DEPARTMENT OF BENEFIT PAYMENTS
744 P Street, Sacramento, CA 95814

March 17, 1975

ALL-COUNTY LETTER NO. 75-58

TO: ALL DISTRICT ATTORNEYS
ALL COUNTY WELFARE DIRECTORS
ALL COUNTY BOARDS OF SUPERVISORS
ALL COUNTY AUDITOR-CONTROLLERS

SUBJECT: FEDERAL FUNDING FOR ENFORCEMENT OF CHILD SUPPORT

REFERENCE:

In July, 1974, when the regulations dealing with federal funding for child support were amended by HEW, this Department issued guidelines regarding claiming funds and drafting Plans of Cooperation. These guidelines were initially contained in All-County Letter 74-138, dated July 24, 1974, and later in our publication "Federal Funding for Enforcement of Child Support." At the time these guidelines were issued, it was realized that they were subject to possible modification by subsequent federal instructions.

The federal instructions arrived and were passed on to the counties in All-County Letter 75-16, dated January 14, 1975. Several significant changes in the program were embodied in these instructions, and the areas of potential reimbursement were increased. Specifically, the availability of federal matching funds to offset staff training costs was emphasized, and the program was extended to cover expenses of investigation and prosecution of welfare fraud related to child support. With regard to this latter category, the reimbursement is limited to activities in the following fraud situations:

(1) Unreported child support payments;
(2) No disassociation; and
(3) Child not in the home.

Because the program has been expanded beyond our original expectations, it now appears that the Plans of Cooperation which were drafted pursuant to our original instructions may not be sufficient. HEW has strongly suggested that, in order to avoid potential problems with future field audits, all Plans of Cooperation be reviewed to insure that they cover all aspects of this available funding.

OBSOLETE

Superseded by ACL #77-15

Issued 3-17-77

We are recommending, therefore, that all law enforcement agencies intending to claim matching funds for staff training or for costs of investigation and prosecution of welfare fraud related to child support execute new Plans of Cooperation. The Plans should specifically mention these new areas.

Our model Plan of Cooperation has been revised to conform to the federal requirements, and a copy is attached. If a new Plan is executed, it must be signed by the heads of the county law enforcement agency and the contracting welfare agency, and submitted for approval to:

Department of Benefit Payments
744 P Street
Sacramento, CA 95814

Attention: Counsel for Child Support

Sincerely,

JAMES M. MOOSE, JR.
Deputy Director

Attachment

cc: CWDA

PLAN OF COOPERATION

I

Purpose

The following is the Plan of Cooperation entered into between _____ County law enforcement agency and the _____ contracting welfare agency, for the coordination of their respective efforts and exchange of information. The purpose of this Plan is to establish procedures for the securing of financial support for minor children, including, but not limited to, the location of absent parents, the establishment of paternity of children born out of wedlock, the determination of an absent parent's ability to support his minor children, and securing compliance with support agreements and court orders.

II

Confidentiality

Courts and law enforcement officials shall have immediate access to case records when they so request. This information shall be used only in promotion or support of the administration of the AFDC program, including the identification and location of putative or deserting parents, the establishment of paternity and securing support, and the detection and prosecution of welfare fraud.

III

The COUNTY WELFARE DEPARTMENT shall have the following responsibilities:

(1) To refer all cases involving absent parents to the appropriate courts or law enforcement officials immediately at the time the application for assistance is signed whenever the whereabouts of said absent parent is unknown, or whenever:

(a) The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.

(b) The absent parent refuses to make a contribution in accordance with his financial ability.

(c) There is reason to believe that the parent may flee or hide if contacted by the county department.

(d) The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.

(e) Legal action is necessary to establish paternity.

(f) The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that agreement without showing good cause for such default.

(g) The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

(2) To provide courts and law enforcement officials with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support.

(3) To assist courts and law enforcement officials in carrying out programs of establishing paternity and securing support for children born out of wedlock and securing support for children deserted or abandoned by their parents, from such parent or any other legally liable person.

(4) To use reciprocal arrangements with other states to obtain or enforce court orders for support, and to cooperate with law enforcement agencies with regard to reciprocal actions.

(5) To reimburse law enforcement officials for their assistance in support of such programs.

(6) To cooperate with the state welfare agencies responsible for the AFDC program in other states, in locating the parent of an AFDC child against whom a support petition has been filed in another state, and in attempting to secure the parent's compliance with a court order for support, when such parent is now residing in the agency's own state.

IV

The LAW ENFORCEMENT AGENCY shall have the following responsibilities:

(1) To secure support for a child deserted or abandoned by his parent, from such parent or any other legally liable person, by seeking voluntary agreement by the absent parent to provide financial support in accordance with his ability, or by taking necessary action under appropriate statutes to insure payment of financial support by means of settlements, confessions of judgment for support, wage assignments or other forms of property transfers.

(2) To undertake efforts which will lead to the legal determination of paternity and liability for support of children born out of wedlock, including investigation and development of evidence through the use of polygraph and blood tests when necessary.

(3) To review evidence and to determine the adequacy of such evidence for prosecution of cases.

(4) To conduct or obtain pre-trial depositions when necessary.

(5) To undertake efforts to locate the absent parent, including use of the clearance procedures established by the Central Registry Division of the Department of Justice and with the Internal Revenue Service to secure the address of parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments or against whom petitions for orders of support have been filed.

(6) To use reciprocal arrangements with other states to obtain or enforce court orders for support. Initiated requests will identify cases as welfare or non-welfare.

(7) To monitor and take follow-up actions as necessary to insure payment of voluntary or involuntary support.

(8) To investigate and prosecute fraud related to child support.

(9) To make personnel serving in the fields of investigation, prosecution, corrections or probation, and their supportive and administrative staffs available to perform functions in support of the welfare agency's AFDC paternity/support program.

(10) To supply staff upon request to the county welfare department to participate in training welfare employees.

(11) To maintain accounts and records of all AFDC paternity/support case transactions; and to prepare, maintain and transmit forms, records, and correspondence essential to the effective operation of the AFDC paternity/support program.

(12) To report to the county welfare department on a timely basis information which is necessary to the determination and redetermination of eligibility, the amount of assistance payments, and the continuing administration of the aid payment.

(13) To make records available for program review or for audit by statutorily authorized federal and state officials.

(14) To collect, retain and report statistical, fiscal and narrative data relating to AFDC paternity/support which is required by federal or state agencies and which must be collected, retained and reported by law enforcement officials.

(15) To request reimbursement for court filing fees and service of process fees in those cases where the law enforcement agency would normally be required to pay such costs.

V

Reasonable and essential training of law enforcement officials assigned either full or part time to AFDC paternity/support activities in subjects unique to that functional area and shall be undertaken as necessary. The reasonable and essential costs of such training shall qualify for reimbursement.

VI

It is recognized that the law enforcement agency has primary responsibility for enforcing by civil and/or criminal means the obligation of parents to support their minor children. Upon referral from the welfare department, the law enforcement agency shall promptly take appropriate action to enforce said obligation.

Dated: _____

_____
District Attorney

_____
County Welfare Director

_____
Approved by Legal Affairs Staff;
Department of Benefit Payments