



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 96-13
March 28, 1996

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

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. Local Offices received instructions for reinstating some of the ineligible grantees in Field Operations Memo 96-10 dated March 21, 1996.

Introduction

This Field Operations Memo provides instructions for evaluating individuals who *may* have been sanctioned at the time of application as well as ongoing cases which *may* have closed as a result of a sanction, for possible approval or reinstatement.

- ◆ A report entitled "Potential Sanctioned Applicants" will be sent by overnight mail to be received by local offices when they are produced. The instructions for reinstating the individuals on this list can be found in Attachment A.
- ◆ A second report entitled "List of TAFDC Dependents Closed for AR 66 after 11/3/95 and Case Coded Closed as of 3/27/96" will be sent by overnight mail to be received by local offices on Monday, April 1, 1996. The instructions for reinstating the cases on this list can be found in Attachment B.

Annotating the Report

The local office worker must annotate the report(s) with the action and date taken and submit to the local office director or designee.

Completion Date

These cases must be reviewed and the changes key-entered, if any, by Friday, April 5, 1996.

Notice to Recipients

A system-generated notice will be sent to individuals sanctioned for AR 66 who were reinstated or approved explaining the reason for this action. This notice will be sent in early April.

Reminder

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.

Additional Instructions

Local offices may receive additional instructions regarding individuals impacted by this lawsuit.

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.

Review of Potential Sanctioned Applicants

Manual Review of Cases

A report entitled "*Potential Sanctioned Applicants*" will be sent by overnight mail to be received by local offices when they are produced.

Upon receipt of this report, local office workers must **immediately** review each of these cases to determine the reason for the grantee's ineligible status.

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

Ineligible Grantees Required to be Approved or Reinstated

Approve or reinstate the ineligible grantee, if the grantee was sanctioned for failing to provide accurate and complete documentation or information necessary to identify or locate the absent parent.

The local office worker must *immediately*:

- ◆ Approve and include the ineligible grantee in the assistance unit, 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.
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**Ineligible
Grantees Not
Required to be
Approved or
Reinstated**

Do not approve or reinstate the ineligible grantee, if the grantee was sanctioned for:

- ◆ failing to provide non-child support verifications;
 - ◆ 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;
or
 - ◆ any non-child support sanction reason.
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**Cases Which
Must be
Sanctioned for
Another
Reason**

An ineligible grantee currently subject to a child support sanction and another sanction must be approved or 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: Approve and include the ineligible grantee in the assistance unit 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 approved and included in the assistance unit..

**Updating the
SAVE Code**

As part of this review, the local office worker must insert the correct SAVE code in Block 43 if the current code is Y or N even if the grantee is not reinstated or approved. See *Systems User's Guide, Volume I: PACES, Appendix B-10*.

Review of Closed Cases

Manual Review of Closed Cases

A report entitled "*List of TAFDC Dependents Closed for AR 66 After 11/3/95. But Case Coded Closed*" will be sent by overnight mail to be received by local offices on Monday, April 1, 1996.

Upon receipt of this report, local office workers must **immediately** review each of these cases to determine the reason for the sanction and the impact of the sanction on the case closing, if any. To help in this determination use the Calc Screen.

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

Closed Cases Required to be Reopened

Reopen the case, if the individual was sanctioned for failing to provide accurate and complete documentation or information necessary to identify or locate the absent parent **and** the case would have remained open if the individual had not been sanctioned.

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.
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**Closed Cases
Not Required to
be Reopened**

Do not reopen the case:

if the individual was sanctioned 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; or

if the individual was sanctioned for failing to provide accurate and complete documentation or information necessary to identify or locate the absent parent but the case would have closed even if the individual had not been sanctioned.
