

Office of Child Support **POLICY SHEET**

SUBJECT

Sanction Policy for Custodial Parents Who Fail to Cooperate with OCS

PS# 12-05

SUMMARY

Whenever the Office of Child Support (OCS) receives a valid assignment of rights from the Economic Services Division (ESD), OCS may proceed at court even if the custodial parent (CP) does not appear. A valid assignment of rights means that a parent or guardian with legal rights to the other child has signed and dated the Form 137 (*Child Support Authorization*) which transfers to OCS the right to receive child support from the non-custodial parent and the right to establish parentage and establish, modify, and enforce child support obligations. If the court or an appointment cannot proceed without the CP appearing or information is needed from the CP, the CP should be sanctioned to encourage participation. This means that a portion (25%) of the grant will be reduced until the CP cooperates, and the sanction is lifted.

POLICY

When a CP receiving Reach Up (either federally or state funded) does not appear for an appointment or court, fails to complete required paperwork, or fails to respond to a call-in request or a locate notice, OCS staff have the authority and shall proceed if a signed *Child Support Authorization (Form 137)* is on file.

OCS staff shall attempt outreach to the CP by telephone prior to scheduling an appointment or sending documentation. If CP does not answer the call, the appointment letter or Part 1 of the packet (depending on what track the case is in) shall be sent to the CP by the OCS worker. A voicemail message, text message, and/or email (if we have CP's email address) shall also be left for CP so she/he is alerted to expect something in the mail. In the OCS Form 924C appointment notices, CP is given 10 days to cooperate by attending the appointment or returning the paperwork. If CP has not cooperated after 14 days, OCS staff shall request a sanction. OCS staff shall never request sanctions for CP's failure to attend a resolution meeting as this is a voluntary and collaborative process. OCS staff shall also never request sanctions on caretakers per DCF Policy.

If OCS determines that a CP should be sanctioned for non-cooperation, [due diligence should be exercised to ensure family violence is not an issue prior to requesting that ESD sanction](#) the CP's Reach Up grant as a coercive tactic. If a non-coop filing is necessary, OCS staff shall wait 30

days from the date the most recent OCS Form 924C is marked as “sent” before filing with the court.

The grant sanction shall be lifted once the CP complies with the required action (i.e., appears or calls in as necessary or provides essential information) or when the final outcome (i.e., the receipt of the necessary court order) is accomplished.

If the case is in the parentage or establishment track, the CP shall be sanctioned after missing the initial appointment (so long as it is not a resolution meeting) and a reschedule notice shall be mailed to attempt to meet with the CP to remedy the sanction prior to filing. If the CP does not participate in the rescheduled appointment, the sanction shall remain in place and a non-coop filing shall be filed.

If the case is in locate and the CP does not respond to the OCS Form 913L locate request notice, the case may be sanctioned by worker 215 or 713 until the CP calls in.

PROCEDURES

To proceed at court without the CP, OCS staff shall present the court with a signed copy of the *Child Support Authorization (Form 137)*.

To sanction a CP for failure to produce or appear, the BPS and Ru-Wkr ESD worker numbers listed on the CONT screen in ACCESS should be messaged. When requesting the sanction from ESD, also be sure to include OCS expectations for the CP to comply. The ESD worker has 10 days to act on the request and must give the CP 10 days’ notice of the adverse action. The requesting OCS worker does not need to monitor to ensure the sanction is placed on the grant since OCS’ requirements in the process end when the request is made and our audit clock stops. The OCS staff member requesting the sanction should also place a red-flag on the case for the benefit of all staff working the case. A red-flag can be placed on the case by going to REDF in E mode. The flag should be set for three months and state that a sanction is in place, the date requested and refer staff to the ACTN log for the reason for the sanction and compliance requirements.

```
08/12/20 14:59          CASE REDFLAG          ASPXA32
                        UPDATE
Category.....: CM          -----Categories-----
                        CM - Case Management
Expiration Date: 11 12 2020      FI - Financial
                        FV - Family Violence
Status.....: A  (A - Active)      IN - Intercept
                        (C - Closed)
Text:
      CP RUFA SANCTIONED- REQUEST DATE 8/12/2020. SEE ACTN FOR REASON AND
      COMPLIANCE REQUIREMENTS
      -----
      Please document on the Action Log any additional background
      information dealing with this Redflag.
      FV Person to be protected: _ (C - CP, N - NCP, B - Both)
Valid commands: 'EXIT', 'CANC', or blanks
```

The following table contains examples of when and why to sanction and what could be required of CP in order to lift the sanctions:

#	When and Why to Sanction	Compliance: When to Lift Sanctions
1	Missed genetic testing appointment	CP attends next genetic testing appointment
2	Lack of response to 913L (Locate Call-in)	CP calls in
3	Lack of response to call in request	CP calls in
4	CP does not return paperwork	CP returns paperwork and it's completed
5	CP does not appear at an appointment to complete a filing (that is not a resolution meeting)	<ul style="list-style-type: none"> • CP participates in rescheduled appointment; • CP returns necessary paperwork; • CP attends court event; or • Court issues a child support order for that filing
6	<p>CP does not attend court event AND a subsequent court event is scheduled</p> <p>(e.g., CP misses CMC and next step is Magistrate hearing scheduled, CP misses hearing for parentage with Judge and next step is a Magistrate hearing to determine child support order)</p>	<ul style="list-style-type: none"> • CP attends subsequent court event; or • Court issues a child support order at the subsequent court event

OCS staff shall strive to offer CP ways she/he can get back into compliance with OCS in a timely manner, including but not limited to the examples in the table above.

Note: When CP's only opportunity to cure a sanction is by attending a court event (i.e., #6 in the table above), OCS staff shall have the discretion to release a sanction prior to a court event that is delayed in scheduling or is scheduled months out (even if the CP hasn't taken steps to comply). OCS staff shall consider CP's prior compliance in making the decision to release a sanction due to court delays.

If/once the CP is in compliance (see "Compliance: When to Lift Sanctions" above), the sanction must be removed by messaging the ESD workers in ACCESS to inform them of CP's compliance. If the court issues an order, the court rep who attended the hearing that resulted in the order must remove the sanction (this is required even if the CP did not attend the hearing). Please note, locate sanctions can only be removed through workers 215 and 713. Whomever requests the release of the sanction shall also delete the sanction red-flag on the case. This is done by going to REDF in C mode and entering a 'C' in the status as pictured below.

```

08/12/20 15:23                                CASE REDFLAG                                ASPXA
                                                UPDATE
Category.....: CM                                -----Categories-----
                                                CM - Case Management
Expiration Date: 11 12 2020                    FI - Financial
                                                FV - Family Violence
Status.....: C (A - Active)                    IN - Intercept
                                                (C - Closed)
Text:
  CP RUFA SANCTIONED- REQUEST DATE 8/12/2020. SEE ACTN FOR REASON AND___
  COMPLIANCE REQUIREMENTS.-----
  Please document on the Action Log any additional background
  information dealing with this Redflag.
  FV Person to be protected: _ (C - CP, N - NCP, B - Both)
Valid commands: 'EXIT', 'CANC', or blanks

```

RATIONALE

ESD Reach Up Rule 2235.1 (7/1/01, 01-06F): an assignment of support rights is a condition of eligibility for Reach Up financial assistance.

ESD Reach Up Rule 2180-2183.1: parents who receive assistance through a Solely State Funded Program shall assign all child support rights to the DCF and must cooperate fully with OCS in their efforts to collect the assigned support.

ESD Reach Up Rule 2235.2 (7/1/01, 01-06F): a parent of a child included in the Reach Up assistance group shall be required to cooperate in all practical and feasible means of establishing parentage and pursuing support from any non-custodial parent, unless good cause for refusal to cooperate is claimed and the decision is pending or granted. Failure to cooperate, as determined by OS, shall result in a 25 percent reduction in the amount of the family’s Reach Up grant.

Date	Action	Description
12/10/2012	Created	
07/23/2018	Revised	Added locate sanctions and clarification on removal of sanctions
04/05/2019	Revised	Added need to send reschedule notice after sanction applied; that OCS does not need to monitor for sanction application; placement and removal of sanction red-flag
08/14/2020	Revised	Additional information related to reasons for sanctions and compliance requirements added; additional red-flag instructions added; call/text/email requirements added; Resolution meetings addressed
09/25/2023	Revised	Conducted review and applied standard formatting as needed