



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

William F. Weld  
Governor  
Argeo Paul Cellucci  
Lieutenant Governor

Gerald Whitburn  
Secretary  
Joseph Gallant  
Commissioner

**Fax 96-33**  
**Field Operations Memo 96-10**  
**March 21, 1996**

**To: Local Office Staff**  
**From: Joyce Sampson, Assistant Commissioner for Field Operations**  
**Re: Child Support Sanctions**

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**Background**

The Department and the Department of Revenue have recently been challenged in the implementation of child support provisions of TAFDC. A temporary restraining order has been issued in the case, *Doe v. Gallant*, ordering the Department to immediately stop taking action to sanction or deny individuals who fail to meet the requirements of 106 CMR 203.700. All cases should continue to be referred to DOR as previously instructed. In addition, the Department has been ordered to reinstate, effective March 19, 1996, those individuals who have been sanctioned on or after November 1, 1995.

Local offices were notified of this lawsuit by FAX 96-32 dated March 19, 1996.

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**Manual  
Review of  
Cases**

A report entitled "List of TAFDC Dependents Closed for Action Reason 66 After 11/03/95" will be sent by overnight mail to be received by local offices on Friday, March 22, 1996.

Upon receipt of this report, local office workers must **immediately** review each of these cases to determine the reason for the child support sanction (AR 66).

**Note: Take action on these cases, if appropriate, no later than the check release date for the last digit of the SSN to affect the first check in April. Please refer to the *Systems User's Guide, Volume I: PACES, Appendix E, Page 5.***

Materials to review in the case record include the Notice of Non-Cooperation (A-33) and NFL-5.

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**Individuals  
Required to  
be  
Reinstated**

*Reinstate the sanctioned individual*, if the sanction was imposed for failing to provide accurate and complete documentation or information necessary to identify or locate the absent parent. If there is no documentation in the case record indicating the reason for the sanction, the sanctioned individual must be reinstated.

**The local office worker must *immediately*:**

- ◆ Reopen the sanctioned individual as usual, using a start date of March 19, 1996; and
- ◆ **Enter a new code "S" in the Fortin Block 41.** This code is for future tracking of these cases.

*Note:* This new code will be available for data entry on Monday, March 25, 1996.

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**Individuals  
Not Required  
to be  
Reinstated**

*Do not reinstate the individual*, if the sanction was imposed for any of the following reasons as indicated on the A-33:

- ◆ failing to contact the child support enforcement office to complete the Paternity Assessment Form and the Mother's Affidavit.
  - ◆ failing to appear in court despite being notified of scheduled judicial proceedings.
  - ◆ failing to appear at the child support enforcement office for appointment(s).
  - ◆ failing to appear at a genetic testing appointment(s).
  - ◆ failing to notify the child support enforcement office of child support payments received directly after executing an Assignment of Rights to Receive Support.
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**Cases Which  
Must be  
Sanctioned  
for Another  
Reason**

Individuals currently subject to a child support sanction and another sanction must be reinstated, and then removed from the grant for the non-child support sanction reason. This is a two-step process.

**The local office worker must:**

*Step One:* Reopen the sanctioned individual as usual using a start date of March 19, 1996. Enter a new code "S" in the Fortin Block 41.

*Step Two:* Complete a separate TD to remove the individual for the non-child-support sanction reason which will ensure that the individual receives the proper sanction notice.

Local office directors are responsible for ensuring that the TD to remove the individual for the non-child-support reason is not submitted until the worker is sure that the individual has been reinstated. **Make sure the non-child-support sanction is initiated after the release date of the first check in April but before the key date for the second check in April.** Please refer to the *Systems User's Guide, Volume I: PACES, Appendix E, Page 5.*

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**Impact on  
Applicants**

All applicants required to submit information on an absent parent must be included in the grant, if otherwise eligible, at the time the application is approved and referred to DOR.

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**AR 66  
Sanctions  
Which do not  
Appear on  
the Report**

Pull pending AR 66 transactions if sanctioned for failure to provide accurate and complete documentation or information necessary to identify or locate the absent parent.

If an individual was recently sanctioned for AR 66 but does not appear on the report due to the report run date, follow the above instructions.

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**Further  
Instructions**

Local offices will receive additional instructions regarding other individuals who may be impacted by this lawsuit.

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**Questions**

If you have policy questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478. If you have systems questions, please call the Systems Customer Support Services at (617) 348-5290.

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