

Appendix F: Child Support Enforcement Prosecutors and the Good Cause Exception

Individuals who receive TANF (Temporary Assistance for Needy Families) are required to cooperate with the Division of Child Support (DCS). Often cooperating with DCS is unsafe for those experiencing domestic violence. The Good Cause exception exempts those experiencing domestic violence from having to cooperate with DCS. The Good Cause exception is approved by the Department of Social and Health Services (DSHS) if it is determined that pursuing paternity, or obtaining cash or medical support from the noncustodial parent could result in serious physical or emotional harm to the child or custodial parent/caretaker. This exception may also apply in instances of rape or incest, or when an adoption is taking place (WAC 388-14A-2045). If you think someone would benefit from the Good Cause exemption, assist them in contacting their case worker at the local welfare office. For detailed information about the process for obtaining the exception, see WSCADV's Get Money Get Safe site - www.getmoneygetsafe.org.

If Good Cause is granted, the DSHS case worker will describe what kind of protection is available, and then it is up to the parent to request what is best for her situation. If the situation improves or worsens, the parent can request a change in the level of protection at any time.

During the initial paternity interview at the Prosecutor's Office, the parent should always be informed about the Good Cause process and its exceptions. The parent or caregiver should be asked what she would like to have happen. This discussion provides an opportunity to define and explain what Good Cause is, as the parent may not know what this means. If the mother responds that this is something she would like to pursue, the legal assistant should explain that she needs to contact the local DSHS office.

There are two levels of protection under WAC 388-14A-2060:

Level A: DCS **will not** pursue the establishment of paternity, establishment of a support order, collection of child support or medical insurance coverage from the Non-Custodial Parent (NCP) because any contact with the NCP poses a risk of serious harm to the child or individual. DCS closes the child support case, takes no actions on the child support case and the individual will not receive child support.

Level B: DCS will pursue the establishment of a support order and collect child and/or medical support without the adult or caregiver's cooperation, as long as such activity would not result in risk of serious harm to the child or adult. Although the individual is not required to cooperate with DCS, she/he may elect to cooperate if there is no risk of serious harm.

When good cause (Level A), is granted, it is not appropriate to proceed with the paternity case. In cases where Good Cause (Level B), is granted, the state can proceed to establish paternity, but only if the action can be done without causing harm to the adult/caregiver or child, or without requiring their participation in the process.

For example, “Generally, paternity establishment is not pursued in Level B cases because these proceedings usually take place in the county of residence of the child and require the cooperation and involvement of the child and custodial parent.”

www.dshs.wa.gov/manuals/socialservices/sections/GoodCause.shtml Scroll down to Parent Interview, No. 8, Level B.

DCS (Division of Child Support) - WAC 388-14A-2060; WAC 388-14A-2065 and WAC 388-14A-2070 – all the requirements around child support.

CSD (Community Services Division) - WAC 388-422-0010 – Do I have to cooperate with DCS? Requirements when someone is receiving TANF or Family Medical Benefits.

CSD (Community Services Division) - WAC 388-422-0020 – What if you are afraid that cooperating with DCS may be dangerous for you or the child in your care? (explains what Good Cause Exception is and the process for approval)

Specific information about how DSHS workers establish Good Cause is available in the Social Services Manual at www.dshs.wa.gov/manuals/socialservices/sections/goodcause.shtml

For questions about the Good Cause process, contact: Traci Underwood, Washington State Coalition Against Domestic Violence, at traci@wscadv.org or 206.389.2515, ext. 213 (v)