

Office of Child Support **POLICY SHEET**

SUBJECT

Head of Household

PS# 19-02

POLICY

When individuals apply to receive means-tested benefits from the Economic Services Division (ESD), they must elect who will be denoted as the Head of Household. The person named as the Head of Household is listed as the payment designee and all benefits from ESD are issued in that person's name if a household is deemed eligible to receive benefits from ESD. When adults residing in the same household receive benefits from ESD and have child support cases with OCS, these cases often prove difficult to work. Specifically, these cases are problematic when an adult without legal custody signs the Child and Medical Support Authorization and Application for Services from the Office of Child Support (137) assigning child support to ESD and request to be listed as the Head of Household, even though they do not have legal custody of the child(ren) for whom OCS has an open case. To have a valid assignment, the individual who has legal custody of a child(ren) must, at a minimum sign or co-sign the 137 for OCS to legally work the case.

If OCS only has an open child support case involving the person who has legal custody of the child(ren) who are receiving ESD benefits, it is most efficient to have the legal custodian be designated as the Head of Household. As such, OCS will contact ESD and request that ESD set the case up with the individual who has legal custody of the child(ren) as HOH designee so that OCS forms print correctly and manual rework is not needed. If ESD will not change the HOH designee on an obligated case, OCS will not be able to transfer child support received on behalf of the CP to them and as such will be unable to work the case.

PROCEDURES

When Records Center staff discovers that a 137 is signed by a non-parent adult without legal custody and this individual is set up as the custodial parent (CP) on the ACCESS case, the RC worker should email ESD Management and ask that they reach out to the family to correct the case for OCS by having the parent sign the 137 and changing the HOH/CP on ACCESS to the parent. RC should use the email for the appropriate regional office as indicated in the following table.

Regional Office	Email Address
ADO- St. Albans	AHS.DCFESDADOManagementTeam@vermont.gov
BDO- Burlington	AHS.DCFESDBDOManagementTeam@vermont.gov
HDO- Hartford	AHS.DCFESDHDOManagementTeam@vermont.gov
JDO- St. Johnsbury	AHS.DCFESDJDOManagementTeam@vermont.gov
LDO- Brattleboro	AHS.DCFESDLDOManagementTeam@vermont.gov
MDO- Barre	AHS.DCFESDMDOManagementTeam@vermont.gov
NDO- Newport	AHS.DCFESDNDOManagementTeam@vermont.gov
RDO- Rutland	AHS.DCFESDRDOManagementTeam@vermont.gov
SDO- Springfield	AHS.DCFESDSDOManagementTeam@vermont.gov
TDO- Bennington	AHS.DCFESDTDOManagementTeam@vermont.gov
VDO- Morrisville	AHS.DCFESDVDOManagementTeam@vermont.gov
YDO- Middlebury	AHS.DCFESDYDOManagementTeam@vermont.gov

The assigned RC staff worker should not set the case review flag while the 137 and ACCESS case is being corrected. The worker should future DAIL themselves out for 5 business days to allow ESD a chance to follow-up and respond before proceeding.

If the 137 and HOH designee on ACCESS is corrected to the parent, the case should be processed according to RC standard operating procedure.

If the parent refuses to sign the 137 and it is only signed by the HOH designee without legal custody, the case should be closed by the RC for lack of assignment (closure reason 36).

If the parties do not agree to the change to the parent as the HOH designee on ACCESS but the parent does co-sign the 137, the next steps will depend on the case obligation. If the case is parentage or establishment, the review flag should be set on receipt of the corrected 137 and OCS staff will continue to work the case. The RC worker processing the 137 should add a flag to the case indicating that the CP is HOH designee without legal custody. This will assist staff working the case from filing actions and completing paperwork with the wrong case party named. Manual forms with the parent's name will need to be created in these instances.

If the case is obligated and per ESD the obligee does not agree to be HOH designee, OCS staff shall make one attempt to call CP to explain the ramifications of this decision. If the CP then agrees, the case would be corrected and worked as usual. If the CP still refuses to be designated HOH, ESD will be notified that OCS cannot work the case. Courts will not allow anyone other than the lawful obligee to be named on the child support order and system constraints prevent money transfers. As such, CP will continue to receive any child support collected on the existing case. The new HOH case should then be closed code 99-opened in error.

RATIONALE

OCS and ESD Management have reached an agreement that ESD will assist in setting cases up in a way that legally and efficiently works for OCS case processing. OCS cannot pursue child support when the *Child and Medical Support Authorization and Application for Services from the Office of Child Support* (137) is not signed by a parent or individual with legal custody or guardianship of the child. As such, when a case is set up this way, it needs to be closed or corrected.

Cases in which the person who has legal custody of the child(ren) receiving benefits from ESD has co-signed the 137 but is not the designated Head of Household are problematic for OCS and require manual oversight and forms creation. As such, when this occurs, ESD has agreed to reach out to the family and inquire if they are amenable to changing the Head of Household designee to the individual who has legal custody of the involved child(ren). Notwithstanding, if the family refuses to change the Head of Household designee, ESD rules disallow ESD from mandating who is designated as Head of Household and OCS must work the case based upon the valid assignment.

Date	Action	Description
10/03/2019	Created	
12/14/2020	Revised	If ESD doesn't change designee on an obligated case, OCS will not transfer \$/work case based on Child Support Order
12/11/2023	Revised	Applied standard formatting