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Child Support

1600 PURPOSE

The purpose of the Child Support Enforcement Program (CSEP) is to ensure parents provide support for their children. The cooperation of the relative caregiver in obtaining financial support for dependent children (unless good cause exists) is an eligibility requirement for receipt of TANF/NEON and Child-Only cash benefits.

1610 ASSIGNMENT OF SUPPORT

Nevada State law (NRS 425.350) requires relative caregivers assign child support rights to the DWSS. The “responsible person” is the caregiver who applies for and receives TANF/NEON or Child-Only cash benefit. The signature on the application assigns child support rights for all individuals applying for benefits. The case manager must ensure the signature(s) and affirmation(s) have been completed on the application. Advise the caregiver the assignment of rights remains in effect while the household receives TANF cash benefits.

No more than one responsible person will be allowed per case except when there are two parents in the household with a separate child(ren) in the following scenarios:

- a household with married parents with no common child(ren) (double step parent case); or
- a household with two parents, married or unmarried, with a common child and each parent has a separate child.

The case manager must ensure both parents assign their rights to support for their own separate child(ren).

The following information is provided to the relative caregiver by the eligibility case manager and CSEP:

- the benefits of the child support program;
- the caregiver’s responsibility to surrender any child support (voluntary or court ordered) received once the TANF/NEON or Child-Only benefits are approved;
- the caregiver’s responsibilities in child support enforcement;
- the procedures for claiming “good cause”;
- the case action and penalty for not cooperating with CSEP and a signed copy of the Non-Custodial Parent (NCP) form, 2906-EG.

When adding a new member to the case, if the same NCP has already been identified as a parent of another child in the assistance unit, do not complete a new Non-Custodial Parent (NCP) form for the added member. Update the existing NCP form with any new information about the NCP and add the new case member.

The relative caregiver is required to cooperate with CSEP by:

- providing information about the non-custodial parent(s);
- assisting CSEP in locating the non-custodial parent(s);
- assisting to establish paternity, if deemed necessary by Division staff;
- appearing at the CSEP office or court to sign papers, or provide necessary information;
- surrendering and endorsing all voluntary or court ordered child support (for TANF/NEON or Child-Only) received after benefits are approved.

When a minor parent receives benefits as head of household on their own case, they assign rights on their child's parent and not their own parents. When a minor receives benefits with a parent, an assignment is made for both the minor parent's absent parent and the minor's child's absent parent.

1611 GOOD CAUSE FOR NON-COOPERATION WITH CSEP

The relative caregiver has the right to claim "good cause", and request a determination of its validity, for not cooperating with CSEP. In a household with multiple non-custodial parents, good cause must be requested for each parent for whom the relative caregiver is claiming "good cause" exists.

The Non-Custodial Parent (NCP) form 2906-EG, explains the basis for "good cause" and type of evidence which must be provided to establish the claim.

The eligibility case manager will assist the caregiver in the process to claim good cause. The CSEP worker makes the "good cause" determination. *Assistance is not denied, delayed or terminated pending this determination if all requested information is provided.*

1611.1 Procedure to Claim Good Cause

Review the Non-Custodial Parent (NCP) form, 2906-EG, with all caregivers at the initial interview and whenever a child becomes a required household member and explain the "good cause" provisions. All caregivers:

- receive an explanation of situations which may justify a determination of "good cause" and the evidence needed to validate the claim. At this time, or any time thereafter, the caregiver is afforded the opportunity to file a "good cause" claim; and
- receive a copy of form 2906-EG signed by themselves and the case manager.

If the caregiver requests a “good cause” determination, it must be done in writing and the following action is taken:

- request the caregiver to provide evidence to substantiate the claim, unless a signed statement from the caregiver is one of the acceptable forms of evidence;
- complete form 2562-EE, Good Cause Report;
- send a copy of any evidence supplied and form 2562-EE, Good Cause Report form to CSEP;
- continue processing the application or redetermination. *DO NOT delay, deny or terminate benefits while a good cause determination is pending;*
- forward the evidence to CSEP within one working day of receipt.

1611.2 Good Cause Claim and Acceptable Evidence

Good cause exists in the following situations:

- The child was conceived as a result of incest or rape.
Evidence – a birth certificate or medical or law enforcement records indicating the circumstances surrounding the child’s birth. If there is no such evidence, obtain the client’s statement for a social worker referral by CSEP.
- Legal proceedings for the child’s adoption are pending before a court.
Evidence – court documents or other records.
- A licensed or private social agency is assisting the parent in deciding whether to keep the child or relinquish it for adoption.

CSEP cooperation is required if the child has not been relinquished within three (3) months from the date discussion began. When a pregnant woman plans relinquishment, cooperation is not required unless she later decides against relinquishment.

Evidence – a written statement of facts from the social agency.
- The child or caregiver may be physically or emotionally harmed (e.g., domestic violence) by cooperating with CSEP in establishing parentage or collecting support.

Evidence – court, medical, criminal, child protective services, social services, psychological, or law enforcement records, statements from mental health professionals and sworn statements from other individuals with knowledge of the circumstances, which indicate the non-custodial parent(s) might inflict physical or emotional harm on the child or caregiver. If there is no such evidence, obtain the client’s statement for a social worker referral by CSEP.

After evaluating the evidence, CSEP will issue Form 2486-EE, Notice of Good Cause Decision to the client and forward a copy to the case manager.

The decision will indicate if the caregiver:

- **has good cause** for not cooperating and child support location/enforcement efforts will not be started or continued; or
- **does not have good cause** for not cooperating, child support locate/enforcement efforts will be started or continued.

1620 APPLICATION PROCESSING, COOPERATION AND REFERRALS

1620.1 Case Manager Responsibilities

Case managers must:

- explain to TANF/NEON, Child-Only caregivers of their responsibilities, at the application interview and after approval, as needed.
- determine if the caregiver’s previous application for TANF/NEON or Child-Only benefits indicates the caregiver was in non-cooperation with CSEP. If the caregiver was in non-cooperation, the non-cooperation issue(s) must be resolved prior to approval of cash benefits;
- deny or terminate benefits when a caregiver indicates non-cooperation on the application, at the redetermination (RD), or fails to return the (NCP) Form 2906 for any child;
- obtain as much information as possible from the caregiver about the non-custodial parent(s) (NCP) by requesting they complete a Non-Custodial Parent (NCP) form, 2906-EG for all absent parents. If a parent is deceased, provide CSEP with the death certificate, if available, the names of the children of the deceased parent and as much identifying information as possible;

The household must pursue and take advantage of all income which is or may be available. If an absent parent is deceased, consider possible survivor's benefits (e.g., Social Security, VA) as potential income to the household.

- gather and forward "good cause" documents provided by the caregiver to CSEP;
- forward any documents provided by the applicant/recipient such as birth/marriage records, divorce decrees, child support orders, non-custodial parent identification;
- forward all NCP form(s) to CSEP upon approval of TANF/NEON or Child-Only;
- forward information on changes to CSEP, as required;
- deny or terminate TANF/NEON or Child-Only benefits as a result of non-cooperation referrals from CSEP;
- advise the caregiver if benefits are denied, application for support enforcement services may be made through CSEP;
- advise the caregivers who are not required to comply (SSG, Temporary and Loan programs) that child support enforcement services may be made through their local District Attorney's office;
- prepare hearings and CSEP will participate in representing the agency in the hearing process.

1621 INTERVIEW REQUIREMENTS

As part of the eligibility interview, case managers are required to:

- review the Non-Custodial Parent (NCP) form, 2906-EG with the relative caregiver;
- notify the caregiver that any child support (Voluntary or Court Ordered) received after notification of cash approval for TANF/NEON or Child-Only, must be surrendered to CSEP. Provide the caregiver with instructions on how and where to surrender the benefits; and
- forward the Non-Custodial Parent (NCP) form, 2906-EG, to CSEP within two working days.

1621.1 Non-Custodial (Absent) Parent – Information

To provide the most accurate information to CSEP, case managers will:

- obtain as much information on the non-custodial parent(s) as the caregiver can provide, and review the Non-Custodial Parent (NCP) form, 2906-EG, to ensure no areas are blank, and the information provided is complete;

If a child has more than one possible father, such as a child born during marriage, a signed affidavit of paternity, a father named in a court order, or an alleged biological father, obtain information on all possible fathers. If a possible father is in the home, see section A-300.
- assist the caregiver to determine if additional information about the non-custodial parent(s) can be obtained from other sources;
- advise the caregiver to report any new or additional information about the non-custodial parent(s);
- ensure the caregiver is cooperating in providing information based on the interview and other related evidence.

1621.2 Surrendering Child Support Payments to CSEP

After TANF/NEON or Child-Only cash benefit approval, the caregiver must surrender all court-ordered or voluntary support payments for an assisted child to the CSEP received directly from the NCP or another child support agency.

To ensure the state receives all support for TANF/NEON or Child-Only reimbursement to which it is entitled, staff must:

- advise the caregiver to surrender all court-ordered or voluntary support payments received after approval;
- provide the caregiver the address to the State Collections and Disbursement Unit (SCaDU);
- forward any support payments that are received at the local office to the State Collections and Disbursement Unit (SCaDU) and provide the caregiver with a receipt for the surrendered support.

1621.3 Updates to CSEP Referrals

Once the initial referral has been sent to CSEP, provide updates to the referral if:

- changes in the household occur;
- changes to non-custodial parent information are made, no matter the source; or
- a denial/termination for non-cooperation is appealed.

Exception: Do not send a referral for household changes such as address, terminations, grant amounts and program categories.

1622 NON-COOPERATION WITH CHILD SUPPORT

1622.1 Intake Case Processing with an Unresolved CSEP Non-Cooperation

If the caregiver's previous cash case was terminated due to non-cooperation with CSEP, the new application cannot be approved until the non-compliance issue is resolved. If the caregiver fails or refuses to cooperate the application is denied.

Exception: If the cash case was terminated due to the household's non-cooperation of a child's NCP(s) and the child is no longer in the household or no longer meets the definition of a "dependent child", non-compliance is no longer an issue.

1622.2 Ongoing Case Processing for Non-Cooperation with CSEP

When notification is received from Child Support that the caregiver has failed to cooperate without good cause, TANF/NEON and Child-Only cash benefits will be terminated considering adverse action. If the caregiver subsequently cooperates on or before the last day of the TANF cash termination month, benefits are reinstated. If the caregiver cooperates after the last day of the cash termination month, a new application is required.

As a condition of a Non-Needy Relative Caregiver's (NNRC) eligibility to receive TANF cash benefits for the child(ren), the NNRC is required to comply with CSEP for all children for whom they receive assistance. Upon notification from Child Support the caregiver has failed to cooperate without good cause, TANF/NEON or Child-Only cash benefits will be terminated considering adverse action.

1622.3 Non-Cooperation Referrals from CSEP

All reports of CSEP non-compliance are sent to an email account of the responsible office for case action.

Upon receipt of the email, the case manager must notify the TANF/NEON or TANF Child-Only household of the CSEP non-cooperation and the case actions that will be taken. In addition, notification of the action taken must be sent through the office email account and to the IV-D worker.

1622.4 Manual Process

If CSEP receives a child support collection which equals or exceeds the TANF benefit, the excess collection may be passed on to the household and the case manager is notified. Upon receipt of the notification, considering adverse action, terminate TANF assistance.

If CSEP collects support in the month the case manager receives notice of excess CSEP collections, this may be passed on to the household, compare the current benefit amount to the countable collections, and determine ongoing eligibility.

1624 Receipt of IRS Tax Refund Intercept

TANF clients do not receive any money from the NCP's tax refund intercept. The intercept is first applied to all arrears owed as a state debt. If there is a balance remaining, it is then applied to arrears owed to the client. CSEP retains the tax refund money to pay off unreimbursed benefits.

1630 CSEP RESPONSIBILITY

Good Cause evaluation and decision:

After evaluating "Good Cause" evidence, CSEP will issue Form 2486-EE, Notice of Good Cause Decision to the client and forward a copy to the case manager.

The decision will indicate if the caregiver:

- **has good cause** for not cooperating and child support location/enforcement efforts will not be started or continued; or
- **does not have good cause** for not cooperating, child support locate/enforcement efforts will be started or continued.

Services provided by CSEP IV-D staff include:

- locating the non-custodial parent;
- establishing and enforcing financial and medical support obligations;
- establishing paternity;
- collecting and distributing child support payments; and
- processing support enforcement applications.

CSEP must:

- process applications and referrals for TANF/NEON and Child-Only households;
- determine non-cooperation EXCEPT when:
 - Non-cooperation is indicated on the application or redetermination form; or
 - A completed CSEP application is not provided for any child or unborn;
- advise the eligibility worker if non-cooperation is established after approval and when non-cooperation is resolved;
- advise the caregiver of non-cooperation penalty;
- notify the eligibility worker of surrendered support;
- notify the eligibility case manager of the date of death of a non-custodial parent (NCP) so the case manager is alerted to possible survivor's benefits (e.g., Social Security, VA)