

112200 Determining Cooperation

Each local child support agency shall:

(a)

Determine cooperation throughout case processing from a a Cal-WORKs or Medically Needy Only applicant or recipient who is receiving Title IV-D services. For the purposes of this Article the following definitions shall apply:(1) "Applicant or recipient" means a custodial party who is the parent of a child(ren) and who has assigned to a county any rights to support. (2) "Cooperation" means assistance by an applicant or recipient in all required activities necessary to establish paternity, or to establish, modify or enforce a medical or child support order, unless a finding of good cause has been made as specified in Section 112210.

(1)

"Applicant or recipient" means a custodial party who is the parent of a child(ren) and who has assigned to a county any rights to support.

(2)

"Cooperation" means assistance by an applicant or recipient in all required activities necessary to establish paternity, or to establish, modify or enforce a medical or child support order, unless a finding of good cause has been made as specified in Section 112210.

(b)

The activities necessary for cooperation shall include all of the following: (1)

Providing the name of the alleged father or noncustodial parent, as well as other information, if known, such as the alleged father's or noncustodial parent's address, Social Security Number, telephone number, place of employment or school, and the names and addresses of relatives. (2) Providing the information necessary to complete the "Support Questionnaire," form CA 2.1 Q, for each alleged father or noncustodial parent, as required by CDSS, MPP Section 80-310(c)(2). (3) Appearing at interviews, hearings, and legal proceedings provided the applicant or recipient is provided with forty eight hours advance notice of the interview, hearing, or legal proceeding, unless otherwise governed by the court, and does not have good cause not to appear. The following shall be considered good cause for not appearing: (A) Death in the immediate family. (B) Personal illness or injury to the applicant or recipient or authorized representative. (C) Sudden and unexpected emergencies including but not limited to traffic accidents on the day of the interview, hearing, or legal proceeding and illness or injury of a household or family member who requires immediate care. (4) Submitting to genetic tests if paternity is at issue. (5) Providing any additional information about the alleged father or noncustodial parent that is obtainable by the applicant or recipient.

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Providing the name of the alleged father or noncustodial parent, as well as other information, if known, such as the alleged father's or noncustodial parent's address, Social Security Number, telephone number, place of employment or school, and the names and addresses of relatives.

(2)

Providing the information necessary to complete the "Support Questionnaire," form CA 2.1 Q, for each alleged father or noncustodial parent, as required by CDSS, MPP Section

80-310(c)(2).

(3)

Appearing at interviews, hearings, and legal proceedings provided the applicant or recipient is provided with forty eight hours advance notice of the interview, hearing, or legal proceeding, unless otherwise governed by the court, and does not have good cause not to appear. The following shall be considered good cause for not appearing:

(A) Death in the immediate family. (B) Personal illness or injury to the applicant or recipient or authorized representative. (C) Sudden and unexpected emergencies including but not limited to traffic accidents on the day of the interview, hearing, or legal proceeding and illness or injury of a household or family member who requires immediate care.

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(B)

Personal illness or injury to the applicant or recipient or authorized representative.

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Sudden and unexpected emergencies including but not limited to traffic accidents on the day of the interview, hearing, or legal proceeding and illness or injury of a household or family member who requires immediate care.

(4)

Submitting to genetic tests if paternity is at issue.

(5)

Providing any additional information about the alleged father or noncustodial parent that is obtainable by the applicant or recipient.

(c)

Not require the applicant or recipient to sign a voluntary declaration of paternity,

as specified in Sections 7570 through 7577, Family Code, as a condition of cooperation.

(d)

Make a finding regarding whether the applicant or recipient could reasonably be expected to assist in all required activities specified in subsection (b), if the applicant or recipient attests under penalty of perjury that he/she cannot provide such assistance. In making the finding, a local child support agency shall consider all of the following: (1) The age of the child(ren) for whom support is sought. (2) The circumstances surrounding the conception of the child. (3) The age or mental capacity of the applicant or recipient. (4) The time that has elapsed since the applicant or recipient last had contact with the alleged father or noncustodial parent.

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(2)

The circumstances surrounding the conception of the child.

(3)

The age or mental capacity of the applicant or recipient.

(4)

The time that has elapsed since the applicant or recipient last had contact with the alleged father or noncustodial parent.

(e)

Not make a finding of noncooperation for a CalWORKs or Medically Needy Only applicant or recipient before he/she is given the opportunity to attest, under penalty of perjury, that he/she has no further information about the noncustodial parent and the information already provided is complete and accurate to the best

of his/her knowledge and belief.

(f)

Prepare and transmit the "Referral To Local Child Support Agency," form CW 371, to the county welfare department as notice that the applicant or recipient has failed to cooperate. If the applicant or recipient subsequently cooperates, the local child support agency shall prepare and transmit form CW 371 to notify the county welfare department of that fact.