



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston MA 02111

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Governor

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Secretary

CLAIRE MCINTIRE
Commissioner

Field Operations Memo 2001-22
April 25, 2001

TO: Transitional Assistance Office Staff
FROM: Joyce Sampson, Assistant Commissioner for Field Operations
RE: Cooperation with Child Support Enforcement Requirements

Background

A lawsuit, *DeJesus, et al. v. Department of Revenue, et al.*, has been filed against the Department of Revenue (DOR) and the Department (DTA) regarding child support sanctions. (See Field Operations Memo 99-25.) The lawsuit is now being settled. As part of the settlement, DTA has agreed to send one-time notices to AUs who are or may be under a child support sanction, informing them of their right to have the sanction removed if they cooperate with DOR. DTA has also agreed to amend its child support sanction regulation, 106 CMR 203.770 (this amended regulation will be promulgated in the near future). Both DOR and DTA have agreed to modify their cooperation procedures.

This memo addresses the procedural terms of the settlement.

Notices

A notice will be sent on April 25, 2001 to each TAFDC AU currently sanctioned for noncooperation with the child support requirements. See Attachment A, *Your Family May Be Eligible for Higher TAFDC Benefits* for the notice.

Another notice, *Reminder: You Are Currently Being Sanctioned*, Attachment B, will be sent on April 25, 2001 to each TAFDC AU coded as sanctioned for a reason other than child support because the AU may also have a second sanction for a child support requirement which does not appear on PACES.

**Notices
(continued)**

Both notices advise the recipient to contact the AU Manager if he or she wants to cooperate with child support enforcement efforts or believes there is good cause for not cooperating. The notice to child support sanctioned recipients advises English-speaking recipients may contact Brian Flynn at Greater Boston Legal Services at 1-800-323-3205 ext. 1629 and Spanish-speaking recipients may contact Rita Cheresnowsky at Greater Boston Legal Services at 1-800-323-3205 ext. 1623 for free legal advice.

If the sanctioned custodial parent phones the AU Manager as result of these mailings, the AU Manager schedules a meeting with the parent either immediately or within the next 10 calendar days to assist with the child support sanction issues.

AU Managers may use the *Sanctioned Recipients Child Support Report* or the *Child Support Detail List* as a tool for noting which recipients currently sanctioned for child support requirements have contacted them and to ensure accurate systems coding for sanctioned TAFDC recipients or TAFDC recipients whose sanction has been removed.

Reports

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- See the *Sanctioned Recipients Child Support Report* for the names of TAFDC AUs currently sanctioned for noncooperation with child support requirements.
 - See the *Sanctioned Recipients for Reason Other Than Child Support* report for the names of TAFDC AUs currently sanctioned for a reason other than child support.

**AU Manager
Responsibilities**

Whether the contact with the sanctioned custodial parent is as a result of the mailings or through regular AU maintenance activities, the AU Manager will:

- facilitate contact between the sanctioned custodial parent and DOR regarding child support enforcement issues;
- continue to take an active approach in helping the sanctioned custodial parent contact DOR to resolve child support issues;
- at each eligibility review, transition plan review or other appropriate meeting, remind the sanctioned custodial parent that he or she remains under a sanction for noncooperation with DOR;

**AU Manager
Responsibilities
(continued)**

-
- ask the sanctioned custodial parent if he or she has any new information regarding the noncustodial parent(s) and if he or she is now willing to cooperate with DOR's child support enforcement efforts;
 - advise the sanctioned custodial parent about the reasons for good cause for not cooperating with DOR.

If good cause is claimed, complete the T-A34/36 giving the white copy to the sanctioned custodial parent and faxing or forwarding the yellow copy to DOR. If good cause is based on domestic violence, give a copy of the T-A34/36 to the Domestic Violence Specialist;

- discuss with the sanctioned custodial parent the steps necessary to remove the sanction. The DOR noncooperation notice(s) provides specific information as to how the sanctioned custodial parent failed to cooperate with DOR's Child Support Enforcement Division and what steps need to be taken to comply with cooperation rules. DOR sends these notices to DTA and the sanctioned custodial parent. DTA's copy is filed in the AU record. Refer to DOR's *Notice of Noncooperation, Attachment C* and DOR's *Notice of Continued Noncooperation, Attachment D*;
- make a copy of the *Notice of Noncooperation* or the *Notice of Continued Noncooperation* from the AU record if the sanctioned custodial parent requests an extra copy;
- **complete the revised *Cooperation with DOR* notice (DOR-CN (04/01)), Attachment E, to notify DOR of the sanctioned custodial parent's decision on cooperating with DOR:**
 - **when the sanctioned custodial parent states that he or she wants to cooperate with child support; and**
 - **at each eligibility review if the AU has been sanctioned, whether or not he or she wants to cooperate at that time;**

The DOR-CN notice is signed by the sanctioned custodial parent.

- send/fax the DOR-CN to the DOR Regional Counsel for your TAO within **three business days** from the date the form is completed;
- give a copy of the DOR-CN to the sanctioned custodial parent;

**AU Manager
Responsibilities
(continued)**

- **when the sanctioned custodial parent indicates he or she wants to cooperate, create a tickler file to track the response from DOR for up to the next 70 days.**

DOR must notify DTA, within 70 days of the date DTA faxed the DOR-CN, if the sanctioned custodial parent has or has not cooperated with child support enforcement.

DOR will fax either the *Notice of Continued Noncooperation (COOP7)* or the *Notice of Cooperation (COOP5)* (Attachment F) to DTA.

- If the *Notice of Continued Noncooperation* is received, the sanctioned custodial parent continues to be noncooperative and the child support sanction may not be removed.
- If the *Notice of Cooperation* is received, the sanctioned custodial parent is cooperating with DOR and the child support sanction must be removed, the sanctioned custodial parent's status is changed to reopened and the grant is increased as of the day the custodial parent cooperated with DOR (if the custodial parent has no other sanction). Remove the countable sanction amount for food stamp purposes from the PACES worksheet

If DOR is unable to schedule an appointment with the sanctioned custodial parent within the 70 days, DOR will fax the *Notice of Cooperation* indicating the sanctioned custodial parent is deemed to be cooperating and the sanction must be removed, as described above.

DOR will contact DTA to ensure that the COOP5 form has been received.

- **If DTA does not hear from DOR within the 70 days the sanctioned custodial parent is deemed to be cooperating and the sanction must be removed, the sanctioned custodial parent's status is changed to reopened and the grant is increased as of the 70th day (if the custodial parent has no other sanction).**

Do not track DOR's response when the sanctioned custodial parent does not want to cooperate with child support; and

- file the original DOR-CN in the AU record.

**AU Manager
Responsibilities
(continued)**

If the sanctioned custodial parent refuses to sign the DOR-CN form, write "refused to sign" on the form and follow the distribution procedures above. Completing the DOR-CN at each eligibility review is part of the *De Jesus* settlement.

**Closed TAFDC
With Sanction
Reapplies for
TAFDC**

The following describes the procedures an AU Manager must use if a former TAFDC recipient sanctioned for noncooperation with child support requirements before the TAFDC closing reapplies for TAFDC. Remember, the grantee's or teen parent's child support sanction still exists.

- Complete the TAFDC application as usual;
- Complete the DOR-CN notice and fax it to the DOR Regional Counsel immediately, whether or not the grantee or teen parent wants to cooperate with DOR's child support enforcement requirements;
- Indicate on the DOR-CN that this is for a TAFDC reopening which advises DOR to contact the recipient as soon as possible; and
- As of the date DOR indicates the recipient cooperated with the child support requirements, remove the child support sanction, change the recipient's status to reopen, and restore the recipient to the grant (if the recipient has no other sanction). DOR will fax the *Notice of Cooperation* to DTA.

If DOR faxes a *Notice of Continued Noncooperation* the child support sanction remains in effect.

DOR Liaison

As a DOR liaison, the TAO Director or designee shall take an active approach regarding child support sanctioned cases. The DOR liaison will:

- ensure the AU Managers are tracking DOR's responses to the DOR-CN;
- continue to meet monthly with DOR to discuss the specific cases;
- monitor these cases for recurring problems, using the *Sanctioned Recipients Child Support Report* as needed;

**DOR Liaison
(continued)**

-
- work with DOR to remedy problems -- particularly those involving communications issues; and
 - ensure that the appropriate notice is sent and action taken when:
 - a sanctioned custodial parent cooperates with DOR;
 - a custodial parent, already sanctioned for noncooperation with DOR, is again noncooperative with DOR regarding another noncustodial parent; or
 - a sanctioned custodial parent cooperates with DOR regarding one noncustodial parent but continues to be noncooperative regarding a second noncustodial parent.

**Need for
Interpreter**

As appropriate, the AU Manager should inform custodial parents that interpreters are available to them through DOR for court appearances.

**Physical or
Mental Condition**

If a custodial parent tells the AU Manager, or the AU Manager becomes aware, that a custodial parent has a physical or mental condition preventing him or her from utilizing Department services and/or cooperating with DOR, the AU Manager should contact Judith Subanny, Director of Equal Opportunity at (617) 348-8490 (see Field Operations 98-50 for further details). The AU Manager must annotate the AU record and advise the DOR Liaison of the physical or mental condition.

**Multiple
Sanction Notice**

If a TAFDC sanctioned custodial parent failed to cooperate with:

- DOR's child support enforcement efforts regarding two or more noncustodial parents of his or her children; or
- more than one TAFDC requirement,

a multiple sanction notice(s) was issued.

If the sanctioned custodial parent cooperates with DOR, this cooperation will remove (one of) the child support sanction(s) but until all sanctions are removed, the TAFDC grant may not be increased. The AU Manager must remind the custodial parent of any other sanction(s) and what is needed to remove that sanction(s). See Field Operations Memo 99-25 for further information.

**DOR Regional
Counsel List**

There have been changes to the DOR Regional Counsel list. See Attachment G for the list of DOR Regional Counsels. This list obsoletes the *Five DOR Regional Counsels* list in Chapter 10 in *The TAFDC Procedural Guide*.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478.

Your Family May Be Eligible for Higher TAFDC Benefits

You are getting lower TAFDC benefits each month because you are listed as not cooperating with child support enforcement. If you cooperate with DOR's child support enforcement efforts your TAFDC grant will be raised as of the date you cooperate.

You may have Good Cause for not cooperating with child support enforcement if you are afraid that cooperating may be harmful to you or your children, or if the child was born as a result of rape or if legal proceeding about your child's adoption are pending. If you have Good Cause for not cooperating your TAFDC grant will be raised.

Please contact your DTA worker right away if you want to cooperate with child support or if you think you have Good Cause for not cooperating. Your DTA worker will tell you what is needed to prove Good Cause.

If you have questions about this notice, you can call DTA Recipient Services at 1-800-445-6604.

For free legal help, you can call Brian Flynn at Greater Boston Legal Services toll free at 1-800-323-3205 ext. 1629.

**Reminder:
You Are Currently Being Sanctioned**

You are getting lower TAFDC benefits each month because you or a family member are listed as not cooperating with one or more TAFDC rules. This means that you have one or more sanctions. One of these sanctions may be because you did not cooperate with child support enforcement efforts. If you cooperate with DOR's child support enforcement efforts, this sanction will be removed as of the date you cooperate.

If you have Good Cause for not cooperating your child support sanction will be removed.

Your DTA worker can also tell you what you need to do to have any other sanction removed.

**Reminder:
You Are Currently Being Sanctioned**

You are getting lower TAFDC benefits each month because you or a family member are listed as not cooperating with one or more TAFDC rules. This means that you have one or more sanctions. One of these sanctions may be because you did not cooperate with child support enforcement efforts. If you cooperate with DOR's child support enforcement efforts, this sanction will be removed as of the date you cooperate.

You may have Good Cause for not cooperating with child support enforcement if you are afraid that cooperating may be harmful to you or your children, or if the child was born as a result of rape or if legal proceedings about your child's adoption are pending. If you have Good Cause for not cooperating your child support sanction will be removed.

Please contact your DTA worker right away if you want to cooperate with child support or if you think you have Good Cause for not cooperating. Your DTA worker will tell you what is needed to prove Good Cause. Your DTA worker can also tell you what you need to do to have any other sanction removed.

If you have any questions about this notice, you can call DTA Recipient Services at 1-800-445-6604.

For free legal help, you can call Brian Flynn at Greater Boston Legal Services toll free at 1-888-443-9707.

All/sanc. 4/01



Massachusetts Department of Revenue
Child Support Enforcement Division
NOTICE OF NONCOOPERATION

Attachment C

DTA/DMA Office Director at: _____	Date: <<Date>>
Recipient Name: <<CP Name>>	SSN: <<CP SSN>>
Noncustodial Parent's Name: <<NCP Name>>	SSN: <<NCP SSN>>
Dependent Name: <<DEP Name>>	SSN: <<DEP SSN>>

The recipient identified above failed to cooperate with the Child Support Enforcement Division of the Massachusetts Department of Revenue (DOR). Below please find the reason for DOR's determination of noncooperation, the steps the recipient must take to cooperate with DOR and the person to contact:

- The recipient failed to provide all documentation or information that the recipient has or can reasonably obtain that DOR needs to proceed with child support enforcement efforts. To comply with the cooperation rules, the recipient must provide the documentation requested.
- The recipient failed to appear in court on _____ after DOR provided prior notice of the date, time, and place of the scheduled court proceedings, thereby preventing DOR from obtaining:
 - An order for genetic marker/paternity testing
 - A final judgment
 - An adjudication of paternity
 To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to appear for appointments on _____ and _____ after DOR provided prior notice of the date, time, and place of the appointments. To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to appear for scheduled paternity testing appointments on _____ and _____ after DOR provided prior notice of the date, time, and place of the appointments. To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to authorize DOR to obtain information needed to process the case after DOR requested the recipient provide authorization. To comply with the cooperation rules, the recipient must provide the authorization requested.

Comments: _____

DOR Staff Name: <<Your Name>>

DOR Staff Signature: _____

Date: _____

Regional Counsel Signature: _____

Date: _____

Office Address: <<Address>>

Telephone Number: <<Telephone #>>



Massachusetts Department of Revenue
Child Support Enforcement Division

Attachment D

NOTICE OF CONTINUED NONCOOPERATION

DTA/DMA Office Director at: _____	Date: <<Date>>
Recipient Name: <<CP Name>>	SSN: <<CP SSN>>
Noncustodial Parent's Name: <<NCP Name>>	SSN: <<NCP SSN>>
Dependent Name: <<DEP Name>>	SSN: <<DEP SSN>>

DOR received notice that the recipient identified above who had been sanctioned for failure to cooperate with the Child Support Enforcement Division of the Massachusetts Department of Revenue (DOR) now wishes to cooperate. Since then, DOR has provided the recipient an opportunity to resume cooperation with child support enforcement. However, the recipient has not resumed cooperation and has continued not to cooperate with DOR for the reason checked below:

- The recipient failed to provide all documentation or information that the recipient has or can reasonably obtain that DOR needs to proceed with child support enforcement efforts. To comply with the cooperation rules, the recipient must provide the documentation requested.
- The recipient failed to appear in court on _____ after DOR provided prior notice of the date, time, and place of the scheduled court proceedings, thereby preventing DOR from obtaining:
 - An order for genetic marker/paternity testing
 - A final judgment
 - An adjudication of paternity
 To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to appear for an appointment on _____ after DOR provided prior notice of the date, time, and place of the appointment. To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to appear for a scheduled paternity testing appointment on _____ after DOR provided prior notice of the date, time, and place of the appointment. To comply with the cooperation rules, the recipient must contact DOR to reschedule an appointment and appear for the next scheduled appointment.
- The recipient failed to authorize DOR to obtain information needed to process the case after DOR requested the recipient provide authorization. To comply with the cooperation rules, the recipient must provide the authorization requested.

Comments: _____

DOR Staff Name: <<Your Name>>

DOR Staff Signature: _____

Date: _____

Regional Counsel Signature: _____

Date: _____

Office Address: <<Address>>

Telephone Number: <<Telephone #>>



Office _____

Address _____

Office Fax # _____

Date _____

TO: DOR CHILD SUPPORT ENFORCEMENT

DOR Regional Counsel/ Member's Name Fax Number

FROM _____
TAO Staff Member's Name Telephone Number

RE: COOPERATION WITH DOR

This notice serves to inform you that the custodial parent indicated below has told us that:

___ He/she wants to cooperate with DOR's child support enforcement efforts.

Please contact this custodial parent as soon as possible. **If this custodial parent complies with DOR's child support enforcement requirements, please immediately notify us in writing so that we can adjust his or her benefits accordingly. The custodial parent shall be deemed to have cooperated with DOR if DOR has not informed DTA of the status of the case within 70 days from the date this form is faxed to DOR.**

He/she does not want to take the steps necessary to cooperate with DOR's child support enforcement efforts at this time.

Custodial Parent Name _____

SSN _____ Telephone Number _____

Address _____

Noncustodial Parent Name _____

Custodial Parent's Signature _____ Date _____

If you have any questions about this matter, please call me at the telephone number indicated above. Thank you.

****CONFIDENTIALITY NOTE****

The facsimile transmission contains information from the Department of Transitional Assistance which is CONFIDENTIAL AND/OR PRIVILEGED. The information is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify us by telephone and return the original message to us at the address above by First Class Mail via the US Postal Service. Thank you.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION**

REGIONAL COUNSEL LIST

Attachment G

DOR Region	DTA Offices in	Regional Counsel	Telephone	Fax	Address
Central	Worcester County	Cathleen May	(508)792-7300 ext. 22701	(508) 421-2330	40 Southbridge Street Worcester, MA 01608-2037
Metro	Suffolk County, including Revere and a portion of Davis Square (Charlestown)	Valinda Corbin	(617) 619-0800 ext. 32603	(617) 619-0899	239 Causeway Street Boston, MA 02114
Northern	Essex County	Mary Lou Fraser- Gargas	(781) 213-1000 ext. 31302	(781) 213-1050	27 Water Street Wakefield, MA 01880
Northern	Middlesex County, including Davis Square (except for Charlestown)	Nicki Famiglietti	(781) 213-1000 ext. 31424	(781) 213-1050	27 Water Street Wakefield, MA 01880
Southern	Barnstable, Dukes and Nantucket Counties	Patrick Finn	(508) 771-2414 ext. 38613	(508)771-0979	1019 Iyanough Road Hyannis, MA 02601-1890
Southern	Bristol, Norfolk and Plymouth Counties	Patrick Finn	(508) 586-7581 ext. 36111	(508) 427-9591	110 Mulberry Street Brockton, MA 02302
Western	Berkshire, Franklin and Hampshire Counties	Norman Wagner	(413) 784-1025 ext. 21050	(413) 785-4801	115 State Street Springfield, MA 01103-1931
Western	Hampden County	Sara McCollum	(413) 784-1025 ext. 21001	(413) 785-4801	115 State Street Springfield, MA 01103-1931