulate each month that it is not paid.
- In the future, if the Good Cause claim is withdrawn or if the parent/caretaker files an application for DCS non-assistance services, DCS will reopen the case and collect both current and past due child support

- **Level B:**

- DCS **will** pursue the establishment of a support order and collect child support **without** the parent/caretakers cooperation.
- DCS keeps the parent/caretaker advised of case actions, but the parent/caretaker is not required to cooperate with DCS; they may elect to cooperate or not. Generally, paternity establishment is not pursued in Level B cases because these proceedings require the cooperation and involvement of the child and custodial parent.

NOTE: If either Level A or Level B Good Cause is granted after a case has been filed in court by the prosecutor's office, the prosecutor must request the permission of the court to withdraw from or dismiss the action.

NOTE: See the [DCS Good Cause Appendix](#) for more information about DCS child support procedures and policies.

Claim Determination and Processing

1. The department is required to make an initial determination within 30 days. WorkFirst Social Service Specialists (SSS) are required to use the Barcode Good Cause program for claim determination and processing. Good Cause is found if the parent or caretaker's written statement outlining their fears and concerns, or other verification, indicates that the likelihood of harm (physical or emotional) to the parent/caretaker or child(ren) is too great to safely seek collection of child support. When verification has been received and/or the review of the verification is completed, a determination can be made. Document the verification that was used to make the decision.
2. If the Good Cause is an approval, set the review date for twelve months or shorter if circumstances warrant.

3. If TANF/SFA benefits are provided to the parent, who requested Good Cause due to serious physical or emotional harm to the child or parent/caretaker but TANF assistance is **terminated** while the claim is still pending, the SSS must complete the Good Cause determination. DCS must be informed to know if further action concerning the child support case is necessary.
 - a. If a determination cannot be made, because of loss of contact or some other reason, **the default decision is approval of the Good Cause claim.**
 - b. If the parent reapplies for cash assistance after a default approval decision, Good Cause must be re-determined according to the standard process.
 - c. If the parents/caretakers cash is terminated before the Good Cause decision is made, a determination must be completed.
4. Supervisory approval is required on all Good Cause claims before the decision letter can be generated. The supervisor approves the DSHS 18-444(X) - Good Cause Decision by checking the 'reviewed by Supervisor' box in the Barcode Good Cause system.
5. Notify the parent/caretaker of the final decision on the DSHS 18-444(X) - Good Cause Decision. Once the letter is saved, a copy will be mailed from central print to the parent/caregiver and DCS. A Barcode tickle will automatically generate to alert eligibility staff for an entry in 3G.
6. If Good Cause is denied, advise the parent/caretaker that:
 - a. They have a right to an Administrative Hearing. See ([EA-Z Manual - Administrative Hearings](#)).
 - b. If circumstances change, the parent/caretaker may, at any time, request another Good Cause determination due to serious physical or emotional harm to the child or parent/caretaker by completing and signing another Your Options for Child Support Collection ([DSHS 18-334\(X\)](#)).
 - c. On-site or community based domestic violence advocates are available for support.
7. Document essential case information in the appropriate confidential notes section (Barcode Good Cause Program and eJAS if the parent/caretaker is on TANF). The notes should include for which noncustodial parent the parent/caretaker is requesting Good Cause, if Good Cause was granted, verification provided to verify Good Cause, what level of Good Cause was chosen, and when the next review will need to be completed. The notes may be needed in the future to:
 - a. Support the decision;
 - b. Aid at review; and
 - c. Inform the Administrative Hearing process.

Reviewing Good Cause Determinations

Review Good Cause determinations at intervals consistent with the family circumstances. WorkFirst Social Service Specialists are required to use the Barcode Good Cause program for reviewing Good Cause determinations.

1. If Good Cause is approved because the child was conceived as a result of rape or incest, it is not necessary to review the Good Cause decision. The review date can be set for the child's eighteenth birthday. However, advise the parent/caretaker that they can withdraw their claim of Good Cause at any time if they wish to do so.
2. If Good Cause is approved based on any other circumstance (e.g. physical or emotional harm to the child or parent/caretaker or adoption discussions or proceedings), Good Cause will be reviewed periodically, usually every twelve months.
3. At the time of review:
 - a. Review the documents in the case record. Determine if contact with the parent/caretaker is necessary to make the determination to continue Good Cause.
 - i. If there is sufficient verification in the record to continue the Good Cause determination without contacting the parent/caretaker such as the previously signed sworn statement such as the DSHS 18-334(X), authorize continued Good Cause and establish a new review date at an appropriate time in the future.
 - b. If contact is necessary due to missing verification in the case record:
 - i. Reach out to the parent/caretaker to determine if the circumstances have changed since the last Good Cause determination. If additional verification is available and necessary to make a re-determination, review
 - ii. The provided verification and make a new Good Cause determination.
 - c. Complete a DSHS 18-444(X), Good Cause Decision:
 - i. Mark the box to indicate it is a re-determination; and
 - ii. Once the letter is saved, a copy will be mailed from central print to the parent/caregiver and DCS. A Barcode tickle will automatically generate to alert eligibility staff for an entry into ACES 3G.
4. If cash assistance is closed, deny Good Cause to close out the Good Cause claim. DCS **will not** pursue the establishment of a support order unless the parent/caretaker files an application for non-assistance child support services through DCS.

- a. In the Barcode Good Cause program, take the following steps:
 - i. Check "Review Claim"
 - ii. "Good Cause Established?" - check "No"
 - iii. "Reason for Good Cause Decision" - Select "No Proof of Good Cause"
 - iv. Enter Close Date - End date of current review
 - v. "Reason" - Select "Financial Assistance Closed"

NOTE: If the cash assistance closed, the 18-444 will automatically be suppressed and not sent to the custodial parent/caretaker.

Referrals and Resources

1. If the parent is a WorkFirst participant, the SSS will do the following:
 - a. Offer the parent/needly caretaker a referral to the on-site or community-based domestic violence advocate who may be able to help them address the circumstances creating the need for the Good Cause claim.
 - b. Create and document the referral in eJAS to the local contracted domestic violence advocate, if available in the local office. Document the note in eJAS under note type, Family Violence Special Records.
 - c. Document the family violence related referral in the Barcode Good Cause program

NOTE: All WorkFirst parents are required to have a yearly Family Violence Screening in eJAS. SSS/~~WFPS~~ update this screening tool and provide resources as needed.

[The initial DCS good cause determination is not considered a mandatory WorkFirst activity.](#)

2. For TANF parents/caretakers, not participating in WorkFirst, provide resources to the parent/needly caretaker to a community-based domestic violence agency for support.
3. Explain the use of Washington Apple Health to obtain health care coverage for the family. Ask the parent/caretaker if they need any special accommodations to seek or access health care coverage services. Tell the parent/caretaker that receiving Medicaid or other state-funded health care coverage will not automatically result in a DCS case, but that they can apply for DCS services if they wish to do so.
4. Give the parent/caretaker available informational brochures related to DCS or Good Cause due to serious physical or emotional harm to the child or parent/caretaker and discuss any other pertinent issues related to the parents/caretakers situation.
5. Encourage the parent/caretaker at risk of family violence to determine if enrolling in a community support group, counseling activities or contacting legal services (CLEAR 1-888-201-1014) is in their best interest.

6. If the parent would like more information about DCS support enforcement services, have the client call 1-800-442-KIDS.
7. Some parents/caretakers may be participating in the Address Confidentiality Program (ACP) through the Office of the Secretary of State. The ACP protects the release of the physical address, the work address of the parent/caretakers, and the school address of the child(ren) who fled or are hiding from -an abuser. ACP participants use a substitute address in place of their actual physical address. See the EA-Z Manual if the parent is participating in, or you would like more information about the [Address Confidentiality Program](#).