Child Support Enforcement for Children in DCYF Care

Rhode Island Department of Children, Youth and Families

Policy: 100.0040

Effective Date: October 8, 1984 Revised Date: July 1, 2004 Version: 3

The mission of the Department of Children, Youth and Families is to assist families with their primary responsibility to raise their children to become productive members of society and to promote, safeguard and protect the overall well-being of children, youth and families and the communities in which they live through a partnership with families, communities and government. The Department engages in family centered practice and preserving the family unit is a major focus of Departmental involvement. When the parent is unable to provide for the emotional and physical needs of his/her child, it is the responsibility of the Department to offer necessary assistance and guidance to ensure that the child's physical and emotional needs are met, to secure permanency and stability in the life of the child and to make reasonable efforts to preserve the integrity of the family unit.

The Department of Children, Youth and Families is obligated pursuant to Rhode Island General Laws (RIGL) 42-72-13 and 42-72-14, within available appropriations, to pay for the support and maintenance of any child in placement in any one of the Department's institutions or facilities whether public or private or under a purchase of services agreement. Rhode Island and Federal law acknowledge and reinforce the role and responsibility of the parent as the primary source of support for a child. Parental responsibility is not eliminated by the voluntary or involuntary placement of a child outside his/her home and family. R.I.G.L. §15-9-1 provides that whenever the Department of Children, Youth and Families pays for the support of a child in the care of the Department, the parents of the child are responsible to contribute to the cost of the child's care. The failure or refusal of a parent to comply with a Family Court order for child support pursuant to this policy shall not result in a denial of services to the child.

Section 471 (a) (17) of the Federal Social Security Act requires the Department to make a referral for child support enforcement, where appropriate, on behalf of a child receiving Title IV-E foster care to the state's Title IV-D agency, Child Support Enforcement (CSE), located within the RI Department of Administration's Division of Taxation. DCYF is afforded some degree of flexibility in determining which cases are appropriate for referral. The DCYF worker and supervisor determine if a case is appropriate to refer to the title IV-D agency on an individual basis, considering the best interests of the child and the circumstances of the family.

The Child Support Enforcement (CSE) unit, in accordance with the provisions of R.I.G.L. §15-9-3, shall represent DCYF in any Family Court proceedings relating to child support enforcement. The responsibilities of the respective Departments and of the Rhode Island Family Court are set forth in an Interagency Cooperative Agreement executed by and between the Family Court, the Department of Administration and the Department of Children, Youth and Families.

One or both parents, owing a duty of support, are ordered by the Family Court to pay an amount based upon a formula and guidelines adopted by an administrative order of the Family Court. The formula and guidelines have been established in compliance with Federal law *[42 U.S.C. 667]* and regulation *[45 CFR 302.56]*, which provide that each state must establish guidelines for child support award amounts within the State. The intent is to maintain family responsibility and commitment to the child, by using guidelines which are fair and equitable and which will not result in family impoverishment or conflict with the goal of reunification of the family. Once established, the obligation will remain in effect until such time as the child leaves Department paid placement

~~or until a change in circumstance warrants an adjustment in the application of the guidelines. The~~

parent's responsibility to provide financial support is not automatically terminated upon the voluntary or involuntary termination of parental rights.

All Special Education costs for a child, as defined by the Federal Individuals with Disabilities Education Act (IDEA), are excluded from parental contribution by Federal and State law. Special education program costs are generally defined as costs associated with any services required by a child's Individualized Education Plan (IEP). This is consistent with the Department's recognition of the requirements of State and Federal law which entitle all children to an appropriate education at public expense and that parents cannot be compelled to contribute to the cost of such education.

The Department will generally make a referral to CSE to seek child support enforcement when a child has been in the Department's care and is in an out-of-home paid placement (e.g., foster care, residential facility) for more than thirty (30) days, and has not attained the age of eighteen (18) at the time of placement. However, the Department is allowed some discretion in determining if a referral should be made to CSE. If it is determined that one of the following situations exists, a referral will not be made to CSE.

- Family is FIP recipient or was FIP recipient prior to removal of children by DCYF.
- Parent is mentally or physically incapacitated and receiving disability benefits.
- Parent is receiving adoption subsidy payment for a child through an Adoption Subsidy Agreement with the Department when it can reasonably be determined that the child has come into the care of the Department as a direct result of a pre-adoptive condition and the adoptive parent agrees to accept a decreased adoption subsidy payment while the child remains in placement.
- Parent is working toward reunification with child consistent with the case plan, there appears to be a substantial likelihood that reunification will occur within 60 days and the referral will impede the parent's ability to reunify with the child.

In all situations in which a child is placed outside of the home, voluntarily or by legal action, the worker and/or supervisor must fully discuss the Department's child support enforcement policy with the parent(s). Additionally, worker and/or supervisor must provide the parent with a **Child Support Enforcement Disclosure Packet** which includes a copy of this policy and procedure, a copy of RIGL 15-9-1 and a copy of the RI Family Court Child Support Formula and Guidelines.

Related Procedures…

Child Support Enforcement for Children in DCYF Care

Child Support Enforcement for Children in DCYF Care

Procedure from Policy 100.0040: Child Support Enforcement for Children in DCYF Care

A. Worker and/or supervisor must inform the parent of the Department's child support enforcement policy.
   1. In all situations in which a child is being considered for voluntary out of home placement and care with the Department, at the point of initial contact with the family, this policy concerning child support enforcement for children in the care of the Department shall be fully discussed with the family by the DCYF worker and/or supervisor.
   2. In all situations in which a child has been involuntarily removed to out-of-home placement and care of the Department, within thirty (30) days of such removal and placement, this policy concerning child support enforcement for children in the care of the Department shall be fully discussed with the family by the Department representative who is in contact with the family.
   3. In all situations in which a child is placed outside of the home, voluntarily or involuntarily, the worker and/or supervisor shall provide to the parent(s) a **Child Support Enforcement Disclosure Packet** which includes a copy of this policy and procedure, a copy of RIGL 15-9-1 and a copy of the RI Family Court Child Support Formula and Guidelines.

B. The Department will generally make a referral to CSE to seek child support enforcement when a child has been in the Department's care and is in an out-of-home paid placement (e.g., foster care, residential facility) for more than thirty (30) days, and has not attained the age of eighteen (18).

C. Certain cases are automatically exempted from being referred to CSE.
   1. Family is FIP recipient or was FIP recipient prior to removal of children by DCYF.
   2. Parents are mentally or physically incapacitated and receiving disability benefits as determined by:
      a. Receipt of a disability payment (SSI)
      b. Determination of incapacity by the RI Department of Human Services (DHS)
      c. Determination of incapacity by the Social Security Administration or Veterans Administration (worker must obtain from parent(s) a copy of the disability award letter and provide to Federal Benefits)

D. Family Service Unit (FSU) Social Caseworker and supervisor or Probation Officer and supervisor may determine that a case is not appropriate to refer to CSE on an individual basis, considering the best interests of the child and the circumstances of the family. Worker and supervisor can pursue an exemption in the following limited situations.
   1. Parent is receiving adoption subsidy payment for a child through an Adoption Subsidy Agreement with the Department when it can reasonably be determined that the child has come into the care of the Department as a direct result of a pre- adoptive condition and the adoptive parent agrees to accept a decreased adoption subsidy payment while the child remains in placement.
   2. Parent is working toward reunification with child consistent with the case plan, there appears to be a substantial likelihood that reunification will occur within 60 days and the referral will impede the parent's ability to reunify with the child.

E. If FSU Social Caseworker and supervisor or Probation Officer and supervisor decide to pursue an exemption for the family, the following steps are completed:

1. The DCYF Form #055, **Child Support Enforcement Exemption Request**, is completed by worker and approved by Supervisor and Regional Director or administrator.
2. The exemption form is sent to Federal Benefits within 30 days of the child's placement in order to prevent a referral to CSE.
3. If it is determined, at any time after the referral to seek child support is made to CSE, that the circumstances of the case warrant an exemption, the exemption form can be forwarded to Federal Benefits. Federal Benefits staff will notify CSE to terminate the child support case.

F. Federal Benefits staff will process the request for a birth certificate for a child in out of home placement.
1. Assigned primary worker or supervisor must ensure that all relevant, available information is entered into RICHIST in order to complete the birth certificate process (e.g., birth place, mother's maiden name, father's name, a.k.a. names for child, etc.)
2. Federal Benefits staff processes the DCYF #194, **Application for Certified or Non-Certified Copy of Birth Record** and forwards to Vital Statistics at the Department of Health thirty (30) days after an out of home living arrangement has been entered into RICHIST for a child in the temporary custody or custody of the Department.
3. The status of the request is indicated in the person management screen in RICHIST:
   a. birth certificate request sent to DOH
   b. birth certificate request not sent to DOH (reason drop down)
   c. birth certificate received from DOH, original sent to worker
   d. DOH unable to process the birth certificate request (reason drop down)
   e. regenerate application
4. When Federal Benefits receives the child's birth certificate, a copy is included in the medical record and the original certified copy will be sent to the primary worker.

G. Referral to CSE
1. Thirty days after a paid placement has been entered into RICHIST, the Federal Benefits Eligibility Technician electronically receives a report identifying cases that will be referred to CSE.
2. The Eligibility Technician submits an electronic referral to CSE to seek child support by completing the absent parent panel in the DHS data base (InRhodes).
3. Federal Benefits staff forwards a copy of child's birth certificate to CSE.

H. The Child Support Enforcement (CSE) unit represents DCYF in all Family Court proceedings relating to child support enforcement.

I. Redetermination and Termination of Child Support
1. Cases that have not been referred to CSE will be reviewed annually by Federal Benefits staff. If the circumstances of the family meet referral criteria, the case will be referred to CSE by Federal Benefits.
2. Once established, a child support obligation will remain in effect until the child leaves DCYF funded placement or until a change in circumstance warrants an adjustment in the application of the guidelines.
3. The parent's responsibility to provide financial support is not automatically terminated upon the voluntary or involuntary termination of parental rights. In those cases in which there is a pre-existing order for child support, the Department will make a recommendation to the Family Court at the time of the

~~termination of parental rights to continue or to terminate the child support order.~~