

COOPERATION AND NON- COOPERATION

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a dynamic, layered effect. The rest of the background is plain white.

AGENDA

- ▶ **EXPECTATIONS**
- ▶ **IV-D POLICY**
- ▶ **DEFINITIONS**
- ▶ **WHO DETERMINES COOPERATION AND NONCOOPERATION**
- ▶ **SS ACTIONS**

AGENDA, continued

- ▶ **PA ACTIONS**
- ▶ **APPLICATION OF NONCOOPERATION AND SUPPORT DISQUALIFICATIONS FOR ASSISTANCE PROGRAMS**
- ▶ **SOME FACTS ABOUT COOPERATION AND NONCOOPERATION**
- ▶ **QUESTIONS**

EXPECTATIONS

- ▶ **WHAT DO YOU WANT TO LEARN ABOUT COOPERATION AND NON-COOPERATION?**

POLICY


- ▶ **MICHIGAN IV-D CHILD SUPPORT MANUAL**
- ▶ **CHAPTER 2 CASE INITIATION**
 - ▶ **SECTION 2.15
COOPERATION/NONCOOPERATION/GOOD
CAUSE**

WHAT DEFINES COOPERATION?

- ▶ **A CP is in cooperation with the IV-D program when (s)he responds to a request for action and provides information to assist in establishing paternity and/or a child support order.**

- ▶ **Cooperation includes, but is not limited to, the following:**
- ▶ **Identifying the non-custodial parent (NCP) or putative father;**
- ▶ **Locating the NCP/putative father, including providing necessary identifying information and whereabouts, if known;**
- ▶ **Attesting to the lack of knowledge about any of the above information;**

- ▶ **Appearing at reasonable times and places as requested to provide information or take legal action (e.g., appearing at the PA or FOC office);**
- ▶ **Appearing for genetic testing as requested by Prosecuting Attorney (PA) or Friend of the Court (FOC) staff, and making the child(ren) available on the dates and times requested for genetic testing;**
- ▶ **Appearing as a witness or complainant at a legal proceeding;**

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- ▶ **Providing the name of the insurance company and coverage that the CP provides for the child(ren); and**
 - ▶ **Providing all known, possessed or reasonably obtainable information that relates to establishing paternity and/or securing support.**

WHAT DEFINES NONCOOPERATION?

- ▶ **Noncooperation exists when the CP does not respond to a request for action or does not provide information, and the process to establish paternity and/or a child support order cannot move forward without the CP's participation. A CP is in noncooperation with the IV-D program when the CP, without good cause, willfully and repeatedly fails or refuses to provide information and/or take an action needed to establish paternity or to obtain child support or medical support.**

WHO DETERMINES COOPERATION AND NONCOOPERATION

- ▶ **The SS, the PA and MiCSES are able to determine if a CP is in noncooperation.**
- ▶ **The IV-D worker determines noncooperation when paternity establishment and/or establishment of a child support order is impeded due to the lack of the participation of the CP.**
- ▶ **MiCSES determines noncooperation when contact letters have been sent to the CP and the case has not been updated with new information before the cooperation requirement date printed on the letters.**

WHO DETERMINES COOPERATION AND NONCOOPERATION, continued

- ▶ **Once noncooperation is determined, the IV-D case will remain in the functional area of the decision maker until (s)he makes a determination of cooperation, good cause, or IV-D case closure eligibility.**
- ▶ **The FOC will not determine noncooperation for the CP for enforcement purposes. However, FOC staff are able to apply judicial tools for noncompliance with the court process, such as requesting show cause hearings and issuing bench warrants.**
- ▶ **The FOC can exercise judicial options for actions in the review and modification process (e.g., imputing income, contacting IV-A on assistance cases for income information, not modifying the case, showing cause for non-appearance, etc.)**

DETERMINATION OF NONCOOPERATION

- ▶ **The determination of noncooperation for IV-D cases is made at the IV-D case level. If the IV-D case has more than one child for the same CP and NCP, and the CP is not cooperating with information for just one of the children, then the entire IV-D case is considered in noncooperation status. Similarly, to determine cooperation, the CP must be cooperating for all the children on the IV-D case.**

SS AND MICSES DETERMINATION OF NONCOOPERATION

- ▶ **A CP can be placed into noncooperation status automatically by MiCSES or manually due to the action of the SS.**
- ▶ **CP Does Not Respond to the First Two Contact Letters**
- ▶ **CP Does Not Cooperate for Other Reasons**

SS ACTIONS

- ▶ **When the SS determines that the CP's action or inaction has prevented the continuation of child support activity, the SS will:**
- ▶ **a. Search for member exceptions for any member on the CP's assistance case(s) using the RESR screen**
- ▶ **b. Resolve any member exceptions that exist;**
- ▶ **c. Update the CPRO screen with a noncooperation reason code when there is an open SS activity, or update the CASE screen by entering a status and reason for noncooperation; and**

SS ACTIONS, continued

- ▶ **Generate and send the CP notice of noncooperation, the *Noncooperation Letter* (OCS1252), and select the appropriate reasons(s) for noncooperation on the letter.**
- ▶ **The case will remain in the SS functional area until an SS determines cooperation or determines good cause exists, or the IV-D case is closed.**

PA ACTIONS

- ▶ **When a PA worker (IV-D worker) notices a CP's action or inaction may be preventing the continuation of child support activity, the PA worker must contact the CP before determining noncooperation. The PA worker must:**

PA ACTIONS, continued

- ▶ **Determine the CP's reason for noncooperation;**
- ▶ **Inform the CP about disqualifications, what information or action is still needed from the CP, and the due date for the information or action; and**
- ▶ **If possible, assist the CP in avoiding or removing barriers.**

PA ACTIONS, continued

- ▶ **When the PA worker determines that establishment activities for a public assistance case cannot proceed because the CP's action or inaction has prevented the continuation of child support activity, the PA worker will:**
- ▶ **Search for member exceptions for any member on the CP's assistance case(s) using the RESR screen;**
- ▶ **Work with an SS to resolve any member exceptions that exist;**
- ▶ **Update the *Legal Processor* (LPRO) screen with a noncooperation reason code (this action initiates the noncooperation minor activity);**

PA ACTIONS, continued

- ▶ **Update the CASE screen by entering a status and reason for noncooperation;**
- ▶ **Generate and send the CP notice of noncooperation, the *Noncooperation Letter* (OCS1252), and select the appropriate reasons(s) for noncooperation on the letter; and**
- ▶ **Make a note on the *Notes Processor* (NOTE) screen that explains the basis of the noncooperation finding, lists any contact with the CP, and details when and where the OCS1252 was sent.**

PA ACTIONS, continued

- ▶ **The IV-D case and the CAR will remain in the PA functional area until the PA worker determines cooperation, good cause is determined, or the IV-D case is closed.**

DETERMINATION OF COOPERATION

- ▶ **The IV-D worker must re-evaluate cooperation if a CP previously determined to be in noncooperation expresses a willingness to cooperate or reapplies for public assistance benefits.**
- ▶ **A CP previously found noncooperative must demonstrate a good-faith effort to comply with support requirements in order to be found cooperative. When a CP expresses a willingness to cooperate, the IV-D worker must identify ways to proceed that can demonstrate the CP's good-faith attempt to cooperate. For example, the CP can provide the name of another putative father, contact the putative father, or appear at the PA office or in court.**

DETERMINATION OF COOPERATION, continued

- ▶ **Cooperation exists as soon as the CP provides the information or takes the action that was previously requested. Cooperation can also exist at an earlier stage if the CP's willingness to comply is evident.**

DETERMINATION OF COOPERATION, continued

- ▶ **When re-evaluating a case where the CP's refusal to cooperate impeded or precluded action to obtain an order, IV-D workers should consider alternative avenues to establish paternity or obtain support.**

SS DETERMINATION OF COOPERATION

- ▶ **When the SS determines that the CP has complied with the cooperation requirements, the SS will:**
- ▶ **Update the CPR0 screen by selecting reason code “8V” (Now Cooperating) in the *Noncooperation Reason* field to initiate the cooperation activity chains; and**
- ▶ **From the CPR0 screen, generate the *Cooperation Letter (OCS1253)*, which is sent to the CP via Central Print.**

SS DETERMINATION OF COOPERATION , continued

- ▶ **MICSES will:**
- ▶ **Update the cooperation status code to “C” (Cooperation) and enter the current date in the cooperation date field on the CASE screen;**
- ▶ **Transmit the cooperation transaction to Bridges;**
- ▶ **Send an informational alert to the PA if there is an open CAR on the *Legal Case (LCSE)* screen for the IV-D case; and**
- ▶ **Send an informational alert to the FOC if there is an open docket on the *Support Order Entry (SORD)* screen for the IV-D case**

SS DETERMINATION OF COOPERATION , continued

- ▶ **The IV-D case will move into the activity chains from the point of the last activity prior to the noncooperation determination.**

PA DETERMINATION OF COOPERATION

- ▶ **When the PA worker determines that the CP has complied with the cooperation requirements, the PA worker will:**
- ▶ **Update the LPRO screen by selecting a cooperation reason code to initiate the cooperation activity chains;**
- ▶ **Update the cooperation status code to “C” (Cooperation) and enter the current date in the cooperation date field on the CASE screen; and**
- ▶ **From the CASE screen, generate the *Cooperation Letter* (OCS1253), which is sent to the CP via Central Print.**

PA DETERMINATION OF COOPERATION ,continued

- ▶ **MiCSES will:**
- ▶ **Transmit the cooperation transaction to Bridges;**
- ▶ **Send an informational alert to the SS if there are any open activity chains for the IV-D case in the SS functional area; and**
- ▶ **Send an informational alert to the FOC if there is an open docket on the SORD screen for the IV-D case.**

NOTICE OF DETERMINATION TO THE CP

- ▶ **The IV-D worker must provide the CP with notice of:**
- ▶ **An initial determination of noncooperation;**
- ▶ **A subsequent determination of cooperation.**

APPLICATION OF NONCOOPERATION AND SUPPORT DISQUALIFICATIONS FOR ASSISTANCE PROGRAMS

- ▶ **State laws, federal regulations, and administrative rules require that FIP, Medicaid, FAP, and CDC applicants and recipients cooperate in establishing paternity and securing support (when appropriate) for children receiving public assistance benefits unless there is a good cause reason. The lack of cooperation results in program disqualification or ineligibility at the time of application for either the individual or the entire group, depending on the particular program requirements**

APPLICATION OF NONCOOPERATION AND SUPPORT DISQUALIFICATIONS FOR ASSISTANCE PROGRAMS

- ▶ **Assistance Program Support Disqualifications**
- ▶ **FIP- FIP case closure (includes 30-day penalty period without eligibility for benefits for the entire FIP group)**
- ▶ **FAP- Noncooperative person removed from the case (benefits reduced)**
- ▶ **Medicaid- Noncooperative person removed from the case unless pregnant or two months postpartum**
- ▶ **CDC based on low income- CDC case closure**

SOME FACTS ABOUT COOPERATION AND NONCOOPERATION

- ▶ **As long as you are able to proceed on a case with or without further assistance from the CP YOU CANNOT PLACE THEM IN NONCOOPERATION**
 - ▶ **This means that you CAN proceed on a case whether or not the CP wants you to.**
 - ▶ **This means that if you can identify a NCP, you must do a complete locate search for that NCP**

FACTS, continued

- ▶ **WHAT DO YOU DO WHEN A CP OVERTLY STATES THEY DO NOT WANT TO COOPERATE**
 - ▶ **Communicate to the CP that this action will result in a finding of noncooperation;**
 - ▶ **Communicate to the CP the effects of noncooperation on assistance program eligibility; and**

FACTS, continued

- ▶ **Document in the case history the conversation with the CP, the date of the conversation, the method of communication, the declaration of noncooperation, and that rights and responsibilities were reviewed with the CP; and**
- ▶ **Proceed with the case by sending the CAR and/or processing the CAR if the IV-D worker has enough information or can obtain the necessary information from another source.**

FACTS, continued

- ▶ **Once a determination of cooperation or noncooperation is made and entered in MiCSES, it will take 24-48 hours for it to show up on the Bridges case**
- ▶ **Recent changes were made to the SS process in MiCSES, so it only takes about 18 days from initial contact to non-cooperation (it used to be about 45 days)**

QUESTIONS?

