

## Child and Family Services Policy Manual: Substitute Care for Children Child Support Enforcement Referrals

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**Purpose** Montana law provides for the collection of child support when youth in the custody of the department are placed in paid out-of-home settings. Parents are expected to contribute toward the costs of such care to the fullest extent possible without undue hardship on the family.

NOTE: Referrals made on each child in paid placement should not cause undue financial hardship on the family or inhibit their ability to achieve reunification. Families with financial challenges should be encouraged by the CPS Specialist to contact their CSED caseworker to ensure that CSED has accurate up-to-date information about the families' financial situations when calculating their ability to contribute toward the cost of care. CSED utilizes income guidance calculations based on the parent's ability to contribute toward the cost of care. When CSED establishes a case, it is processed as of the CFSD electronic referral date submitted, not retroactive to the initial paid placement date.

### **Child Support Enforcement Services**

The Child Support Enforcement Division will provide the following services:

- Enforce Montana District Court orders for child support entered after 10/01/1993 for IV-E children and court orders entered after 7/1/1997 for non IV-E children;
- Establish an order for child support, if none exists, for IV-E and IV-A children;
- Locate absent parents; and,
- Establish paternity (IV-E and non IV-E, if CSED has jurisdiction)

CSED will seek support from each parent on behalf of the eligible children, even when the parents live together or when one parent lives in a state other than Montana. Referrals made for non IV-E/IV-A children may not be pursued by CSED, unless they already have an open child support case or existing order for support.

**Roles of CFS Staff** Child Protection Specialists must make an electronic referral by entering the data into the CAPS/SEARCHES interface on all children in paid foster care.

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Program Assessment Specialists will act as Child Support enforcement designees who will identify which cases are appropriate for parental contribution, applying policy, and referring to Child Support Enforcement. Program Assessment Specialists are also responsible for monitoring and identifying cases for field staff to refer to Child Support. The Program Assessment Specialist will provide oversight for the referral process and will make decisions regarding good cause claims not to pursue child support. Program Assessment Specialists will provide documentation to the Child Support office to validate good cause claims (as needed).

The appropriate Child Protection Specialist Supervisor will decide good cause claims when there is a disagreement between the Child Protection Specialist and the Program Assessment Specialist. The Child Protection Specialist Supervisor will review the documentation and inform both the Child Protection Specialist and the Program Assessment Specialist of the decision. The decision will be documented on ACTD by the Program Assessment Specialist.

### Submitting Child Support Referral

A CSED referral must be made on each child who will be in the paid care and custody of DPHHS for more than 90 days. The Child Protection Specialist will receive an alert that states "Child Support referral must be done by (date)", but should wait until the IV-E Unit has determined if the child will be IVE eligible. The Child Protection Specialist will receive an alert that states "IV-E eligibility has been added for client." Once the IV-E unit makes this determination, submit the CSED referral.

**When referring a child whose placement is being paid using IV-A Emergency Assistance, the referral must state IV-A funding is being used and the expiration date.**

Prior to entering the child support referral, the Child Protection Specialist needs to ensure that the following screens are updated on CAPS for parents, all putative fathers, and the child(ren):

- For the parents/putative parents: PERD, ICWD, EMPL, ADDL, AKAD, and MEDS (height, weight, hair color, and eye color) and,
- For the child: SERL, CELL, RELL, ICWD, MEDS

The child support referral begins on the SIID screen for the child. A separate child support referral will be submitted for each child in

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paid foster care. To add an application, enter an "A" on the select line and enter. The next screen that appears is CSED. The information at the top of the screen is defaulted to the current assigned Child Protection Specialist. The relationship information is from the client's RELL screen. The Child Protection Specialist must enter the signature on assignment of rights information at the bottom of the screen. The IV-E field cannot be entered as it is imported from the CELL screen.

Once the signature information is entered, the Child Protection Specialist is brought to the CSCD screen and must answer the series of questions listed with Y (Yes), N (No) or U (Unknown). Certain questions require an answer based on answers to prior questions. If the Child Protection Specialist knows that the parents were married, the date of marriage is required to allow child support to determine paternity.

The next screen(s), CSFD, is information regarding the father/putative fathers that is imported from other screens on CAPS. The information on this page is not correctable from this screen. The Child Protection Specialist would need to refer back to whichever CAPS screen is applicable for the question.

The following screen, CSF2, is additional information about the father(s). The good cause reason field is an F12 lookup and is a required field. If good cause reasons exist for not pursuing the support order against the parent, SEE GOOD CAUSE portion of this policy. The two comment fields at the bottom of the screen are free-form text fields for the Child Protection Specialist to enter additional information about the father(s) situation and general comments such as "potentially dangerous", explanation of good cause reason, or if the family is receiving IV-A with the expiration date. When there is more than one father/putative father listed, the Child Protection Specialist will not be able to press Enter to get to the next screen and must press F8 to go to the next father.

Upon completion of the father(s)' information, the next screen is the mother's screen, CSMD. This is similar to CSFD and is not an updatable screen.

The following screen, CSM2, is the mother's additional information screen. It is identical to the father's CSF2 screen.

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The final screen is PRID, which lists medical and life insurance information. The medical information is imported from the MEDS screen and cannot be added on this screen. The life insurance information can be added by pressing F11. Once this screen is complete, the Child Protection Specialist is returned to SIID screen. To electronically send this to Child Support (ELECTR status), the Child Protection Specialist must enter an "E" on the line in front of completed. A referral may be modified or deleted until it is in the ELECTR status. An application cannot be put into ELECTR status until the referral has been approved if good cause reasons of "do not pursue" are entered on either the father or the mother.

### Good Cause

Good cause for not pursuing a support order against a parent may be claimed under the following circumstances:

1. It is not in the best interest of the child. Pursuing or collecting child support is reasonably anticipated to result in:
  - a. physical or emotional harm to the child for whom support is sought; or
  - b. the child was conceived as a result of incest or forcible rape.
2. The case plan is to return the child home within 90 days from removal.
3. Parental rights have been terminated.
4. Legal proceedings for adoption of the child are pending before a court of law; or the Department is assisting the parent(s) to resolve the issue of whether to keep the child or relinquish him or her for adoption and such discussions have not continued for more than three months.
5. The parent is deceased. Good cause must be claimed on a deceased parent unless an existing order was already established by CSED prior to that parent's death. CSED can not establish a support on a deceased parent. If a support order was established prior to a parent's death but a referral was not sent, CSED could not collect from an estate as notice of collections could not be given to the deceased parent.

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**Claiming Good Cause**

The good cause determination is based on the corroborative evidence provided on behalf of the child's parent(s). The Child Protection Specialist must:

1. State the circumstances upon which the claim is based;
2. Provide corroborative evidence within 20 days from the day the claim was made; and  
NOTE: If additional time is required, the Program Assessment Specialist shall allow a reasonable additional period of time.
3. Upon request, the Child Protection Specialist will provide additional corroborative evidence if available. The CSED Liaison may provide assistance.

**Proof of Good Cause**

A good cause claim may be corroborated with the following types of evidence:

1. Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;
2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;
3. Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;
4. Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child;
5. Written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child;
6. A written statement from a public or licensed private social agency that the recipient is being assisted by the agency to resolve the issue of whether to keep or relinquish the child for adoption; or
7. Sworn statements from individuals other than the recipient with knowledge of the circumstances which provide the basis for the

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good cause claim.

NOTE: In the process of obtaining information to support the good cause claim, it may become necessary to contact the absent parent or putative father. In that case, notify the caretaker relative prior to making the contact.

### **Determining Good Cause**

The Program Assessment Specialist will determine if pursuing child support is against the best interests of the child based on the evidence provided by the Child Protection Specialist. The determination will be made within thirty (30) days from the day the claim is made. This time period may be extended only when the agency documents a need for additional time because information cannot be obtained within the time period or the claimant cannot provide evidence within this time period.

The following guidelines are provided to assist the Program Assessment Specialist in the determination process:

1. A finding of good cause for reasonably anticipated physical or emotional harm to the caretaker relative must be of such nature or degree that it reduces the relative's capacity to adequately care for the child.

Consideration will be given to the following:

- a. The present emotional state of the individual subject to emotional harm;
- b. The emotional health history of the individual;
- c. Intensity and probable duration of the emotional impairment;
- d. The degree of cooperation required; and
- e. The extent of the involvement of the child in the pursuit of support.

Should the Child Protection Specialist statement, along with the supporting evidence, not provide a sufficient basis for making the determination, the Program Assessment Specialist will contact the Child Protection Specialist to obtain additional information.

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### Good Cause Decision

The final determination that good cause does or does not exist will be documented by the Program Assessment Specialist:

1. On ACTL for the child, press F11 to add a detail screen. On ACTD screen, enter the date the decision was made, the activity type would be correspondence (COR), the purpose would be decision point and monitor (DPT and MNT), and the goal would be well being (WEL). In the summary, the Program Assessment Specialist should list the findings and the basis for the good cause decision, specifically listing what documents were used and the dates of the documents.
2. If the good cause claim is approved, the Program Assessment Specialist will send the supporting documentation to the servicing Child Support Office.
3. At the time of the 6 month re-evaluation the PAS will verify that good cause continues to exist, with the assistance of the CPS Worker. The PAS will document this in CAPS on ACTD for the good cause determination.
4. A new referral will need to be initiated by the CPS Worker if good cause no longer exists for previous good cause determination.
  - If the perpetrator of abuse is in prison after the good cause claim was made, it may no longer be valid.

NOTE: If CSED has an existing case against a parent and receives a referral marked "good cause" for that parent, that case will be closed. CFS must submit a referral to CSED even when claiming good cause, providing CSED with accurate and up-to-date custodial parties relevant to the child.

### CSED Offices

**Region 2** - This region encompasses Blaine, Cascade, Chouteau, Glacier, Hill, Liberty, Petroleum, Phillips, Pondera, Teton, and Toole Counties.

201 First Street South, Suite 1A  
Great Falls, MT 59405  
(406) 727-7449  
Fax: (406) 454-3106

**Region 3** - This region encompasses Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Musselshell, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan,

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Treasure, Valley, Wibaux, and Yellowstone Counties.

1500 Poly Drive, Suite 200  
Billings, MT 59102  
(406) 655-5500  
Fax: (406) 655-5545

**Region 4** - This region encompasses Beaverhead, Broadwater, Deer Lodge, Fergus, Gallatin, Golden Valley, Granite, Jefferson, Judith Basin, Lewis and Clark, Madison, Meagher, Park, Powell, Silver Bow, Stillwater, Sweetgrass, and Wheatland Counties.

17 West Galena  
Butte, MT 59701  
(406) 497-6600  
Fax: (406) 782-9728

**Region 5** - This region encompasses Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties.

2675 Palmer Street , Suite C  
Missoula, MT 59808  
(406) 329-7910  
Fax: (406) 329-5468

**Region 8** - This region encompasses incoming interstate cases for all counties in Montana.

3075 North Montana Avenue  
PO Box 202943  
Helena, MT 59620-2943  
(406) 444-9767  
Fax: (406) 444-9626

OR Contact CSED Foster Care Liaison Melanie Hultin at (406) 444-3801 or by e-mail at [mhultin@mt.gov](mailto:mhultin@mt.gov)

**Change in  
Circumstances**  
IV-E Eligibility

An additional referral will need to be made if the child has become IV-E eligible or loses IV-E eligibility since the previous referral was made. The Child Protection Specialist will again return to the SIID screen and add an "A" where the previous "E" was. Then follow the above steps to complete the referral.



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Exit Reasons/ Stop Collections	<p>If the referral was sent electronically, CSED receives the Exit/Court reason automatically via the CAPS/SEARCHS interface the day after the code is entered on CAPS. It is important for the Child Protection Specialist to enter the proper exit reason for placements as this allows child support to stop collections.</p> <p>CSED should be notified when a decree of guardianship is issued if there is an open child support case. The Department's child support case will be closed whether or not a subsidy is being provided. If the guardian wishes to pursue child support, the guardian may contact CSED to request services.</p> <p>Exit reasons that let child support know to stop current collections are: AFN, AGE, COR, DED, EMP, JOC, POG, POP, RTH, RUN, and SAD. However, if the code is changed after the initial entry, Child support is not notified of the change. Children placed on Runaway status (RUN) can remain open for 5 days; after 5 days this status must be approved on the PLAD screen by the CPS Supervisor and/or Regional Administrator (per CFSD policy 402-5).</p> <p>Court dispositions that will stop current collections are: AFD, DIS, FRT, MRT, PLC, PRT, and RPA. Arrearages (past contributions owed) will continue to be collected.</p>
Hard Copy Referrals	<p>If the case was referred by hard copy form (as were some of the older foster care cases), CSED does not receive the Exit/Court reason because a link has not been established between CAPS and SEARCHS. In these circumstances, the Child Protection Specialist should advise CSED of the Exit/Closure reason to ensure timely termination of any outstanding actions they have.</p>
Absent Parent	<p>When the Child Protection Specialist receives the alert "Absent parent received from SEARCHS", a new CSED referral will need to be submitted including the absent parent.</p>
Rejected Referrals	<p>If for some reason, the CSED referral is rejected by Child Support, an alert will go to the Child Protection Specialist and the Program Assessment Specialist that states "CSE referral for client has been rejected" and on the SIID screen the status will be reverted to "Inwork". The Child Protection Specialist can make the appropriate changes and resubmit or delete the application if necessary.</p>
Non-paid to Paid Placements	<p>When a child changes from an initial non-paid placement to a paid placement, the Child Protection Specialist will be required to submit</p>

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a CSED referral. Again as stated on page 1, wait until the IV-E unit has determined if the child will be IV-E eligible. The Child Protection Specialist will receive an alert that states "IVE eligibility has been added for client." Once the IVE unit makes this determination, submit the CSED referral.

### Payments

All child support payments are payable to the Child Support Enforcement Division, P.O. Box 5955, Helena, MT 59604. Child support is credited to each individual child and used to abate the cost of that child's foster care.

### References

Mont. Code Ann. §§ 41-3-446  
Mont. Admin. R. 37.49.301  
Titles IV-B and IV-E of the Social Security Act  
Sections 45 CFR 232.40 thru 45 CFR 232.43, 45 CFR 302.52  
DPHHS Child Support Enforcement Division Policy 510.5 (Hardship Adjustments)

Rev. 10/01  
Rev. 10/02  
Rev. 10/03  
Rev. 04/06  
Rev. 10/07  
Rev. 10/09