



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Fax 96- 50
Field Operations Memo 96-17
May 10, 1996

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

Background

The Department and the Department of Revenue (DOR) were challenged in the implementation of child support provisions of TAFDC. On March 19, 1996 a temporary restraining order was issued in the case *Doe v. Gallant*, requiring the Department to immediately stop taking action to sanction or deny individuals for not cooperating with the new child support rules. Local offices were notified of the lawsuit by Fax 96-32.

In addition the Department was ordered to reinstate, effective March 19, 1996, those individuals who were sanctioned for not cooperating with the new child support rules on or after November 1, 1995. Local offices received instructions for approving or reinstating the sanctioned grantees and reopening certain cases in Field Operations Memo 96-10 dated March 21, 1996 and Field Operations Memo 96-13 dated March 28, 1996.

Consistent with the reinstatement policy, on May 3, 1996 the Department agreed to provide retroactive benefits to any individual who was sanctioned for not cooperating with the new child support rules retroactive to the day the sanction took effect. This memo provides local office staff with information and procedures about providing these retroactive benefits.

All TAFDC cases, except those claiming good cause, continue to be referred to DOR.

Central Office
Actions

The majority of cases will be handled by Central Office staff. Central Office staff will:

- identify cases coded "S" in the Fortin TD Block 41. The "S" code was entered in Block 41 by local office workers in accordance with instructions given in Field Operations Memos 96-10 and 96-13;
- calculate and issue a "Q" payment to cover the period from the day the sanction took effect to March 18, 1996;
- mail a letter to the individual that explains the "Q" payment; and
- send to local offices reports of cases that were sent a "Q" payment check. These reports will include the check amount and will go out when the checks are mailed.

Local Office
Actions

Local office workers must review cases in which Central Office staff are unable to determine the individual's eligibility for a "Q" payment. Instructions are described in Attachment A of this memo. If your office did not receive a copy of the report described in Attachment A, then no cases in your office were affected.

Completion Date

All Central and Local Office actions must be completed by Friday, June 7, 1996.

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.

CASES REQUIRING LOCAL OFFICE ACTION

The Report

A report entitled *TAFDC Dependents Closed For AR 66 that Matched Current Recipient Master File With No "S" Fortin Code* was sent to local offices to be received on May 10, 1996.

Who is on
the Report

The cases listed on this report are cases that appeared on the report entitled *List of TAFDC Dependents Closed for AR 66 After 11/3/95 But Case Coded Closed* described in Field Operations Memo 96-13 Attachment B dated March 28, 1996.

These cases may be: (1) closed because workers reviewed them and did not reopen and did not code TD Block 41 "S" because the case was ineligible on March 19, 1996; or (2) active because the case was reopened after March 19, 1996.

Worker Actions

Workers must review the cases on the report to determine if the case is eligible for any benefits prior to March 19, 1996.

NOTE: Workers should refer to the annotated copy of the *List of TAFDC Dependents Closed for AR 66 After 11/3/95 But Case Coded Closed* report described in Field Operations Memo 96-13, Attachment B.

If the individual was sanctioned for any of the following reasons as indicated on the A-33, no case action is necessary.

- 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);

Worker Actions
(cont.)

- Failing to appear at a genetic testing appointment(s); and/or
- Failing to notify the child support enforcement office of child support payments received directly after executing an Assignment of Rights to Receive Support.

If the individual was sanctioned for not cooperating with the new child support rules and subsequently closed for a reason not related to child support, the case is eligible for benefits prior to March 19, 1996.

Workers must:

- calculate the amount of the "Q" payment for the period beginning with the day the sanction took effect to the closing date;
 - reopen the case with AR 03 unless the case is active;
 - enter code "S" in the Fortin Block 41;
 - generate the "Q" payment;
 - close the case with AR 70 the next day unless the case is active; and
 - mail to the individual the letter explaining the "Q" payment. Local offices will receive a copy of the letter in English and Spanish next week. Since the letter will not be issued through the regular distribution process, local offices are responsible for making copies.
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