

Specific Medicaid Requirements

The major responsibility for this effort rests with the Bureau for Child Support Enforcement (BCSE) through its staff of Legal Assistants.

In addition, the Worker has the following responsibilities:

- To explain the requirements and benefits of BCSE services, including the right to claim good cause for refusal to cooperate
- To refer appropriate cases to the Legal Assistant. Referral is accomplished by data system exchange or DHS-1.
- To evaluate evidence presented if the client claims good cause
- To determine if good cause for failure to cooperate with BCSE exists
- For adult caretakers included in an AFDC Medicaid or AFDC-Related Medicaid AG, to apply the penalty for refusal without good cause to cooperate or provide information about medical support.

The following information provides details about the responsibilities of the Worker, the Legal Assistant, and the client in the child support process.

1. **DFA-AP-1**, Acknowledgement Of Automatic Assignment Of Support Rights And Of Cooperation Requirements

The purpose of the **DFA-AP-1** is to assure that affected clients understand the benefits, requirements and rights associated with BCSE. It also advises them of the requirement to redirect child support, should the child become a cash assistance recipient.

a. The **DFA-AP-1** must be completed for:

(1) Applicants

(a) AFDC Medicaid, AFDC-Related Medicaid

The **DFA-AP-1** must be completed when at least one of the children **under age 18** who receives Medicaid has a parent(s) who is absent due to death, desertion, divorce or paternity not established.

See Section 15.3,B for exceptions.

Specific Medicaid Requirements

(b) SSI and SSI-Related Medicaid

NOTE: Newborns are referred at birth, even though the parent may not be required to comply until the postpartum period ends. See item 5 below.

The **DFA-AP-1** must be completed when there is at least one child **under age 18** included in the AG who has a parent who is absent due to death, desertion, divorce or paternity not established. This includes children who receive SSI and SSI-Related Medicaid.

(2) Recipients

The **DFA-AP-1** must be completed for active cases as follows:

(a) AFDC Medicaid and AFDC-Related Medicaid

The **DFA-AP-1** must be completed when a 2-parent family becomes a 1-parent family.

(b) CEN and SSI-Related Medicaid

NOTE: Newborns are referred at birth, even though the parent may not be required to comply until the postpartum period ends. See item 5 below.

- When at least one parent of a child(ren) **under age 18** who is included in the AG is absent due to death, desertion, divorce or paternity not established. This includes children who receive SSI and SSI-Related Medicaid.
- When a child **under age 18** with a parent who is absent for one of the above reasons is added to the AG. This includes children who receive SSI and SSI-Related Medicaid.

See Section 15.3,B for exceptions.

b. Instructions for completion:

- Complete in triplicate.

Specific Medicaid Requirements

- Worker and client must sign all copies
- Enter the case name and case number in the indicated spaces on the form.
- Enter a check mark in the block beside each paragraph number to indicate that the client understands the information.
- The responsible adult must sign the form. If the parent is in the home, the parent must sign the form.
- Distribute copies to the client and Legal Assistant, and file one in the case record. If no referral is made, the extra copy is filed in the case record.

c. Procedure When the Client Refuses to Sign the **DFA-AP-1**

When the client refuses to sign the **DFA-AP-1**, the action taken depends upon the reason for the refusal. When the client indicates that he will not sign the **DFA-AP-1** and, in doing so, indicates he will not cooperate with BCSE, the Worker must determine if good cause exists for the refusal. If good cause does exist, no BCSE action is required or taken and no penalty is applied to the client. If good cause does not exist, the Medicaid case is referred to BCSE and the penalty described in item 5 below is applied. The Worker must record in RAPIDS the circumstances involved in the determination of good cause.

When the client indicates that he will not sign the **DFA-AP-1**, but indicates that he will cooperate with BCSE after referral, the Medicaid case is referred to BCSE and no penalty is applied. The Worker must record in RAPIDS that the content and purpose of the form were explained to the client, that he refused to sign, the reason given for the refusal, that the client has indicated that he will cooperate with BCSE after the referral. The Worker must provide the client with an unsigned copy of the **DFA-AP-1** and this must also be recorded in RAPIDS.

2. BCSE Referrals

Referrals to the Bureau for Child Support Enforcement (BCSE) are automated in RAPIDS. Clients who claim good cause are not required to cooperate with BCSE, but a referral is made. APNC in RAPIDS indicates good cause. Refer to the RAPIDS User Guide.

A referral to BCSE must be made when one or both parents is absent, with the following exceptions:

- **The specific absence reason is due to court-ordered public service or other absences.**
- **The child in any coverage group is age 18 or over. BCSE cannot establish an order for these individuals, but can enforce an existing order, without a referral. This individual is to be coded with the absence reason code of CO in RAPIDS.**
- **The adult who can legally assign medical support rights is not a Medicaid recipient. The child is coded with the absence reason code of CO in RAPIDS.**

3. Good Cause

When the adult responsible for the dependent Medicaid child is also a Medicaid recipient, he is required to cooperate in securing medical support, unless good cause is established.

If the adult who refuses to cooperate asserts that one or more of the factors listed below is the reason for doing so, a good cause claim has been made. A client, who refuses to cooperate and who gives as the reason some factor other than one of those listed below, is considered to have refused to cooperate without claiming good cause.

a. Definition of Good Cause

The client has good cause for refusal to cooperate with BCSE if one of the following conditions exists:

- The child was conceived as the result of incest or forcible rape.
- Legal proceedings for the adoption of the child are pending.
- The client is currently being assisted by the Department or by a licensed private social agency to resolve the issue of whether to keep the child or to relinquish him for adoption and the discussions have not gone on for more than three months.
- The client's cooperation in establishing paternity or securing medical support is reasonably anticipated to result in:

Specific Medicaid Requirements

- Physical or emotional harm to the child for whom medical support is being sought; or