



## TANF 306-2 Child Support Good Cause Claim

**Supersedes:** TANF 306-2 (1/1/18)

**Reference:** 45 CFR 264.30; ARM 37.78.206 and .215

**Overview:** An applicant/client has the right to claim good cause as an exception to the child support enforcement requirement. The custodial parent may request good cause at any time during the application process and after cash assistance has been approved.

### **GOOD CAUSE NOTICE (HCS-333):**

Every applicant/client receives written notice of the right to claim child support good cause. This notice includes the specific circumstances under which a claim may be made and the respective responsibilities of the client and the state agency in the procedures for filing, developing, acting upon, and appealing a claim.

### **GOOD CAUSE CLAIM:**

The applicant/client may claim good cause if child support pursuit may be "against the best interests of the child" and only if the applicant's/client's cooperation to assist the State is reasonably anticipated to result in:

1. Physical or emotional harm to the child or caretaker relative;
2. The child for whom support is sought was conceived as a result of incest or forcible rape;
3. Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;
4. The applicant or client is currently being assisted by a public or licensed private social services agency to resolve the issue of whether to keep the child or relinquish him/her for adoption, and the discussions have not gone on for more than three (3) months; or
5. The absent parent is listed on the Montana Department of Justice Sexual or Violent Offender Registry.

If the applicant/client claims good cause, the application will be pended until the claim has been approved, denied or withdrawn. Pending status cannot exceed 30 days.

### **GOOD CAUSE VERIFICATION:**

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

1. Birth certificates or medical or law enforcement records that 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 that indicate that the putative (assumed to be) father or non-custodial 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 indicating that the applicant or client is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him for adoption;
7. Sworn statements from individuals, other than the applicant/client, with knowledge of the circumstances that provide the basis for the good cause claim;
8. A signed, current Temporary Restraining Order (TRO) against the non-custodial parent; or
9. Verification that the absent parent is listed on the Montana Department of Justice Violent and Sexual Offender Registry.

**GOOD CAUSE DETERMINATION:**

The good cause determination is based on the corroborative evidence provided by the client. The client 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
  - a. If additional time is required, OPA will allow a reasonable additional period of time.
2. Upon request, provide additional corroborative evidence.
  - a. If additional evidence is necessary, OPA must promptly notify the applicant or client that additional evidence is required, specifying the type of document needed and how to obtain it.

A good cause determination will be made within 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 client cannot provide evidence within this time period.

**GOOD CAUSE DECISION:**

The final determination that good cause does or does not exist will:

1. Be documented in writing;
2. Contain OPA findings and basis for the decision; and
3. Be entered into the case record.

**GOOD CAUSE PERIODIC REVIEW:**

Good cause must be reviewed at every eligibility redetermination.

**Effective Date:** July 01, 2018