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**Operations Memo 2013-17
May 1, 2013**

To: Department of Transitional Assistance Staff

From:  Stephanie Brown, Assistant Commissioner for Policy, Program and External Relations

Re: TAFDC – Noncustodial (Absent) Parents

Overview

Clients must cooperate with Department of Revenue (DOR) Child Support Enforcement Unit (CSEU) to obtain child support and medical benefits from parents who are absent from the household (known as noncustodial parents). A client can satisfy this requirement by assigning his or her rights to DOR and by signing an affidavit stating that the child's noncustodial parent has been continuously absent from the household and that all other information provided is truthful to the best of the client's knowledge. While it is the Department's obligation to establish absence of the noncustodial parent, it is DOR CSEU's responsibility to establish the noncustodial parent's whereabouts.

A report by the Massachusetts Office of the Inspector General (OIG) report highlights the importance of cooperation with child support. DTA also reinforces with clients the need to cooperate with DOR to obtain child support and medical benefits as a step towards self-sufficiency.

Purpose of Memo

This Operations Memo provides DTA staff guidelines for ensuring that accurate and consistent information about noncustodial parents is being given to DTA and DOR. This will assist DOR in establishing and obtaining child support from noncustodial parents. This Operations Memo also provides guidelines for making fraud referrals.

Examples

The OIG report identified cases where it appeared that the client may have provided inaccurate, contradictory or misleading information to DTA. Below are summaries of cases and examples of appropriate actions to be taken to ensure that accurate and consistent information is being provided to DTA and DOR:

Example 1: During a reevaluation, the client signed an absent parent affidavit, after the birth of her first child. The affidavit stated that the father of the child had been continuously absent and she did not know his whereabouts. Eighteen months later, the client gave birth to a second child and named the same father on the birth certificate. She signed another affidavit stating that the child's father had been continuously absent and that she did not know his whereabouts.

Appropriate Action: Clients may fear their case would be closed if they report that the other parent is living with them. Before conducting case maintenance to add a child to the grant, it is important that information from previous interviews and the case record be reviewed:

- ✓ Clicking the History icon on the bottom right hand corner of the Absence page in the Assessed Person Nonfinancials metasection to review previous answers given will lessen the instances of inconsistent information.
- ✓ It is also important to review the birth certificate of the child to be added to the grant to determine if information of the absent parent (such as full name, address) is listed on the document.
- ✓ Case managers can say to clients: "During your last reevaluation, you said that you did not know where the father was. This is your second child with the same father. Do you have any additional information to add to that today?"
- ✓ If no additional information is given and the inconsistency cannot be adequately explained, the client should be sanctioned, or if an application, denied for failure to cooperate.

Example 2: The client wrote a letter to DTA explaining that she could not cooperate with DOR because the absent father was a good father who visited every other day and paid twenty dollars a week in non-court ordered support. In her next reevaluation, the client stated that the father lived in Cape Verde and that she did not know any of his personal information.

**Examples
(continued)**

Appropriate Action: The initial letter written by the client is not a good cause reason for not cooperating with child support. Unless the client has a good cause reason listed on the TA-34/36 (see 106 CMR 203.745) or can adequately explain the inconsistency, the grantee must be sanctioned, or if an applicant, denied for failure to cooperate.

**Absence and
Domestic
Violence**

Clients may also be hesitant to disclose information about a noncustodial parent due to Domestic Violence. It is always important to explore Domestic Violence with a client before completing information about a noncustodial parent. Clients must be given the *Everyone Deserves to be Safe!* Brochure to alert clients to DTA's domestic violence services.

Note: If a client wants to speak to a Domestic Violence Specialist or if they request a good cause waiver due to domestic violence, a referral must be made.

Determine if there is a history of domestic violence by reviewing the History of the Domestic Violence page in the Program Administration metasection. If there is not a history of domestic violence on that page, the client may still be a victim of domestic violence. That must be explored before child support information is completed. Ensure this is addressed by having the client read and sign the TA-34/36.

**When Child
Support
Information Must
Be Completed**

Child Support information (Absence page and TA-34/36) **must** be completed at every application, reevaluation, when a client is adding a child to the grant (including children subject to the Family Cap rule for MassHealth) and case maintenance activity such as address changes.

**Fraud Referrals
for Inconsistent
Information**

In circumstances when inconsistent information is given, a fraud referral must be made to the Bureau of Special Investigations (BSI) for investigation. Operations Memo 2013-5 states that fraud referrals must be made when:

- information is presented that suggests an applicant or client has made an intentional misstatement to receive a benefit from the Department; and
Example: Client states that the noncustodial parent is not living with her. The noncustodial parent applies for SNAP only and gives the same address as the client's address. A fraud referral must be completed.
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**Fraud Referrals
for Inconsistent
Information
(continued)**

- a case involves inconsistent or contradictory information concerning current eligibility that cannot be resolved through collateral contact or other additional verifications.
Example: Client states that her rent is \$850 per month. Her grant amount is \$731 per month. The client is up to date on her rent (as proven by her current rent receipt. She states the noncustodial parent does not give her any money for support and she does not have any other income coming in. A fraud referral must be done.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.
