Department of Health and Human Services

OFFICE OF INSPECTOR GENERAL

CLIENT COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Use of Good Cause Exceptions

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EXECUTIVE SUMMARY

PURPOSE

To describe State use of good cause exceptions which exempt Temporary Assistance to Needy Families (TANF) clients from requirements to cooperate with child support enforcement.

BACKGROUND

Federal law requires TANF clients to cooperate with State child support enforcement agencies in establishing paternity, and in creating and enforcing child support and medical support orders. States are allowed to exempt TANF clients from cooperating with child support through good cause exceptions, typically when the pursuit of support is expected to result in physical or emotional harm to the child or client, when the child is born as a result of forcible rape or incest, or when adoption proceedings are pending. This report describes use of good cause exceptions in six focus States which we chose in order to examine a variety of implementation strategies and experiences regarding TANF client cooperation. We gathered survey responses and reviewed documents from 99 local child support and 103 local public assistance offices, and interviewed 180 managers and caseworkers.

FINDINGS

Public Assistance and Child Support Staff Report Few Requests for Good Cause Exceptions and Virtually No Fraudulent Claims

Consistent with prior research about the use of good cause exceptions, respondents in our focus States report receiving few requests for exceptions from TANF clients. Staff believe that most, if not all, requests for good cause exceptions are legitimate. While staff recognize the potential for clients to fraudulently claim a good cause exception simply to avoid cooperating with child support enforcement, no caseworker or manager we interviewed was aware of a case with such fraud. Rather, staff indicate that the administrative process for requesting an exception deters fraud.

A Variety of Reasons and Disincentives Help Explain the Low Number of TANF Client Requests for Good Cause Exceptions

Most State child support agencies do not pursue child support enforcement when a good cause exception is granted, yet staff report that many TANF clients potentially eligible for an exception want child support collected. Some clients find it easier to claim they have no information about an absent parent than to corroborate a good cause exception. While

public assistance staff provide at least minimal notification of good cause exceptions, few attempt to assess whether client circumstances support an exception.

Most Local Offices Make Some Efforts to Preserve Client Safety, But These Efforts Are Often Modest and Not Fully Implemented

Many public assistance and some child support staff refer TANF clients who report domestic violence concerns to shelters and other community resources and may also keep client addresses confidential to help preserve safety. Most local offices also routinely record potential domestic violence problems by labeling paper and electronic case files which have good cause exceptions.

RECOMMENDATIONS

Successful operation of the child support enforcement program requires effective, cooperative action by both the Office of Child Support Enforcement and the Office of Family Assistance. Therefore, we recommend that the Assistant Secretary for the Administration for Children and Families (ACF) encourage States to complete the following.

Develop Strategies That Allow TANF Clients Who May Be at Risk of Domestic Violence to Safely Pursue Child Support

Enhance Local Office Training to Improve Staff Understanding of Good Cause Exceptions and Better Equip Workers to Assist TANF Clients At Risk

Evaluate Their Standards and Practices for Protecting TANF Client Confidentiality and Assess the Need for Further Federal Guidelines

COMPANION REPORTS

This is one of four OIG reports on how States gain TANF client cooperation with child support enforcement. One companion report, *Client Cooperation with Child Support Enforcement: Policies and Practices* (OEI-06-98-00040), provides an overview of cooperation polices and how they are implemented. Another report, *Client Cooperation with Child Support Enforcement: Challenges and Strategies to Improvement* (OEI-06-98-00041), examines why some clients do not cooperate and how States attempt to gain cooperation. The remaining report, *Client Cooperation with Child Support Enforcement: The Role of Public Assistance Agencies* (OEI-06-98-00042), discusses responsibilities of public assistance agencies and collaboration between agencies.

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INTRODUCTION

PURPOSE

To describe State use of good cause exceptions which exempt Temporary Assistance to Needy Families (TANF) clients from requirements to cooperate with child support enforcement.

BACKGROUND

Federal law requires public assistance clients receiving TANF benefits to cooperate with State child support enforcement agencies in establishing paternity and in creating and enforcing child support and medical support orders. Cooperation often involves providing information about noncustodial parents and appearing for appointments as needed. State child support agencies are required to determine if a TANF client is cooperating in "good faith" and notify the public assistance agency of each client's cooperation status. States are allowed to exempt clients from child support enforcement cooperation requirements through good cause exceptions.

Prior to the passage of welfare reform legislation,[1] Federal law required States to grant clients good cause exceptions when one of the following circumstances existed: when pursuing paternity establishment or child support enforcement was "reasonably expected to result in" physical or emotional harm to the child, or physical or emotional harm to the client which reduced "such person's capacity to care for the child adequately;" and when one of three circumstances existed (i.e., the child was born as a result of forcible rape or incest, adoption proceedings were pending, or a public or social agency was assisting the client to determine whether to release the child for adoption) and because of this circumstance, enforcement "would be detrimental to the child."[2]

These pre-reform regulations required States to provide clients with written notification of "the right to claim good cause as an exception to the cooperation requirement" prior to requiring cooperation and clients to acknowledge such notification "by signing and dating a copy of the notice."[3] States were also required, upon request, to "provide reasonable assistance in obtaining corroborative evidence" to substantiate a good cause exception claim. Clients who claimed good cause under the pre-reform regulations were required to "provide corroborative evidence of a good cause circumstance ... [and], when requested, furnish sufficient information to permit the State and local agency to investigate the circumstances."[4] Once an exception was granted, Federal regulations required State public assistance agencies to determine whether child support enforcement could proceed without risk of harm to the child or caretaker and notify the client of its determination.

Welfare reform legislation changed many Federal provisions regarding good cause exceptions. These changes were made in an attempt to improve client cooperation with child support enforcement.[5] Current policy allows, but does not require, States to keep the prior Federal standards for granting good cause exceptions. States now have discretion to expand or constrict the circumstances they accept as qualifying for good cause exceptions, as long as they are "taking into account the best interests of the child."[6] States determine what standards of proof are required to demonstrate the circumstances warranting exceptions and which agency - child support, public assistance or Medicaid - is responsible for evaluating, and approving or denying, requests for good cause exceptions.[7] States may also decide whether to provide clients any assistance in demonstrating good cause circumstances.[8]

Researchers, advocates, and policy-makers voice two concerns about States' use of good cause exceptions. The first concern involves the potential for clients to fraudulently claim exceptions when they *do not* have a legitimate fear of domestic violence or other qualifying circumstance simply to avoid cooperating with child support enforcement. This concern has been minor in the past because States report receiving very few requests for exceptions and granting even fewer.[9] However, some fear that stricter enforcement of penalties for noncooperation may encourage some clients to seek an exception even in the absence of qualifying circumstances. Second, because States grant few exceptions, yet domestic violence among the TANF population is reportedly widespread,[10] there is concern that some clients may not request an exception even when they *do* have circumstances that meet a State's definition of good cause. Some fear that TANF clients may not be adequately informed of their right to request an exception or may have other reasons or disincentives for not requesting an exception.

This report describes the use of good cause exceptions in six focus States. We describe State policies and processes regarding good cause exceptions to child support cooperation requirements. We review State efforts to preserve the safety of clients who are granted an exception. We also explore reasons and disincentives that may lead clients not to request good cause exceptions. Disincentives are of particular interest because of the apparent disparity between the high incidence of domestic violence within the TANF population and the relatively small number of requests for good cause exceptions.

SCOPE AND METHODOLOGY

To examine State use of good cause exceptions to child support enforcement cooperation requirements, we began by gathering information from local child support and public assistance offices. Administrators from 99 local child support offices and 103 public assistance offices in six States - California, Georgia, Illinois, New Jersey, Texas and Virginia - returned mail surveys regarding good cause exception policies and practices. We also gathered and reviewed agency documents including client cooperation policy statements, standardized claim forms, examples of correspondence with clients, and other related documents. Additionally, we made site visits to a subset of local offices, visiting

offices in one or two cities and their surrounding areas in each of the six focus States. During these visits, we conducted interviews with approximately 180 local public assistance and child support managers and caseworkers. At almost all offices, we interviewed one or more managers, then separately interviewed two or more caseworkers. These respondents provided detailed information about how good cause exception policies are implemented, as well as the effect of good cause exceptions on office operations, staff, and clients. Resource constraints prevented us from directly interviewing clients. Finally, we conducted telephone interviews of administrators from each State's child support enforcement and public assistance agency to confirm information regarding State policies.

We purposively selected the six focus States to include a variety of implementation strategies and experiences regarding client cooperation and good cause exceptions. To achieve this variety, we considered many criteria including type of penalties for noncooperation, number of good cause requests, number of good cause exceptions granted, Family Violence Option (FVO) status, outstanding program characteristics (innovations, privatization, etc.), and geographic region. We also purposively selected local child support and public assistance offices within these States to provide a mix of urban, suburban, mid-size, and rural locations. For on-site interviews, we visited offices in one or two cities and their surrounding areas in each focus State. The selection of focus States does not purport to be representative of the nation, nor do local offices represent all offices within individual focus States. The selections do, however, allow for examination of good cause exceptions to TANF client cooperation processes under conditions found throughout the country.

This report relies on the experiences and perceptions of local office survey respondents and interviewees. We did not attempt to independently verify the information provided. However, the information included in the report does relate the experience of front line staff who deliver services to clients on a daily basis, and who demonstrate considerable concern for the effectiveness of their programs. This study was conducted in accordance with the Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency.

COMPANION REPORTS

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FINDINGS

STATE USE OF GOOD CAUSE EXCEPTIONS

All six focus States have adopted the prior Federal definition of good cause by which TANF clients may be exempted from child support cooperation requirements in cases of domestic violence, when conception was the result of forcible rape or incest, when adoption is pending, or when the client is consulting with a social service agency regarding the possibility of adoption. Some focus States have added circumstances that warrant an exception, including mental incapacity of the client, cases with non-parent caretakers, cases in which conception occurred from artificial insemination, cases in which clients lack knowledge about absent parents, and cases in which domestic violence is anticipated. Five focus States make their public assistance agency responsible for evaluating requests for good cause exceptions. In the sixth State, child support workers evaluate requests for good cause exceptions, but are employees of the public assistance agency and work in the same offices as public assistance workers throughout the State.

Staff in Local Public Assistance and Child Support Offices Report Few Requests for Good Cause Exceptions and Virtually No Fraudulent Claims

While our study makes no attempt to quantify the number of good cause exception requests processed by local offices, we did ask local office staff their perception of the frequency of requests. Consistent with prior research about the use of good cause exceptions, respondents in our focus States report receiving few requests for exceptions. In many offices, even experienced caseworkers have never had a client request a good cause exception, or have only received one or two requests in several years. Typical caseworker and manager responses to questions about the frequency of requests for exceptions were, *"I've had one in six years,"* and *"Very, very few. There is a form in there that the worker is supposed to fill out and turn in each month on each [client] that claims good cause. I can't remember the last time I had to fill one out."* One local public assistance office administrator reported participating in a Statewide review of good cause claims and related her experiences. *"I had to review 17 of them. We don't get a lot of them. They are primarily domestic violence (proven) or threat of domestic violence. Normally they can prove their claim."*

Staff believe that most, if not all, requests for good cause exceptions are legitimate. One worker expressed what we heard from most staff, *"The few cases I have had have been outright, fully validated cases, such as incest or sexual abuse. The clients could validate this, and were not just making up a story."* While staff did recognize the potential for clients to fraudulently claim a good cause exception simply to avoid cooperating with child support enforcement, no caseworker or manager we interviewed was aware of any such attempted fraud. Rather, staff indicate that the administrative process for requesting

an exception deters fraud. Most offices require corroboration, and a client may have to relay their story to more than one staff member in one or both agencies. Additionally, staff experience in confronting other types of welfare fraud likely helps them in judging the authenticity of client good cause exception requests.

Public Assistance Staff Provide at Least Minimal Notification to TANF Clients of Their Right to Request a Good Cause Exception, Yet Few Individually Assess Clients for the Circumstances that Might Warrant an Exception

Ninety-three percent of public assistance staff responding report their offices provide new applicants and clients seeking re-determination of benefits written materials explaining their right to request a good cause exception. These materials are often included with application forms and documents that explain requirements to cooperate with child support enforcement. The written explanations of good cause exceptions often include a list of the circumstances that may warrant an exception and the standards of proof needed to corroborate the circumstances. Additionally, public assistance staff often provide a second notice of the opportunity to request a good cause exception to TANF clients who have already been deemed noncooperative by the child support agency.

In addition to providing written notification, 87 percent of public assistance staff responding report they discuss good cause exceptions with clients during the application process. Staff explain that they typically use the written materials as guides for these discussions. However, staff also report they are unlikely to extend their discussions beyond the written materials. That is, staff report that during discussions about good cause exceptions they seldom go so far as to ask TANF clients whether any of the circumstances exist in their lives or to otherwise assess individual needs.[11] One public assistance administrator summarizes, *"We don't really look for domestic violence. The clients have to bring it up."* Upon completion of notice, 96 percent of public assistance respondents report they require their clients to sign a form indicating they have received notification of their right to request a good cause exception.

TANF Clients Typically Submit Requests for Good Cause Exceptions to Public Assistance Staff, Either Verbally or in Writing, Though Child Support Staff May Also Become Involved

During application or re-determination interviews, clients may formally request a good cause exception directly with public assistance staff. Among local public assistance respondents, 40 percent report they rely simply on a verbal request, 29 percent require a written request, and the remaining 31 percent accept either verbal or written requests for exceptions. In some States, the written form for requesting an exception is printed on the same form that notifies clients of the State's child support cooperation requirements. One State's written form includes a check box beside the following statement, "*I wish to claim good cause for not cooperating with child support requirements. The situations which*

justify good cause have been explained to me. I agree to provide evidence to support this claim of good cause within 20 days."

Some clients do not mention circumstances that warrant a good cause exception until they are meeting with child support enforcement staff. This may occur because child support staff often ask more detailed questions and clients may only then realize the risk that the State may actually contact the noncustodial parent. Respondents report that when child support workers become aware of circumstances that may warrant a good cause exception, they typically refer the client back to the public assistance agency to request an exception. As one child support worker explains, *"If the client comes in and there is some sort of fear for their life, their well being, or if there is any type of domestic violence, we can always refer [clients] to apply for good cause through the welfare department. We tell our clients they need to communicate this back to welfare as soon as possible."* Child support staff report they also notify the public assistance agency of their action.

States Require TANF Clients to Corroborate Circumstances That Warrant Good Cause Exceptions Within a Specified Time Frame, and Most Local Offices Will Grant Time Extensions and Assist Clients in Gathering Information

All focus States have policies requiring TANF clients to provide documentation of circumstances that warrant a good cause exception. Almost all local public assistance staff (93 percent) report they require proof or documentation of domestic violence, and most (81 percent) also require documentation that conception occurred as a result of forcible rape or incest, or that adoption is pending.

As shown in Table 1, local offices accept several types of evidence to corroborate circumstances of domestic violence, including police reports, court orders, hospital records, and shelter documentation. More than half of local respondents report they also accept written statements of clients (59 percent), or friends of clients (62 percent), who attest to having knowledge of domestic violence. Some local offices accept verbal statements from the clients or acquaintances, without need for written verification.

To corroborate pending adoption or conception as a result of forcible rape or incest, clients may present such documentation as adoption papers, court documents, birth certificates, police reports and hospital records. Staff note that clients may not have documented the nature of conception at the time of birth, and that client statements are often allowed as acceptable evidence of these circumstances.

States require TANF clients to corroborate circumstances that warrant a good cause exception promptly upon request for an exception, though many grant time extensions. Ninety-one percent of public assistance staff report their offices allow recipients between 5 and 30 days to produce good cause evidence. Only nine percent of local respondents report initially allowing clients more than 30 days to corroborate their claims. Regardless

of time limits, 89 percent of public assistance staff say they will extend the time allowed for corroboration. Local public assistance staff report granting extensions often (28 percent), sometimes (35 percent) or rarely (37 percent).

Table 1: DOCUMENTATION ACCEPTED FOR DOMESTIC VIOLENCE CASES	
Documentation of Domestic Violence	**Local Focus Offices**
Police record or documentation of abuse in the home	94% (89 offices)
Protective order already in place	89% (85)
Hospital record or documentation of abuse	86 % (82)
Shelter documentation or statement	79 % (75)
Written statement by a friend of the custodial parent	62 % (59)
Referral to domestic violence shelter	61 % (58)
Written statement by the custodial parent	59 % (56)
Verbal statement by the custodial parent	34 % (32)
Verbal or written statement by mental health professional, clergy, medical, court, or social service agency	21 % (20)
Verbal statement by a friend of the custodial parent	19 % (18)

Eighty-three percent of local public assistance staff report they will assist clients in gathering information or evidence to document circumstances which warrant a good cause exception. Assistance would involve contacting courts, hospitals, police departments, or other agencies. For example, one worker said, "*We ask [the client] for a copy of a restraining order. If they don't have it with them, I will call the police asking them to fax a copy*." While most local offices wait until clients request assistance in gathering documentation, twenty-eight percent of respondents report their staff will automatically assist clients without a request. Prior to welfare reform, States were required to provide this type of assistance to clients upon request. Sixteen percent of local public assistance respondents report their staff will not assist clients in obtaining documents to corroborate their request for a good cause exception. Our research suggests, however, that gathering documentation for corroboration of claims is not a substantial barrier to most clients who seek an exception, whether or not staff assist them, and that, if necessary, staff may even waive the requirement for documentation.

Local Public Assistance Staff Evaluate Requests for Good Cause Exceptions and Have Discretion in Deciding Whether Clients Qualify

Respondents report that front line public assistance staff typically decide whether to grant good cause exceptions to requirements to cooperate with child support enforcement. Caseworkers explain that they have the advantage of dealing directly with TANF clients to

evaluate their claims. Workers suggest that discussion with clients often helps them understand the client's circumstances. As one worker reports, *"It depends on the client's situation. You can usually tell [if the circumstances exist]."*

Public assistance managers and supervisors also often participate in good cause exception determinations. These administrators may simply consult with caseworkers, or they may actually make the final decision. During interviews, many caseworkers said they had limited experience with requests for exceptions and that they would seek input from a supervisor before making a final determination. They report, *"Cases are so few that a worker would come to us to ask how to handle a case, because it is not a routine situation."* and *"I wouldn't take good cause for someone without having discussed it with at least another co-worker to make sure that I'm doing it right. I have the authority and it could be my judgement, but I would feel more comfortable taking it to my supervisor because it is not something that comes up every day. Maybe, once a year you get a client claiming good cause."* A few public assistance workers report routinely consulting their child support enforcement counterpart before deciding to grant or deny requests for exceptions. When this occurs, child support staff typically review and comment on the findings and basis for a proposed determination.

Staff appear to have substantial discretion as they evaluate good cause exception requests. Even in the absence of written documentation, staff may grant an exception. For example, one caseworker describes, *"In most cases, now, we just take her at her word, and she does not have to have any other evidence, like a police report. If she says she is afraid [and] has verification, fine. But if not, we will take her word for it."* Additionally, considering that so few clients request exceptions, staff appear to prefer to approve requests, lest they mistakenly deny a legitimate request. As one supervisor explains, *"Very few claims are ever refused because the liabilities far outweigh the benefit of collecting that support."*

Staff use internal agency "determination forms" to process requests for good cause exceptions in all focus States. Some determination forms identify the circumstances for the request, and record client information, evidence provided, and the source of evidence. Other forms simply record whether the exception was granted. Local public assistance offices typically notify TANF clients in writing of their decision to grant or deny a good cause exception request. Such notice often includes information about any future steps the client needs to take. Clients whose requests for a good cause exception are denied can appeal the decision. Ninety percent of local public assistance staff report that clients may appeal a determination to a caseworker's supervisor. If the dispute remains unresolved, clients can request a formal hearing.

Most Public Assistance Offices Periodically Reassess Good Cause Exceptions

Seventy-four percent of public assistance staff report their offices conduct periodic reassessments of good cause exceptions. About half of these respondents specify that

they reassess every six months, while the others reassess every twelve months. If circumstances have changed and a good cause exception no longer applies, the public assistance agency may rescind the exception, again requiring TANF clients to cooperate with child support enforcement. About one-quarter of public assistance staff report that their office does not reassess clients with good cause exceptions. Most of these offices do not have routine procedures for reassessment, and a few appear confused about their office's role, including some who believe the child support agency periodically reassesses clients with exceptions.

Most State Child Support Agencies Do Not Pursue Paternity Establishment or Child Support Enforcement When a Good Cause Exception Is Granted

Caseworkers explain that some TANF clients wish to pursue child support enforcement despite the existence of circumstances that warrant a good cause exception. According to policy documents, five focus States will not pursue paternity establishment or child support enforcement in cases in which the client has been granted a good cause exception. The other State has a policy allowing clients to determine whether the child support agency will pursue enforcement. However, 37 percent of local child support respondents report they will pursue support if the client wishes, including some local respondents from States with a policy not to pursue support. Some of these respondents may be unclear about State policy because they have never encountered a good cause case, but it appears that some local staff may use discretion in pursuing support.

Local child support staff report they handle cases with good cause exceptions in one of four ways: the public assistance agency never refers the case to the child support agency; the case is referred, but the child support agency never adds it to their caseload; the case is referred and child support adds it to their caseload, but immediately closes the case, never pursuing enforcement; or, the case is referred and child support adds it to their caseload, but only pursues enforcement at the client's request.

PRESERVING CLIENT SAFETY

The objective of granting good cause exceptions is often to protect clients and children from harm. In processing good cause requests, public assistance and child support staff report they have some mechanisms in place to help ensure this protection. Local offices may also promote additional services to assist clients, beyond exempting them from child support cooperation requirements.

Nearly All Local Public Assistance and Child Support Offices Make Some Effort to Preserve Client Safety, and 78 Percent of Staff Believe Good Cause Exceptions Reduce the Threat of Harm

Ninety-two percent of local child support and 96 percent of local public assistance staff report having procedures in place to preserve the safety of custodial parents and children

who fear harm from noncustodial parents. These procedures often center on preserving confidentiality of case information, but may still be modest efforts and not yet fully implemented. Additionally, local child support and public assistance office efforts to preserve confidentiality may be limited by court documentation that is not kept secure. Staff from both agencies appear to appreciate the purpose of good cause exceptions, and 78 percent of respondents in both agencies report they believe receiving a good cause exception reduces the threat of harm to the custodial parent and child. Table 2 outlines procedures local offices use to enhance client safety.

Table 2: REPORTED PROCEDURES TO ENHANCE CLIENT SAFETY

Procedures to Enhance Client Safety	Public Assistance Focus Offices	Child Support Focus Offices
Referral to domestic violence shelter	80% (76 offices)	29% (25 offices)
Referral to domestic violence counselor or group	76% (73)	29% (25)
Measures to protect client address confidentiality	58% (56)	72% (63)
Flag in automated system to identify cases	35% (34)	51% (44)

Many Public Assistance and Some Child Support Staff Refer TANF Clients Who Report Domestic Violence Concerns to Community Resources

As reported in Table 2, primarily public assistance, but also child support, staff report they refer clients to community resources when domestic violence is a concern. Typically, these referrals are to resources specific to domestic violence, such as women's shelters or violence counselors, but may include other community resources such as food banks, homeless shelters, churches and child care services. A few public assistance offices we visited actively coordinated these additional social services. For example, one urban office offered transportation to a nearby shelter. In other public assistance offices, staff may simply pass out brochures, distribute shelter phone numbers, or verbally mention the availability of such resources. As part of large social service agencies, some child support, and particularly public assistance offices, have counselors or social workers available on-site to assist clients with domestic violence issues. As one public assistance worker reports, *"We are not trained, in that we don't have advanced degrees, but we refer [clients to services]. A lot of times they are in various emotional states and they just need a social worker to talk to them. They just need to tell their stories."* Staff are limited by the number of services available in their particular community. Although there is wide variation in available services, most communities appear to have agencies or non-profit entities which assist victims of domestic violence.

Protecting Client Addresses is a Common Practice of Local Public Assistance and Child Support Offices to Help Preserve Client Safety

Noncustodial parents are likely to never be contacted for child support enforcement when a good cause exception has been granted. However, a few child support offices may continue to pursue support even when a good cause exception has been granted, and some clients who are at risk of domestic violence may choose not to request an exception in order to pursue support. Under these circumstances, child support and public assistance offices may contact noncustodial parents regarding their support obligations. In sending letters and documents, offices may inadvertently reveal the county of residence or even more specific location information about the client and children. A number of respondents report taking precautions in sending information to noncustodial parents in all cases, while others only take such measures when a client indicates a domestic violence problem. For example, some staff report that they are not allowed to use client or child address information in correspondence with noncustodial parents when a case is known to involve a risk of domestic violence. Other staff report they take no further action on such cases. Among focus State offices which report any precautionary procedures, 72 percent of child support and 58 percent of public assistance respondents report they take some measures to protect the confidentiality of client and child addresses.

Most Local Offices Routinely Record Potential Domestic Violence Problems by Labeling Paper and Electronic Case Files Which Have Good Cause Exceptions

Ninety-eight percent of local public assistance and 67 percent of child support staff in focus States keep client records which indicate the specific circumstances surrounding a good cause exception. Records indicate and differentiate between whether the exception was granted because of domestic violence, conception due to forcible rape or incest, pending adoption, or other exceptions. Most of these offices report their objective in differentiating files and flagging cases is to preserve client safety.

Under welfare reform, States are required to place a Family Violence Indicator (FVI) on all relevant child support case files and are not allowed to release files which include an FVI if the State has reason to believe the release of this information may result in physical or emotional harm to the client or child.[12] At the time of our data collection, several months prior to the Federal deadline for implementing the FVI, 35 percent of local public assistance and 51 percent of local child support staff report employing an automated flag in the agency computer system. Among local child support offices which do not keep specific records of the type of good cause circumstances, respondents report staff are made aware of safety concerns through their automated referral from the public assistance agency.

Staff report several advantages to indicating the reasons for a good cause claim on the client's record. First, with this information, offices may be able to implement and apply precautionary measures to more effectively protect the client and possibly even pursue

child support. Second, records of any exceptions will already be established when clients later attempt to receive public benefits or pursue child support in another county or State. That area's child support and public assistance staff are then notified of the potential for domestic violence when they review the case file. Transfer of files to other counties or States may also benefit from child support agencies actually opening and immediately closing a case, rather than not opening one at all. When the former occurs, the child support office in the client's new location would receive notice of the good cause exception, regardless of whether the client continues to receive TANF benefits.

A third benefit to differentiating records by the types of circumstances for a good cause exception is that offices may be able to use the information for future case analysis and for aggregate data collection. Numerous local child support (36 percent) and public assistance (48 percent) staff report they keep office statistics with this type of information. A quarter of the child support (24 percent) and public assistance (27 percent) staff report they refer to such information to determine how frequently the case has been, or should be, reviewed. Child support staff explain that the information is used to help determine whether child support should be pursued; however, most often such cases are routinely closed or staff cease all action on the case.

A Few Offices Assist Exempted TANF Clients in Creating a Safety Plan Outlining Actions They May Take to Escape Domestic Violence

Requesting a good cause exception to child support cooperation requirements may open an opportunity for local agency staff to discuss an overall plan to safely escape domestic violence. Advocates for victims of domestic violence suggest that developing such a safety plan for the custodial parent and child to escape future violence may enable the child support agency to eventually pursue support. Commonly called "safety plans," these documents are typically personalized to the particular client and outline emergency procedures which clients may take if they decide to leave their abuser, and may also provide information to ease their transition to independence. These plans can serve as a checklist to ensure the victim does not neglect important details and is able to leave their abuser under the safest possible conditions. Safety plans often contain phone numbers and locations of community resources, family, friends and police, as well as data on financial accounts and school records, and even instruction in physical self-defense. In our focus States, just eight percent of local public assistance and three percent of local child support staff report they routinely provide at-risk clients with information about developing personal safety plans. This assistance typically consists of distributing brochures outlining safety plans or providing samples of completed plans.[13]

REASONS FOR CLIENTS NOT REQUESTING EXCEPTIONS

Despite efforts to inform TANF clients about good cause exceptions, public assistance staff report they receive few requests for exceptions each year. Even some experienced workers indicate they have never had a client request an exception. Staff emphasize that

few, if any, clients fraudulently request an exception. Rather, both child support and public assistance staff suggest a number of reasons and disincentives which help explain limited client use of good cause exceptions.

Some TANF Clients May Not Request An Exception Because They Want the State to Pursue Child Support Enforcement

As reported above, most of our focus States have policies not to pursue child support enforcement in cases with good cause exceptions. As shown in Table 3, almost two-thirds of public assistance (66 percent) and child support (64 percent) staff report these policies are reasons that more potentially eligible clients do not request a good cause exception. A child support worker comments, "*I think most of the custodial parents who have been abused still want to get the noncustodial parent to pay child support.*" Child support income is potentially important to the self-sufficiency of TANF clients, and staff report that some clients who would qualify for good cause prefer to by-pass requesting an exception in hopes of eventually receiving child support. In addition to financial motives, some clients want to pursue support for reasons of fairness, "*We get moms who feel the guy should not get off the hook for support by battering her. We refer them to legal services to help them prepare restraining orders and everything they might need to take action to protect themselves. If they want to pursue the case, it is up to them, but we feel they should have all necessary referrals to protect themselves*."

Table 3: CHILD SUPPORT AND PUBLIC ASSISTANCE STAFF PERCEPTIONS OF REASONS WHY TANF CLIENTS DO NOT REQUEST GOOD CAUSE EXCEPTIONS

Reasons Why Clients Do Not Request Good Cause Exceptions	Public Assistance Focus Offices	Child Support Focus Offices
Want to pursue child support	66% (65 offices)	64% (61 offices)
Claiming lack of information may be safer	59% (58)	54% (52)
Easier to claim lack of knowledge	58% (57)	58% (56)
Embarrassed to admit domestic violence exists	56% (55)	46% (44)
Fear intervention by child welfare agency	34% (34)	43% (41)
Fear retaliation from the noncustodial parent	28% (28)	25% (25)
Don't understand the good cause provisions	23% (23)	46% (44)
Don't know about the good cause provision	6% (6)	34% (33)

Some TANF Clients May Not Request An Exception Because They Fear Further Abuse or Unwanted Intervention From Other Social Service Agencies

Although all focus States have begun to implement safety procedures, clients may still be concerned that an abusive noncustodial parent may be able to locate them because their

address or other information is not secure. This apparently prevents some clients from disclosing any information about their situation. Table 3 shows that 28 percent of public assistance and 25 percent of child support staff report some clients fear retaliation from a noncustodial parent. Additionally, in local interviews, several child support workers in each State expressed concern about the confidentiality of court proceedings. Their concerns include the need for a procedure to notify the judge of domestic violence concerns and the confidentiality of social security numbers and addresses on all court documents. For example, one child support administrator explained, *"There is much frustration with the court process. Court documents are public information, and therefore he can find out all of her information. We cannot protect clients if it goes to court. If we are going after him she wants us to guarantee that we can protect her."* Fear of harm and immediate prevention of harm to their family may take precedence over disclosing any information about the noncustodial parent, including circumstances which would qualify for a good cause exception. For example, public assistance staff explain, *"We have a lot of women who won't apply for assistance no matter how much we convince them it's confidential. It scares them to even talk. They are concerned that he could find out where she is."*

Some staff do not agree that pursuing support will automatically place a client at further risk. In interviews, staff indicated that courts may take action to protect the client, such as issuing restraining orders. A child support administrator reports, *"It's not always the case that enforcing child support in domestic violence cases endangers the mom. The judge deals with domestic violence issues and it is out of our hands ... they handle that in family court."* Other tactics intended to minimize contact between the client and the noncustodial parent may allow offices to pursue support despite the threat of violence.[14]

As also seen in Table 3, numerous child support (43 percent) and public assistance (34 percent) staff believe that custodial parents may fear that disclosure of domestic abuse may lead to an intervention by the child welfare agency. By admitting to a State agency that the household is at risk of violence, the client may be inviting an investigation that could jeopardize her custody. A public assistance administrator says, "*I think many clients just don't bother to claim it and provide the documentation. Others don't want to disclose that sort of thing. Child protective services (CPS) sometimes gets involved. If the mother claims that the child is in danger, she might fear the CPS will take the kids away*." Clients may also fear that police will be called to arrest the noncustodial parent for abuse, especially if child support enforcement in their State is part of a law enforcement agency.

Some TANF Clients May Not Request An Exception Because They Find it Safer and Easier to Claim a Lack of Knowledge About Absent Parents

Clients who fear retaliation or child welfare agency involvement, as well as clients who wish to avoid the process of requesting and corroborating circumstances that warrant a good cause exception, may find it safer and easier to simply cooperate with child support

enforcement than to request an exception. As shown in Table 3, 59 percent of child support and 54 percent of public assistance respondents believe that clients may view claiming a lack of knowledge about absent parents as safer than requesting a good cause exception. Similarly, 58 percent of respondents from each agency perceive that clients may view claiming a lack of knowledge as easier than requesting an exception. A public assistance administrator explains, *"I think rather than claim good cause they just tell us they don't know because it's shorter and faster or because they think that nothing will happen. So many of our clients have gone on and off welfare that they think because they didn't have to worry about it before, why should they have to worry about it now*."

As we report elsewhere, claiming a lack of knowledge about absent parents *does not* release clients from otherwise cooperating with child support enforcement efforts including keeping appointments for interviews, court hearings and genetic testing.[15] However, formally attesting to a lack of knowledge *does* satisfy the cooperation requirements of three of our focus States and may satisfy requirements to cooperate in "good faith" in other States. Therefore, through this strategy clients may avoid being penalized for noncooperation, avoid providing information about a noncustodial parent, and avoid requesting and corroborating a good cause exception. The primary disadvantage of the strategy for clients is that they are far less likely to have child support collections as a source of income once they stop receiving TANF benefits.

Some TANF Clients May Not Request An Exception Because They Do Not Fully Understand Benefits and Requirements, and Staff May Not Provide Guidance

Table 3 also shows that while 34 percent of child support workers report they believe more clients do not request exceptions because they do not know about them, only six percent of local public assistance staff believe this is a reason. The difference here is likely to lie in the fact that it is primarily public assistance staff who are responsible for notifying clients of their right to request a good cause exception. Perhaps more importantly, 23 percent of public assistance and 46 percent of child support staff responding suggest that clients do not seek an exception because, although they are aware of the good cause exception, they do not fully understand it. Clients often receive a large amount of information and answer many questions during their initial interview, of which only a small part involves discussion of good cause exceptions. It may be difficult for clients to understand the significance of the provisions unless workers make a special effort to emphasize them.

While 68 percent of public assistance staff report they include information about domestic violence and client safety in their staff training programs, only 48 percent of child support respondents report similar information in their training. Several child support administrators told us that because it is the public assistance office which normally decides whether to grant good cause exceptions, they assume public assistance workers are trained to identify domestic violence, so there is little need to train their own

staff. If staff are not trained to provide education and outreach to identify good cause circumstances, clients may not understand that they can request an exception or how to do so. Without assistance from a worker, some clients may not identify themselves as potential candidates for good cause exceptions. As one child support administrator comments, "*You may see some signs, but without training we don't really know how to identify the signs*." A public assistance administrator adds, "*We have had very limited training in domestic violence issues. We deal with it purely on what the client tells us on a client-by-client basis. We have no real standardized procedures.*"

Additionally, although the term "good cause" has a formal meaning in child support cooperation regulations, we found staff sometimes also use the term, for example, to refer to the client's difficulty in arranging transportation to an appointment as a "good cause" for not cooperating. While most workers appear to know that they use the same term to refer to a variety of situations, multiple use of the term "good cause" can create confusion and misunderstanding among staff and clients.

Some TANF Clients May Not Request An Exception Because They Find It Difficult to Disclose Circumstances of Domestic Violence

Also shown in Table 3, about half of public assistance (56 percent) and child support (46 percent) staff report they perceive that clients are embarrassed to admit they are victims of domestic violence. Clients may not want to disclose their circumstances to a stranger, especially if the worker is not able to take time to carefully explain the good cause exception and make an effort to gain the client's trust. Clients may also be intimidated by the volume of information collected during an interview, particularly in the public assistance office. Public assistance interviews can last from 30 minutes to two hours, covering a wide range of topics. Some public assistance offices assign a single caseworker to handle nearly all aspects of a client's case, in part to allow the client to develop a relationship with that worker. However, clients in other offices may communicate with different workers who specialize in various aspects of their case. The physical setting of the office, particulary if interviews take place in a large room with no partitions for privacy, may also affect the client's willingness to divulge information.

Creating an atmosphere that eases disclosure may be more difficult with victims of domestic violence than with other clients. One male public assistance worker says, "*... when I talk to someone who has been in an abusive relationship, I find I have to be especially soft when I talk to them, tone everything down, and make them see I understand, and not to frighten them ....*" Clients may be even more hesitant to confide in child support staff since they are likely to ask more questions specific to the father, and may be housed in a law enforcement agency that some clients may perceive as threatening. One worker explains that they consider client comfort, "*We let her know that we are going to help her as best we can, [and] that we understand the situation. So we get them to open up as much as possible, but still there is a shame factor, and we know she usually does not tell us everything.*"

RECOMMENDATIONS

Successful operation of the child support enforcement program requires effective, cooperative action by both the Office of Child Support Enforcement and the Office of Family Assistance. Therefore, we recommend that the Assistant Secretary for the Administration for Children and Families (ACF) encourage States to:

Develop Strategies That Allow TANF Clients Who May Be at Risk of Domestic Violence to Safely Pursue Child Support

Child support agencies typically do not pursue child support for TANF clients who are granted a good cause exception, yet victims of domestic violence would likely benefit from the additional income child support could provide. ACF should assist States in developing practices which would allow clients who are at risk of domestic violence to decide whether the State's child support agency will pursue support and help protect clients who decide to do so. This might include taking precautions during court appearances, making further referrals to community resources, and assisting clients to develop safety plans.

Enhance Local Office Training to Improve Staff Understanding of Good Cause Exceptions and Better Equip Workers to Assist TANF Clients At Risk

For effective use of good cause exceptions, staff should understand the benefits and requirements associated with exceptions, be able to identify individuals who may be eligible for an exception, and be prepared to assist clients in requesting and corroborating an exception. ACF should assist States in developing training tools that both clarify State policy and address ways to individually assess and work with clients who are at risk of domestic violence to improve their safety and cooperation.

Evaluate Their Standards and Practices for Protecting TANF Client Confidentiality and Assess the Need for Further Federal Guidelines

Clients who perceive themselves at risk of domestic violence may fear disclosure of personal information, discouraging them from either cooperating with child support or requesting a good cause exception. ACF should assess agency practices in contacting noncustodial parents, including the use of identifying information on correspondence and court documents, and encourage all agencies involved to promote a safe environment for clients. Also, ACF should explore with States the feasibility of labeling all cases with good cause exceptions or risk of domestic violence, both to enhance confidentiality and to improve caseload analysis. In communicating with States on these issues, ACF should assess whether further Federal guidance is needed.

ACF did not provide comments in response to our draft report and recommendations.

ENDNOTES

1. The Personal Responsibility and Work Opportunity Act of 1996

2. 45 CFR 323.42.

3. 45 CFR 323.40.

4. *Ibid.*

5. The Federal Office of Child Support Enforcement (OCSE) has helped facilitate a number of national meetings to further explore the ramifications of these changes, and created materials to provide assistance to States in implementing the policy regarding good cause exceptions. OCSE has also funded several demonstration projects to test different models for using good cause exceptions and assisting clients at risk of domestic violence.

6. 42 U.S.C. Section 654(29).

7. We do not attempt to assess any change in agency responsibility for administering good cause exceptions among our focus States as a result of welfare reform.

8. In a related matter, welfare reform legislation also instituted the Family Violence Option (FVO), a provision designed to take into account the effect of domestic violence on a client's ability to meet program requirements. States which adopt the FVO may exempt TANF clients from child support cooperation requirements, as well as work and other program requirements, and avoid Federal penalties for failure to meet work participation rates if the State demonstrates that their failure was due to exempting clients for "Federally recognized good cause domestic violence waivers." In order to grant these waivers, States must assess clients for a history of domestic violence, refer such individuals to counseling or supportive services, and assure that waivers from program requirements are accompanied by an "appropriate service plan." Federal Register: April 12, 1999 (Volume 64, Number 69), page 17881. At the time of data collection, three of our focus States had passed the FVO. We determined that it was too early in the implementation of this provision to assess the impact of adopting the FVO.

9. For example, the Office of Child Support Enforcement reports that only 4,196 clients (of a total AFDC-TANF caseload of 6,461,723 clients) requested a good cause exception to child support cooperation requirements in 1997, and only 2,296 exceptions were granted by States. The Federal Office of Child Support Enforcement, 22nd Annual Report, Appendix C, Tables 46 and 26, respectively.

10. See, for example, "Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients," Government Accounting Office, November 1998, GAO/HEHS-99-12.

11. The frequency of assessments may increase as States implement the FVO, which requires States to screen public assistance applicants for a history of domestic violence.

12. 42 U.S.C. 654(26)(B)(C).

13. States which adopt the Family Violence Option are required to develop appropriate service plans for victims of domestic violence, which would typically include safety considerations.

14. A recent report produced collaboratively by OCSE and The Center for Law and Social Policy, "Models for Safe Child Support Enforcement," describes a number of strategies employed by States in order to enhance client safety while pursuing support.

15. For more information on cooperation requirements, please refer to our companion report entitled, Client Cooperation with Child Support Enforcement: Policies and Practices, OEI 06-98-00040, 2000.