

## **P2215 CHILD SUPPORT (continued)**

### **P2215B Child Support Waiver (Reach Up rule 2232.4) (23-12)**

#### **Requesting a Waiver**

A household can request a waiver from cooperating with the Office of Child Support (OCS) on the Child (and Medical) Support Authorization ([form 137](#)) if they do not feel safe pursuing child support from the absent parent. During the interview, ask every household with an absent parent (ABSP) if they feel safe to pursue child support from that person. If they express safety concerns, explain the child support waiver process.

Explain that the decision to grant or deny a waiver of cooperation is up to the District Management team. Offer to refer family to the District DV Liaison or the local Domestic Violence Organization (Sister Agency) in your area.

#### ***Preparing for the waiver request***

- Make sure a copy of the Child Support Authorization 137 is scanned into OnBase. The 137W and other supporting documents should not be scanned to OnBase but maintained in the District's Classified file.
- Enter Absent Parent Coop Code 2 (pending waiver) on the ABSP panel.
- Do not hold up eligibility for waiver paperwork, as long as a 137 has been provided, eligibility can be approved while the waiver is pending.
- Inform OCS through CATN/TODO when the Reach Up is approved (see [P-2215A](#) for the process). OCS will suspend collection activity for households that request a waiver based on the Code 2 on the ABSP panel.

#### ***Waiver request not indicated on 137***

If the waiver request was not indicated on the original 137, do the following:

- If in person, ask the household to correct the 137, initial the change and sign the 137 with a new date.
- If over the phone, add a sticky note to the 137 document in OnBase, indicating that a waiver has been requested.

## **Discrepancy on 137 about waiver request or not**

### **DOMESTIC/FAMILY VIOLENCE CONCERNS**

To be eligible for Reach Up or Post-Secondary Education (PSE), you must apply for services from the Office of Child Support (OCS) and assign your rights to child & medical support to the State of Vermont. If you have any concerns related to domestic/family violence, we want to know.

**Do you believe pursuing child support could put your, or a child's, safety at risk?**

Yes  No If NO, skip to #1. If YES, check one of the boxes below.

**I'd like to:**

- Request a waiver from participating in the child support process (see page 6 for more info).
- Pursue child support anyway. I can request a waiver later if the situation changes.

- If nothing is checked, and a waiver was not requested verbally, proceed as though no waiver requested. The 137 can be considered complete.
- If Yes is checked, and nothing else, proceed as if waiver is requested.
- If No is checked or the Yes/No boxes are not checked, but the "Request waiver from participating..." box is checked, proceed as if waiver is requested.
- If No is check or the Yes/No boxes are not checked, but the "Pursue child support anyway..." box is checked, proceed as though no waiver is requested.

### **Waiver request not pursued**

If the household decides not to pursue a waiver after checking the waiver box on the 137, OCS will need to have the household indicate that a waiver is not being pursued. It is not enough that ESD emails or CATNs this information.

Requesting the new 137 does not need to hold up eligibility. Reach Up can be approved while waiting for the updated 137.

Ask the household using a VCR to either:

- initial and explain on the original 137 that a waiver is NOT being requested or
- complete a new 137 with the waiver box not checked.

Keep the Absent Parent Coop Code as 02 (pending waiver) while waiting for new 137. If a new 137 is not provided, follow the process to officially deny the waiver rather than close or deny the benefit.

### **Supporting documentation for waiver request**

Typically, if a waiver request is made, ask for the household to complete a Waiver of Cooperation for Child Support ([form 137W](#)).

There are times when a 137W does not need to be requested. This includes the following:

- If ESD District Staff know of the absent parent and have knowledge that would reasonably consider there to be a safety risk if child support was pursued. If this is the case, the ESD District Staff may complete a Waiver of Cooperation Supplement ([form 137WS](#)).
- If the family is working with a domestic violence organization (Sister Agency), and the organization is willing to indicate their support of the waiver request in writing, this can instead be requested.

If in person, have the household complete and sign the [form 137W](#).

- When possible, review the 137W with the household and discuss what supporting information is available. Offer to help if the household has difficulty getting the information without assistance. OCS has access to some records.
- When in doubt talk with a supervisor about if sufficient information is provided.

If not in person, send a written request for the 137W and allow 10 days as the due date. Allow 2 additional business days past the due date for the scanning and dispatching process through the Application & Document Processing Center (ADPC).

## **Making decision on a waiver request**

When all available evidence has been collected or the last deadline has been reached, whichever comes first, complete the top of the Notice of Decision-Waiver Request ([form 220W](#)).

Send the partially completed 220W, the 137, the 137W and/or 137WS if available, and any other documents the household has provided to the designated member of the District Management Team for decision.

The District Management Team designee reviews the waiver request packet. Decisions on whether the waiver should be granted or denied should be made using the guidance found at Reach Up [rules 2232.3 and 2232.4](#) which includes if the waiver should be permanent or reviewed annually. If there are questions or the Management Team is considering denying the waiver, they should call the household member to see if there is any further information that would support the waiver being approved rather than denied.

When the decision has been made, the District Management Team designee finishes completing the 220W, mails the original to the household, and sends a copy of the decision to OCS at [AHS.DCFOCS137Submission@Vermont.gov](mailto:AHS.DCFOCS137Submission@Vermont.gov). (Though very rarely needed—it is allowable to send the 137W and other supporting documents to OCS if they indicate they need it for their documentation purposes.)

The District Management Team designee then enters the appropriate Absent Parent Coop Code in ACCESS:

- 1-waiver denied and parent is cooperating,
- 3-waiver was granted and needs a review date, or
- 7-waiver granted and it is permanent, no review needed.

For waivers that have a review date, set the waiver to match the next Reach Up recertification date. If there are problems entering a date to match the next recertification date, send to COPS to correct.

A clear CATN should be entered regarding the Waiver decision.

### ***Waiver denials***

A new 137 is not required by OCS if a waiver has been requested, the request was denied and the denial notice of decision has been sent to the participant and OCS.

### ***Fair Hearing request on waiver decision***

If a household requests a Fair Hearing based on the child support waiver decision, email OCS of the request. Enter a CATN explaining that a Fair Hearing request has been made on the waiver decision.

OCS will wait for 90 days following a denial before working a case to make sure the decision is not being appealed.

### **Waiver Reviews**

At each regularly scheduled Reach Up eligibility recertification, review the circumstances of the waiver. The decision of a waiver review must be CATN-ed.

### ***No change to waiver***

If there have been no changes, and the household wishes to continue with the waiver, no new forms or supporting material are required. Update the review date to align with the next Reach Up recertification date.

### ***Waiver circumstances changed***

If a change has occurred (for example, the household is now in contact with the absent parent) and the waiver request needs to be evaluated again, follow the same procedures as for an initial waiver. The household does not need to resubmit information already in the case record. Since the District Management Team designee has a copy of that information, you do not need to attach it. Encourage the household to submit any new information (for example, new or continuing threats) and include that information with the required forms.

## ***Waiver review missed***

If it is noticed that a waiver review has been missed during the regular recertification process, attempt to reach the household by phone to complete the review. If unable to reach, err on the side of caution and extend the waiver review date to align with the next Reach Up recertification date.

## **Reapplying for Reach Up with waiver**

Reach Up households granted a child support waiver who then close and re-open with a break in benefits, must still complete a new 137 and request the waiver by checking the box on the 137. However, supporting documentation does not need to be completed. Write on the 137WS that the participant had a waiver in place.

The District Management Team designee can extend a new waiver approval based on the previously provided documentation. A new Notice of Decision-Waiver Request (form 220W) must be sent to the household and to OCS at [AHS.DCFOCS137Submission@Vermont.gov](mailto:AHS.DCFOCS137Submission@Vermont.gov).

Example: Participant applied for Reach Up on 1/20/23 and requested a child support waiver. A 137W was sent to the participant and returned. Waiver was granted with a yearly review and Reach Up was approved 2/1/2023. Waiver granted through 1/31/24.

At the end of July (7/31/23), participant's Reach Up is closed, as they did not return their Interim Report. On 8/1/2023, participant re-applies and new 137 is completed. Participant marks "waiver requested" on the 137 again. At this time, the department can still see that the previous waiver was approved (ABSP panel with code 3 or 7) and writes on the 137WS that waiver has already been approved through 1/31/24 in this case. The District Management Team Designee completes a new 220W based on the waiver information that was provided in 1/2023. The new 220W is sent to both participant and OCS.

## **BPS Support**

### ***Absent Parent Coop Codes***

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ASHADMCS
ABSP Coop Codes
1 Cooperating.
2 Requested Waiver (pending) - no CS collected.
3 Waiver Granted - needs review date, no CS collected.
4 Not cooperating - 25% grant reduction;Med Support Denial/Close.
5 R First or R Ahead- no assignment of support required.
7 Waiver Granted - permanent, no CS collected.
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## ***Parent files child support motion while waiver is in place***

If either the custodial parent (CP) or the non custodial parent (NCP) files a motion that may lead to establishing or enforcing child support, the waiver code must temporarily be removed to allow OCS to open a case on their side of ACCESS. This will allow OCS to represent ESD. The waiver code can be reentered once the case is open.

OCS will inform Reach Up Central Office (RUCO) when this occurs. RUCO will contact the district and ask that they attempt to reach the family that has the waiver in place. OCS will provide details about the court action and provide a contact name and number for the CP to speak to if they have questions.

The family can either be informed over the phone, in person or in writing of the information that OCS provides. Once the household has been informed or the letter has been mailed, the waiver code on the ABSP panel can be switched to a "1". After OCS opens the case, the code can be switched back to a "3" or "7".

If the family no longer wants the waiver, they must provide an updated 137 indicating they do not want a waiver.

Example of information sent to CP in writing:

*We have been informed by the Office of Child Support (OCS) that you filed an action in court to establish child support on [enter date]. Economic Services Division (ESD) had previously granted a waiver to you, so you would not have to cooperate with OCS. In order for OCS to move forward with the case, we must remove the waiver in our computer system. This letter is to inform you of this action. Once OCS has completed the steps they need to take, we will place the waiver back into our computer system.*

*If you have concerns about this—please contact your case manager or the ESD Call Center at 1800-479-6151 right away.*

*If you have questions for OCS you can reach out to [enter name of OCS contact]. She can be reached via email @ [enter OCS email address] and her number is [enter OCS phone number].*

*If you no longer want a child support waiver in place at all, you can complete an updated Child Support Authorization form found here: [137.pdf \(vermont.gov\)](#). Indicate on the form that you no longer want a child support waiver in place.*