

TITLE 466 CHILD SUPPORT ENFORCEMENT PROGRAM

CHAPTER 3 COOPERATION AND GOOD CAUSE

001. SCOPE AND AUTHORITY. Part D of Title IV of the Social Security Act and other federal laws and regulations set forth requirements for cooperation with support enforcement. This chapter relates to the cooperation requirement and when a person may show good cause for not cooperating.

002. COOPERATION REQUIREMENT. All Aid to Dependent Children (ADC), Medicaid, and Child Care Subsidy recipients must cooperate in good faith with Child Support Enforcement unless the recipient shows good cause for failing or refusing to do so. Cooperation includes any actions relevant to, or necessary for the achievement of, the following support enforcement objectives, if applicable:

- (A) Identification and location of a parent or other necessary party;
- (B) Establishment of paternity;
- (C) Establishment of a support order;
- (D) Enforcement of a support order;
- (E) Modification of a support order;
- (F) Collection and distribution of support payments;
- (G) Establishment of medical support; and
- (H) Enforcement of medical support.

003. RESPONSIBILITIES. Cooperation by Aid to Dependent Children (ADC), Medicaid, and Child Care Subsidy recipients includes, but is not limited to:

- (A) Appearing or responding when requested to provide written or verbal information that is reasonably available to the party;
- (B) Appearing as a witness at judicial or other hearings or proceedings;
- (C) Providing information or attesting to the lack of information;
- (D) Signing any necessary legal documents or support enforcement forms;
- (E) Paying to the Department any support payments received from the obligor or other party after support is assigned;
- (F) Cooperating with genetic testing and otherwise assisting in the establishment of paternity;
- (G) Identifying and providing relevant information about any parties who may be liable for Medicaid costs;
- (H) Providing dependent Social Security Numbers (SSN) when requested;
- (I) Providing information about payments made directly from any party;
- (J) Forwarding any payments made for medical expenses to the Department or to the health care provider; and

(K) Repaying the Department any support incorrectly paid.

004. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM COOPERATION. A natural or adoptive parent must cooperate in good faith with child support enforcement if such parent is receiving Supplemental Nutrition Assistance Program (SNAP) benefits, is living with and exercising parental control over a child under the age of 18, and there is an absent parent. The recipient may claim good cause as an exception to cooperation as set forth in this chapter. Individuals will be notified of this requirement in writing at the time of application and reapplication for continued Supplemental Nutrition Assistance Program (SNAP) benefits.

004.01 DEEMED COOPERATION. If the individual is receiving Temporary Assistance for Needy Families (TANF) or Medicaid, or assistance from Nebraska Child Support Enforcement, and has already been determined to be cooperating, or has been determined to have good cause for not cooperating, the individual is considered to be cooperating for Supplemental Nutrition Assistance Program (SNAP) purposes.

004.02 REQUIREMENTS AND RESPONSIBILITIES. The individual must cooperate with the State Child Support Agency in establishing paternity of the child, and in establishing, modifying, or enforcing a support order with respect to the child and the individual.

004.03 FEES FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) RECIPIENTS. Supplemental Nutrition Assistance Program (SNAP) recipients subject to the cooperation provisions of this Chapter shall not be required to pay a fee or other cost for services provided under Part D of Title IV of the Social Security Act.

005. NON-CUSTODIAL PARENT COOPERATION. A putative or identified parent who does not live with his or her child who is under the age of 18 must cooperate in good faith with child support enforcement if such parent is receiving Supplemental Nutrition Assistance Program (SNAP) benefits. Individuals will be notified of this requirement in writing at the time of application and reapplication for continued Supplemental Nutrition Assistance Program (SNAP) benefits.

005.01 INDIVIDUAL DISQUALIFICATION. If the Department determines that the non-custodial parent has refused to cooperate, then that individual shall be ineligible to participate in the Supplemental Nutrition Assistance Program (SNAP). Refusal to cooperate is when an individual has demonstrated an unwillingness to cooperate as opposed to an inability to cooperate.

005.02 DEEMED COOPERATION. If the individual is receiving Temporary Assistance for Needy Families (TANF) or Medicaid, or assistance from Nebraska Child Support Enforcement, and has already been determined to be cooperating, or the Department has determined an exception applies under 7 CFR 273.11 for not cooperating, the individual is considered to be cooperating for Supplemental Nutrition Assistance Program (SNAP) purposes.

005.03 REQUIREMENTS AND RESPONSIBILITIES. The individual must cooperate with the State Child Support Agency in establishing paternity of the child, and in establishing, modifying, or enforcing a support order with respect to the child and the individual.

005.04 FEES FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) RECIPIENTS. Supplemental Nutrition Assistance Program (SNAP) recipients subject to the cooperation provisions of this Chapter shall not be required to pay a fee or other cost for services provided under Part D of Title IV of the Social Security Act.

006. GOOD CAUSE. In order to show good cause for failing or refusing to cooperate, a recipient must demonstrate that:

- (A) Cooperation is likely to result in physical or emotional harm to the child;
- (B) Cooperation is likely to result in physical or emotional harm to the custodial party with whom the child is living which reduces the capacity to care for the child adequately;
- (C) The child was conceived as a result of incest or forcible rape;
- (D) Court proceedings are pending for the adoption of the child except in the case of stepparent adoption; or
- (E) The custodial party is contemplating placing the child for adoption and has been working with an agency for this purpose not more than three months.

006.01 NOTICE OF GOOD CAUSE. Upon receiving notice of a claim of good cause for failure to cooperate, all activities to establish paternity or secure support will be suspended until the Department makes a final determination whether good cause exists.

007. CORROBORATING EVIDENCE. Within 20 days of claiming good cause for failing or refusing to cooperate, a recipient must provide corroborating evidence. Additional time may be granted in the sole discretion of the Department. Corroborating evidence includes, but is not limited to:

- (A) Birth certificates, medical records, or law enforcement records that indicate that the child was conceived as the result of incest or forcible rape;
- (B) Court documents or other records that indicate that legal proceedings for adoption are pending;
- (C) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records that indicate that the alleged father or noncustodial party might inflict physical or emotional harm upon the custodial party or the child;
- (D) Medical records that indicate emotional health history and present emotional health status of the custodial party or the child, or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the custodial party or the child;
- (E) A written statement from a public or private agency confirming that the custodial party is being assisted in resolving the issue of whether to give up the child for adoption; or
- (F) Sworn statements from individuals, including but not limited to, friends, neighbors, relatives, clergy, social workers, and medical professionals who might have knowledge of the circumstances providing the basis of the good cause claim.

008. DETERMINATION OF GOOD CAUSE. The recipient will be notified in writing whether the Department has determined good cause exists. As long as good cause exists, no actions will be taken to establish paternity or secure support unless the Department determines that support enforcement may proceed without the participation of the recipient, caretaker, or other relative. If

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such a determination is made, the recipient, caretaker, or other relative will not be required to be involved with any undertaking to establish paternity or secure support.

009. EFFECT OF GOOD CAUSE DETERMINATION. The good cause determination extends to all parties involved in the case. If the Department determines that good cause exists, IV-D services will not be provided to any party to the case unless the Department determines that support enforcement may proceed without the participation of the recipient, caretaker, or other relative who showed good cause.

010. SANCTIONS FOR FAILURE TO COOPERATE. Failure to cooperate in good faith can result in sanctions being imposed by the Department relating to receiving public assistance, discontinuation of IV-D services, or both.