

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Room 017
Little Rock, AR 72201-1094

For Office
Use Only: Effective Date 6/14/95 Code Number 016.20.95-- 008

Name of Agency Division of County Operations

Department Of Human Services

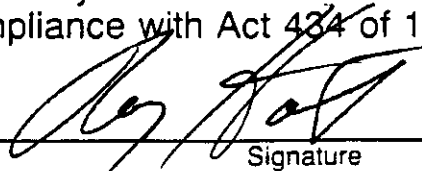
Contact Person Linda Greer, Manager, AFDC Unit 682-8257

Statutory Authority for Promulgating Rules 45 CFR 232.12

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published 5-18-95
<input checked="" type="checkbox"/> 20 Days After Filing	Final Date for Public Comment 6-6-95
<input type="checkbox"/> Other	Filed With Legislative Council 5-26-95
	Reviewed by Legislative Council
	Adopted by State Agency 6-14-95

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended


Signature

Director
Title

4-26-95
Date

FILED
AR REGISTER DIV.
95 MAY 26 PM 2:27
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

Arkansas Democrat
14F • THURSDAY, MAY 11

Legal Notices 1200 Local Not.

Legal Notices 1200

NOTICE
of

Rulemaking

Pursuant to Federal regulations 45 CFR 232.12, the Director, Division of County Operations issues proposed changes to require the parents of a child for whom legal paternity has not already been established to cooperate with the Office of Child Support Enforcement to establish paternity regardless of the reason for deprivation.

Copies of the proposed change may be obtained by writing the Division of County Operations, P.O. Box 1437, Little Rock, AR 72203, Attention: AFDC Unit. All comments must be submitted in writing to the address indicated above no later than twenty days from the date of this publication.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 682-8920 (voice) or 682-8933 (TDD).

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

5000009168EL

/s/Roy Hart
Director

6371349

FILED
AR. REGISTER DIV.
95 MAY 26 PM 2:27
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

2247.4 Failure to Cooperate by Retaining Assigned Child Support
Payments - Procedural Guidelines

The County Office will be notified via Form OCSE-1650 when the local OCSE office discovers that a client has retained support payments and has indicated that he/she does not intend to turn in future payments, or after entering into a repayment agreement, continues to retain current support payments.

Upon receipt of the OCSE-1650, the Service Representative will recompute the grant applying the non-cooperation sanction and send a DCO-1 to the client, giving a 10 day advance notice of action.

The County Office will return the OCSE-1650 to the OCSE indicating the action taken on the case at the end of the advance notice period. The Service Representative may also initiate the sanction if the county office discovers that the client has retained support payments and has indicated that he/she does not intend to turn in future payments.

The sanction will remain in effect until the client turns in a current support payment or until it can be substantiated that the absent parent is no longer making payments directly to the client.

2247.5 Failure to Comply in the Repayment of a Child Support
Overpayment - Procedural Guidelines

The County Office will be notified via form OCSE-TG when a client with a child support overpayment fails to sign the Repayment Agreement or, after signing it, misses two consecutive payments.

Upon receipt of the OCSE-TG notifying of the failure to comply, the grant will be recomputed applying the non-cooperation sanction and a DCO-1 sent giving the client a 10 day advance notice of action. The DCO-1 will advise the client as to what must be done to comply, i.e., submit the signed agreement, or make a current monthly payment, whichever is applicable.

If the OCSE Collections Unit receives the signed agreement or receives a current monthly payment, the county office will be notified via Form OCSE-TG. If the client complies within the 10 day advance notice period, then the proposed action will not be taken or, if already taken, the grant will be reinstated to its previous level and the client added back to the case. A new DCO-95 is not necessary. If the client complies after the advance notice period has expired, then he/she will be contacted and advised that a new application is needed in order to add the client back to the grant.

* 2247.6 Establishing Legal Paternity

Legal paternity will be established for a child for whom paternity has not been established. This includes a child who is deprived due to unemployment, disability or when a convicted offender is living in the home while serving court imposed sentence.

A determination will be made at application as to whether or not legal paternity has been established. If it has not, then the Service Representative will explain the OCSE cooperation requirement to legally establish paternity and that both parents will be expected to cooperate. It will also be explained that, as long as both parents live with the child, the OCSE will establish paternity only and not attempt to obtain a child support order.

FILED
ARIZONA
95 MAY 26 PM 1:28
STATE OF ARIZONA
BY _____
CLERK OF SUPERIOR COURT

Prior to referring the putative father to the OCSE, the parents will be informed of their right to claim good cause. All policies and procedures related to a claim of good cause will apply. Refer to FA 2248.

If either parent does not comply with the OCSE requirements to legally establish paternity and good cause does not exist, the needs of the parent who is refusing to cooperate will be removed as outlined in FA 2247.2. A child will not be denied benefits due to a parent's failure to cooperate. Refusal to cooperate with the OCSE after a referral has been made will be handled as outlined in FA 2247.3.

Notification to OCSE will be system generated by keying the appropriate deprivation code (71 or 72 for unemployment, 21 or 22 for disability, 91 or 92 for convicted offender) to WAFM and by keying the putative father information from the DCO-115 to the WAPU screen.

2248 Good Cause for Refusal to Cooperate

An individual may be determined to have good cause for refusing to cooperate with the State in child support enforcement activities and thus, be freed from the cooperation requirement. Good cause may be determined to exist in certain specified circumstances under which cooperation would be against the best interests of the child. (Refer to FA 2248.1)

Each AFDC casehead subject to the cooperation requirement must be informed in writing via Form DCO-90 of his/her right to claim good cause prior to the requiring of cooperation. If the casehead wishes to make a claim, he/she will do so by completing Form DCO-105 specifying the circumstance under which good cause is believed to exist. The casehead must provide corroborative evidence to establish the existence of the good cause circumstance and if requested, to provide sufficient information to permit the County Office to conduct an investigation (Refer to FA 2248.2.1 and 2248.2.2).

Evidence and/or information must be provided within 20 days from the date the claim was made unless the County Office grants an extension (Refer to FA 2248.5).

Upon request, the County Office will advise the casehead how to obtain the necessary documents and will make a reasonable effort to obtain any specific documents which the casehead is not able to obtain without assistance.

AFDC assistance will not be denied, delayed, or discontinued pending claim determination if all other eligibility requirements have been established (Refer to FA 2248.3, Granting or Continuation of Assistance). The OCSE will not undertake activities to establish paternity or to secure support when notified that an individual has claimed good cause (Refer to FA 2248.4).

If an application for AFDC is denied due to other eligibility factors, and a claim of good cause has been made, all procedures relating to the claim may be discontinued at the time the application is denied. A narrative entry will be made to explain the discontinuance of good cause procedures.

All claims of good cause and circumstances on which claims are based will be carefully documented in the record. All claims of good cause based on circumstances subject to change will be reviewed at regular reevaluation, and the record will reflect through narrative entry such review of the good cause determination.