

08 Good Cause For Noncooperation

Good cause allows the participant to request an exemption from cooperating with DCSS in both of the following:

- Establishing paternity and support
- Enforcing support

The local office makes the decision of good cause based on a review and recommendation by the Office of Special investigation (OSI).

WARNING

There is no good cause exemption for refusal to sign the assignment of rights.

During the interview, inform the PI of the right to claim good cause. Good cause is explained in the FAA official application.

Inform the PI that claiming good cause postpones DCSS activities. The activities remain postponed until a decision is made of whether good cause exists.

NOTE Every effort must be made to make this decision within 45 days. This is not related to the 45 days allowed for CA eligibility determination.

Good cause may be claimed when the parent or relative believes support services could result in physical or emotional harm to themselves or the children.

Do not delay the approval of a new or renewal application while waiting for either of the following:

- Verification of good cause
- A decision on good cause

Treat any claim of good cause as a valid claim.

At the time the participant claims good cause, complete the following:

- A Claim of Good Cause (FA-177) form for each absent parent for whom good cause for noncooperation has been claimed.

- Have the participant sign the form. File the original in the case file and give the copy to the participant.
- Request the participant provide verification to establish good cause within 20 days. The 20 days begins at the time of request or upon approval of the benefits, whichever is later.
- The 20 days may be extended to 30 days (or more) when the information is difficult to obtain. The supervisor must approve and document the extension reason in the case file.
- Complete part one of the Notice of Claim for Good Cause (FA-176) when the verification necessary to support the claim is received. The FA-176 is used to route the good cause packet for review and comment to the following:
Operations Support Section
Division of Child Support Services (DCSS)
Office of Special Investigation (OSI)

Key PD in the AF COOPERATION CODE and MA COOPERATION CODE fields on APPD when the verification to establish the claim is provided.

Good cause for not cooperating in establishing paternity or securing support exists in the following situations:

- Key G1 in the AF COOPERATION CODE and MA COOPERATION CODE fields on APPD when reasonably anticipated to result in PHYSICAL harm to the child.
- This includes physical harm to the parent or specified relative with whom the child lives, when it reduces their capacity to care for the child.
- Key G2 in the AF COOPERATION CODE fields on APPD when reasonably anticipated to result in EMOTIONAL harm to the child.
- This includes the parent or specified relative with whom the child lives, when it reduces their capacity to care for the child.
- Key G3 in the AF COOPERATION CODE fields on APPD when legal proceedings for ADOPTION are PENDING before a court.
- Key G4 in the AF COOPERATION CODE fields on APPD when all of the following apply:
The PI is a refugee who entered the U.S. within the last eight months from the date of application
The PI is eligible for CA

NOTE The PI is required to cooperate with DCSS after the eight month period expires. Refer the PI to DCSS at the first initial or renewal interview conducted after the eight month period expires.

- KEY G5 in the AF COOPERATION CODE fields on APPD when the child was conceived as a result of SEXUAL ASSAULT.
- Key G6 in the AF COOPERATION CODE fields on APPD when the child was conceived as a result of INCEST.

When the participant wants to claim good cause for noncooperation, assist the participant in obtaining necessary documents to establish the claim. These documents include, but are not limited to, the following:

- Birth certificates to verify incest.
- Medical or law enforcement records to verify sexual assault.
- Court or legal documents indicating proceedings are pending before a court of law for adoption.
- Sworn statements from friends, neighbors, clergymen, or other individuals who know the circumstances. The individual must be able to support the claim.
- Documents or records indicating that the presumed father or absent parent may inflict physical or emotional harm on the child or specified relative. The documents or records include, but are not limited to, the following:

Court documents

Medical documents

Criminal record

Department of Child Safety (DCS) records

Psychological records

Social services records

Law enforcement records

- A written document from a public or licensed private social agency who is helping the participant to resolve the issue of either of the following:

Keeping the child

Giving the child up for adoption

NOTE The statement must indicate that the discussions have not gone on for longer than three months.

- Other adequate information that can assist the Office of Special Investigation (OSI) to obtain necessary documented evidence to support the claim of good cause.

The following procedures must be followed so DCSS can postpone support service activities. The documents must be forwarded in a timely manner to prevent harm to the budgetary unit and not delay the completion of the good cause decision.

Route a copy of the FA-176 and referral packet to the appropriate DCSS office, OSI office, and Research and Analysis as follows:

- At the time of approval, for initial applications
- No later than one workday after a good cause claim is requested, for active cases

NOTE Route the FA-176 and referral packet even when good cause is still pending.

When sufficient documentation or verification has not been provided to make a determination of good cause, send the FA-176 and referral packet to OSI. Include copies of the AZTECS AP screens and all other supporting documentation.

For denied applications place the FA-177 and FA-176 in the case file. Do not forward any documents to DCSS or OSI.

When OSI receives a copy of the FA-176 and supporting documentation, OSI completes the following:

- Reviews the FA-176 and the evidence provided by the participant and determine whether an OSI investigation will help in supporting the claim.

NOTE OSI starts an investigation, when required.

- Completes the review of the claim within 45 [workdays\(g\)](#). The 45 day time frame will be extended, when needed, to explore or obtain evidence.
- Advises the participant of any plans to contact the absent parent. This allows the participant the opportunity to provide additional information, withdraw the claim of good cause, or withdraw from CA to avoid contact with the absent parent.

- Provides a recommendation on the FA-176, attaches any allowable documentation, and routes the form to both of the following:
The FAA local office
DCSS

DCSS reviews the good cause claim packet when received from the local office and OSI. DCSS comments on the FA-176 and returns the packet to the local office for a decision.

Within five workdays after receipt of the FA-176 from DCSS, the EI must make a decision on the claim for good cause with the supervisor's approval. The decision must be based on all evidence, including documentation, verification, and comments from OSI and DCSS.

Make the decision on the claim of good cause. Complete the Decision on Claim of Good Cause for Noncooperation (FA-175) form. Send the FA-175 to DCSS when a request for Good Cause has been either of the following:

- Approved
- Denied and an Appeal request has been filed

Route the FA-175 as follows:

- Original to the PI
- Canary copy to DCSS
- Pink copy to R&A Unit (complete Section III for Federal Reporting Information)
- Goldenrod copy to the case file

When good cause is APPROVED, the participant remains exempt from participation requirements relating to the absent parent involved.

This exemption is effective until the next renewal or when a change in circumstances occurs. DCSS does not require the participant's cooperation when conducting support service activities.

Key the appropriate Good Cause Code in the AF COOPERATION CODE field on APPD.

When good cause is DENIED, on the FA-175 inform the PI that within ten days they must cooperate with DCSS as follows:

- Completing child support service documents
- Completing medical support enforcement documents

- Agreeing to keep a legal counsel appointment
- Comply with any requirement for which they claimed good cause

Participants who fail to cooperate within ten days must be sanctioned according to procedures and must be sent a decision notice.

NOTE Once the notice of sanction is received, the participant may file an Appeal request.

Participants who claim good cause because of request for cooperation from legal counsel and whose claims are denied are sometimes unable to cooperate because an appointment cannot be scheduled. DCSS advises the local office when appointments cannot be rescheduled. When this occurs, document the case file. Consider the participants to be in compliance.

When approved, redetermine good cause at each new or renewal interview. Also, review good cause when a change in circumstances indicates that good cause for noncooperation may no longer exist.

Redetermine good cause using the same procedures as when determining an initial claim. Use copies of verification in the case when there is no new evidence. Complete the following:

- Do not complete the FA-175 to reapprove claims
- Mark REVIEW on the top of the FA-176
- Send an FA-180 to DCSS advising them of the review decision, when good cause is redetermined