

## 23. Child/Medical Support: Overview and Referral Criteria

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### 23.1 Definitions [EAS 43-105 CCR 50060.6, 50101, 50157]

#### 23.1.1 Child Support

Child support is the monetary or financial liability or payments established under court order to meet the basic needs of a child.

#### 23.1.2 Child Support Referral

A referral to the Department of Child Support Services (DCSS) is electronically sent when CalWIN interfaces with the DCSS's automated system, CCSAS (California Child Support Automated System). The interface from CalWIN to CCSAS is triggered when tabs on the **Collect Absent Parent Information** page are completed and EDBC is initiated.

#### 23.1.3 Medical Support

Medical support is any responsibility, liability or payments established under court order to meet the medical needs of a child. Most commonly, medical support means responsibility to obtain other health coverage, or additional health insurance for dependents, if it is available through an absent parent's employer. Medical support also includes specific dollar amounts for medical purposes and payments received from a third party (for example, Blue Cross) specifically for a child's medical care.

#### 23.1.4 Paternity

Paternity refers to the legal determination of parentage. Paternity may be established because a child was conceived within a marriage, or the father signed a voluntary declaration of paternity, or a court order was established.

#### 23.1.5 Spousal Support

Spousal Support is the monetary or financial liability or payments established under court order to meet the needs of a former wife or husband. Spousal support orders are usually established during divorce proceedings.

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## 23.2 Program Requirements

Both child support and medical support requirements apply to all CalWORKs applicants/recipients and to Foster Care. Medical support requirements apply to Medi-Cal applicants/recipients. Child support collection of financial support is NOT mandated for Medi-Cal Only cases. This services is available, if requested.



### Example:

A Medi-Cal-Only recipient requests that all child support payments go through the State Disbursement Unit (SDU) of the California Department of Child Support Services (DCSS). A referral is made to the Department of Child Support Services (DCSS) for medical support and to enforce child support activities at RECIPIENT'S REQUEST.



### Example:

A Medi-Cal Only recipient receives \$200.00 month direct child support. She is not required to turn in the child support, but she is required to give information about any health coverage provided by the absent parent and to report the \$200 to her EW as income.

A CalWORKs cash recipient must cooperate both in turning in any direct child support received AND in providing information about other health coverage available from the absent parent.

### 23.2.1 Process

The informing requirements, forms completion, referral procedures and good cause determinations are the same when enforcing medical support (for Medi-Cal Only) and child support (in CalWORKs and Foster Care). However, major differences occur in two areas when comparing medical and child support activities in determining:

- Which persons are exempt from referral, and
- What happens when a person does not cooperate in support activities.

Where differences in child support and medical support enforcement occur, "CalWORKs" and "MEDI-CAL ONLY" will be noted in this chapter. Where there are no notations, the information applies to both CalWORKs and Medi-Cal applicants/recipients.

[Refer to "[Child/Medical Support Referrals](#)," page 11-1 for additional information about Foster Care.]

## 23.2.2 Paternity Referrals

In child and medical support enforcement, a paternity referral is required for a child whose parents are (or were) unmarried at the time of conception and for whom paternity has never been established by COURT ORDER, or through the voluntary paternity acknowledgement process.

A paternity referral is also required when both unmarried parents are living in the home and paternity has not legally been established (for example, a U-parent case with unmarried parents where both parents are in the home). In this situation, the mother must complete and sign the required forms. **The EW must document that both parents are in the home, so the DCSS can have them come into the office immediately.** Unmarried parents applying for or receiving CalWORKs or Medi-Cal may sign a Voluntary Declaration of Paternity. [Refer to [“Voluntary Declaration of Paternity - CalWORKs and Medi-Cal,”](#) page 31-7 for a complete discussion.]

Once paternity has been established, either documented by the DCSS or a voluntary paternity declaration has been signed and filed appropriately, it is no longer necessary to continue making paternity referrals. However, changes regarding the absent parent’s information must continue to be provided to the DCSS by updating the appropriate **Collect Absent Parent Detail** windows in CalWIN.

**FOR CalWORKs** A paternity referral is not to be made on pregnant women and pregnant minor cases. The **Collect Absent Parent Detail** window must still be completed in CalWIN, but the [Relationship with Child] tab may not be completed until the child is born.

If the pregnant applicant/recipient has an eligible child with absent parent deprivation for whom paternity must be established, the appropriate forms (CW 2.1 NA and CW 2.1Q) must be completed for that child and signed by the client. After the client has signed these forms, they must be scanned into IDM (fastener 2). The child support worker will access our Image Document Management (IDM) application to view any comments or notes made by the EW that pertain to the case. [Refer to [“Who is Referred,”](#) page 23-6].]

**FOR MEDI-CAL ONLY CLIENTS,** A paternity referral is not made on pregnant women. The referral is deferred until the end of the 60-day postpartum period. [Refer to [“Medi-Cal Referral Criteria,”](#) page 23-9] for complete information.] Referrals for other eligible children are also deferred until the end of the 60-day postpartum period.

## 23.2.3 Parental Responsibility

In child and medical support enforcement, all parents, regardless of their age or their marital status, are held responsible for the financial and medical support of their children, natural or adopted. The Santa Clara County Department of Child Support Services (DCSS) is responsible for taking court action to obtain that support. The court determines the ability of the parent to support their child(ren).

Parental responsibility differs for CalWORKs and Medi-Cal Only, and is defined as follows:

CalWORKs	MEDI-CAL ONLY
<p>Parental responsibility extends to all children who receive CalWORKs. This includes children who:</p> <ul style="list-style-type: none"> <li>• Are foster children,</li> <li>• Are minor parents,</li> <li>• Are not living with their parents,</li> <li>• Are adopted (the adoptive parents are responsible, not the birth parents),</li> <li>• Have been removed from the parents' custody by the court.</li> </ul>	<p>Parental responsibility extends to children under age 18. This includes children who:</p> <ul style="list-style-type: none"> <li>• Are minor parents.</li> <li>• Are not living with their parent(s).</li> <li>• Are adopted (the adoptive parents are responsible, not the birth parents).</li> </ul> <p><b>Note:</b></p> <p>For medical support, parental responsibility DOES NOT apply to children applying as adults, children receiving Adoptive Assistance Program (AAP), to undocumented children unless it is believed that the A/P is a US citizen or LPR or to other children removed from parental custody by court.</p>

## Responsibility Continues

Parental responsibility continues even if:

- The marriage of the parents has been dissolved
- The parents were never married
- The parents are absent and not living with the child.

## Responsibility Stops

Parental responsibility ceases only when the child:

- Is legally relinquished by court action
- Is married and living with his/her spouse
- Reaches 18 years of age or is otherwise emancipated
- Joins the military service
- Is deceased.

### 23.2.4 Stepparents

Child and medical support enforcement do not apply to a stepparent in the home.

### 23.2.5 Senior Parent

Child and medical support enforcement apply to senior parent(s) only when the unmarried minor parent is NOT living with the senior parent(s).



#### Exception:

For Medi-Cal Only, there are situations when a senior parent IS NOT referred for medical support. For example, medical support is not enforced on the senior parent(s) of a child who applies for Minor Consent Services or a child 14 to 18 years of age applying as an adult. [Refer to “Who is NOT Referred,” page 23-10]] and [Refer to “Exemption to Referral for Pregnant Women,” page 23-11]] for complete information regarding which persons are exempt from medical support requirements.

### 23.2.6 Single Parent Adoption

A single parent adoption case may qualify for CalWORKs based on absent parent deprivation. A referral should not be made to the DCSS. The CW2.1 does not need to be printed, signed or scanned into IDM. Currently the CalWIN interface generates a referral to DCSS even on single parent adoption cases. The worker must enter “Single Parent” and “Adoption” as the first and last names of the absent parent in the **Collect Absent Parent Detail** window [Relationship with Child] tab effective the current date. This will inform DCSS that this is a Single Parent Adoption case and no action is required on their part.



#### Example:

A woman comes in to apply for CalWORKs for herself and the child she adopted in a single parent adoption. Because there is only one parent, the case is eligible based on absent parent deprivation. The worker will go to the **Collect Absent Parent Detail** window of CalWIN and in the [Relationship with Child] tab, enter “Single Parent” in the absent parent **First Name** field and “Adoption” in the **Last Name** field. In the **Effective Date** field, enter the current date.

For Medi-Cal Only, medical support is not enforced in single parent adoption cases. As deprivation is not a required factor in Medi-Cal eligibility for a child, medical support requirements would not apply to the second parent. The **Collect Absent Parent Detail** window of CalWIN should not be completed.

## 23.3 CalWORKs Referral Criteria [EAS 82-508]

### 23.3.1 Who is Referred

A referral to the DCSS for securing child/medical support from the parent(s) is required when aid is requested for:

- A child whose parent(s) is absent from the home.



#### Note:

When CalWORKs is paid only for the parent/caretaker relative of an SSI/SSP child, the absent parent(s) of that SSI/SSP child are NOT referred to the DCSS. The **Collect Absent Parent Details** windows in CalWIN must be completed, to establish that deprivation exists for the SSI/SSP child; however, it should be documented in the **Maintain Case Comments** window that the child is SSI/SSP. If the caretaker wishes to have the DCSS involved in the child support process for that SSI/SSP child, refer that individual directly to DCSS at 880 Ridder Park Drive, San Jose, CA 95131. DCSS considers these cases to be “Non-Welfare” cases.

- A minor parent who is NOT living with both senior parents. The senior parent(s) not living in the home with the minor parent must be referred to the DCSS.
- A child whose parent(s) is deceased, but death is unverified.
- A child whose parents are unmarried and for whom paternity has never been established either by COURT ORDER or a voluntary Declaration of Paternity which has been signed and filed appropriately.



#### Reminder:

A “Declaration of Paternity” (CS 909) OR a “Paternity Affidavit” (SC 95) is required when both unmarried parents are living in the home and paternity has not previously been established (i.e., an unemployed parent case with unmarried parents where both parents are in the home).

### 23.3.2 Who is NOT Referred (EAS 82-504)

All assistance units (AUs) are subject to Child Support enforcement with the following exceptions:

- Pregnant Woman Only (AU of 1) or
- Pregnant Minor Parent or

- Both married (natural or adoptive) parents of the child(ren) are living in the home or
- Single Parent Adoptions or
- Deceased parents or
- Both unmarried parents live in the home and paternity HAS been established either by COURT ORDER or a voluntary Declaration of Paternity which has been signed and filed appropriately or
- Non-minor dependents age <19 or
- Non-minor dependents residing with his/her child in Foster Care or
- Single-Parent Families (aid code K1) and Two-Parent Families (aid code 3F) for Safety Net, and Fleeing Felon cases. Cases with these aid codes are no longer required to assign support rights or cooperate with child support requirements as a condition of eligibility for CalWORKs.

### 23.3.3 Deferral of Referral for Pregnant Women

A referral for child support and/or to establish paternity is NOT made for pregnant women or for pregnant minor mothers until **after** the child is born.

The following rules apply:

- Child support or paternity referrals are NOT made on the absent/unmarried parent of an unborn child until after the child is born.
- Child support or paternity referrals are made on the absent/unmarried parent of other eligible children in the Assistance Unit. This rule applies, regardless of whether the absent/unmarried parent of the other eligible children is the same, or different, parent of the unborn.
- The EW must not require the recipient to provide the child support information for the unborn until after the child is born.

The **Collect Absent Parent Detail** window must still be completed in CalWIN, but the [Relationship with Child] tab should not be completed until the child is born.



#### Example:

A pregnant woman gives birth to her newborn on July 5, 2008. A referral for child support is made as part of the process of adding the newborn to the AU.

### 23.3.4 When to Make a Child Support Referral

- A child support referral to the DCSS for obtaining child support and/or establishing paternity is made at the following times:
- When approving the CalWORKs application, unless this is a restoration with less than a one calendar month break in aid.
  - When adding a newborn to the Assistance Unit.
  - When restoring or adding an eligible child to the AU who has not been referred in the previous 12 months.
  - At redetermination, if:
    - There is new information on a parent previously referred.
    - An absent parent has not been previously referred.
    - The previous DCSS case has been closed more than one year.
  - When CalWORKs deprivation changes to absent parent from any other basis of deprivation.



#### Example:

The unemployed father leaves the home and deprivation changes from unemployed parent deprivation to absent parent deprivation.

- When a child was born prior to 1997 and the parents were unmarried at the time of the child's conception (this applies to paternity referrals only).

### 23.3.5 FRED Referrals

The EW must also make a referral to the District Attorney's "Fraud Early Detection" (FRED) division when, during the child support referral process for an applicant, it is determined that:

- The father of the child(ren) for whom aid is requested is "unknown".
- The whereabouts of the absent parent(s) is unknown.



#### Note:

This FRED referral does not replace the child support referral process to the DCSS. Both referrals must be made. [Refer to "[Possible Criteria for FRED/General On-Going Fraud Referral](#)," page 38-3] for more information about the FRED referral process.]



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## 23.4 Medi-Cal Referral Criteria

### 23.4.1 Who is Referred

A referral for securing medical support from the parent, or to establish paternity, is made for all children under 18 years of age when:

- The minor child, whether married or unmarried, is eligible for and receiving Medi-Cal benefits and has an absent parent(s)

**OR**

- The child is living with unmarried parents and paternity has never been established by either a court order or completion of a voluntary “Declaration of Paternity” (CS 909) form which has been signed and filed appropriately.



#### **Reminder:**

A 14 to 18-year old not living in the home of a parent or caretaker relative and who does not have a parent, caretaker relative or legal guardian handling any of his/her affairs is considered an adult and is NOT referred to the DCSS for child support recoupment.



#### **Example:**

A 17-year old is eligible for Medi-Cal benefits, living with his caretaker mother; his father is absent. A referral for medical support is made on his absent father.



#### **Example:**

A 5-year old child is eligible for Medi-Cal benefits; he lives with both his parents, who are unmarried. A medical support referral is made to establish paternity for the 5-year old child.



#### **Example:**

A 19-year old child is living with his father; both father and son receive Medi-Cal benefits; the mother is absent from the home. A referral for medical support is NOT made on the absent mother, as the child is 18 years or older.

## 23.4.2 Who is NOT Referred

DO NOT make a referral for medical support when the Medi-Cal eligible person under 18 years of age is:

- An unborn
- A child applying for Minor Consent Services
- An undocumented child, unless there is reasonable belief that the absent parent is a citizen
- A child receiving Adoptive Assistance Program (AAP)
- A child with a single adoptive parent
- A child removed from parental custody by court order
- Provided other health coverage (OHC) by the absent parent. (If there are two absent parents, refer any parent who is not providing OHC.) A PATERNITY referral is still required
- An infant during the 60-day postpartum period
- Not receiving Medi-Cal benefits but included in the Medi-Cal case for linkage/deprivation purposes
- An adult child.

[Refer to Medi-Cal Handbook, “[Child](#),” [page 3-8](#) for the definition of an adult child.]



### Reminder:

Immediately refer an absent parent for medical support when it is known that he/she is no longer providing OHC to the child.

- Receiving Transitional Medi-Cal [TMC] (Aid Codes 39/3T and 59/5T), or Four-Month Continuing (Aid Code 54/5W).
- Receiving *Edwards v. Kizer* (Aid Code 38) Medi-Cal.  
Medical support requirements apply if the recipient wants continuing Medi-Cal. If a referral for medical support is required (for example, due to change in deprivation, or a referral was not previously completed), send the medical support forms to the recipient and set an alert for the return of the forms. A face-to-face interview with the recipient is not required to fulfill medical support requirements. If the required forms are not returned, discontinue the parent’s (or caretaker relatives’) Medi-Cal for failure to cooperate in the medical support enforcement process.
- Approved for retroactive Medi-Cal Only, AND the parent or caretaker relative does not want any child support services.
- Approved for Medi-Cal (for example, for one month), but there is no continuing Medi-Cal eligibility, AND the parent or caretaker relative does not want any child support services.
- The child of a parent who is incarcerated or institutionalized. (If there are two absent parents, REFER the second parent who is not incarcerated or institutionalized.) [Refer to Medi-Cal Handbook, “[Specific Institutional Programs](#),” [page 39-1](#) for additional information.]

**Important:**

Although these persons are exempt from a medical support referral, this does not change the requirement to identify and report other health coverage information by completing the “Health Insurance Questionnaire” (DHS 6155).

### 23.4.3 Exemption to Referral for Pregnant Women

**NO referral for medical support or to establish paternity is made** when a Medi-Cal eligible woman IS PREGNANT, until the end of her 60-day postpartum period. The Department of Health Services (DHS) has established this policy to ensure that pregnant women receive essential prenatal care. A referral to the DCSS might otherwise discourage her from applying for Medi-Cal.

If a woman becomes pregnant AFTER the EW completes a medical support referral, the DCSS will continue with medical support enforcement activities. However, the newborn child is not referred until the end of the 60-day postpartum period.

The following rules apply:

- Medical support or paternity referrals are NOT made on the absent/unmarried parent of an unborn child until the end of the 60-day postpartum period of the caretaker pregnant parent.
- Medical support or paternity referrals are NOT made on the absent/unmarried parent of other eligible children in the MFBU, until the end of the 60-day postpartum period of the caretaker pregnant parent. This rule applies, regardless of whether the absent/unmarried parent of the other eligible children is the same, or different, parent of the unborn.
- The EW must not require the recipient to complete the medical support forms until the end of the 60-day postpartum period of the caretaker pregnant parent. [[Refer to “Referral at End of 60-Day Postpartum Period,” page 23-12](#).]
- The pregnant woman who wishes to complete the CW 2.1 and CW 2.1Q prior to the end of 60-day postpartum (for example, when the newborns’ birth is reported) may do so. However, the EW must not encourage the recipient to voluntarily do so. The referral is made at the end of the 60-day postpartum period.

**Example:**

A pregnant woman gives birth to her newborn on July 5, 2008. A referral for medical support is not made on the absent parent of her newborn, nor on any other eligible children, until October 1, 2008.

### 23.4.4 Continued Eligibility and Medical Support Referral for Newborn

A medical support referral is required at the end of the 60-day postpartum period. Even though increases in income and property from an unmarried father in the home do not affect a newborn when “Continued Eligibility” rules apply, DO NOT WAIT until the child reaches age one to make a medical support referral.

### 23.4.5 Referral at End of 60-Day Postpartum Period

Medical support/paternity referrals for child(ren) of pregnant women are deferred until the end of the 60-day postpartum period, when these procedures are followed:

STEP	ACTION
1.	<p>When a pregnancy is reported (either to the intake or continuing EW), and there is an absent or unmarried parent, explain that:</p> <ul style="list-style-type: none"> <li>• A medical support or paternity referral is required at the end of the 60-day postpartum period.</li> <li>• The woman may also request child support enforcement from the DCSS, but it is not mandatory.</li> <li>• Forms will be sent to her at that time.</li> </ul>
2.	<p>Set an alert for the first of the month following the 60-day postpartum period: “Medical support or paternity referral due.”</p> <p><b>Important:</b> Do not initiate a referral prior to the end of the 60-day postpartum period.</p>
3.	<p>The first of the month following the 60-day postpartum period,</p> <ul style="list-style-type: none"> <li>• Send an SC 50 with the medical support forms to the recipient requesting the forms to be completed and returned.</li> <li>• Allow 10 calendar days for the return of all medical support or paternity referral forms. (Enter return due date on the letter.)</li> </ul> <p><b>REMINDER:</b> A separate CW 2.1Q must be completed for each absent/unmarried parent. [Refer to “<a href="#">Forms - Completion [EAS 82-510, CCR 50101, 50157, 50185]</a>,” page 31-11 for required forms and instructions.]</p>
4.	<p>When completed forms are returned and the CW 2.1 NA indicates the recipient will cooperate with medical support:</p> <ul style="list-style-type: none"> <li>• Enter the absent parent information into the CalWIN system. [Refer to the OLUM for instructions.]</li> <li>• Have the forms scanned into the IDM system.</li> </ul>
5.	<p>If the forms are returned and the recipient claims Good Cause for not cooperating with medical support enforcement:</p> <ul style="list-style-type: none"> <li>• Follow the Good Cause determination procedures. [Refer to “<a href="#">Forms - Completion [EAS 82-510, CCR 50101, 50157, 50185]</a>,” page 31-11].]</li> <li>• Enter the Good Cause information into the CalWIN system. [Refer to the OLUM for instructions.]</li> <li>• Scan the forms into the IDM system.</li> </ul>

STEP	ACTION
6.	<p>If the forms are not returned:</p> <ul style="list-style-type: none"> <li>• Enter the non-cooperation information into CalWIN on the <b>Collect Absent Parent Information</b> window. [Refer to CalWIN Announcement # 93]</li> <li>• CalWIN will discontinue <b>only</b> the parent or caretaker relative at the end of the month for “failure to cooperate with medical support requirements”. A 10-day notice of adverse action is required.</li> </ul> <p><b>Note:</b></p> <p>A parent or caretaker relative who is already an ineligible member of the MFBU remains as such. A parent or caretaker relative’s non-cooperation does not affect the children. Children who are otherwise eligible continue to receive Medi-Cal benefits.</p>

### 23.4.6 When to Make a Child Support or Paternity Referral

A referral to the DCSS to obtain medical support or to establish paternity must be made at the following times:

- The referral must be made to the DCSS if there is a face-to-face interview, or when eligibility is cleared for mail-in or Benefits CalWIN (BCW) applications. Clients shall be given 30 days from the time the packet was provided to comply with DCSS requirements. DCSS verifies active case status based upon CalWIN information.



**Note:**

Do not make a medical support referral to the DCSS if the applicant is reapplying and the case has been closed less than one calendar month and a previous CalWORKs or Medi-Cal referral to the DCSS was already completed.

- When restoring or adding to the MFBU an eligible child who has not been referred in the previous 12 months.
- When transferring from CalWORKs to Medi-Cal Only, if a previous child support referral has not been made.
- When CalWORKs deprivation changes from one linkage factor to absent parent linkage (e.g., deprivation changes from unemployed parent to absent parent).
- At redetermination if:
  - There is new information on a parent previously referred, or
  - An absent/unmarried parent has not been previously referred.
- When a child was born prior to 1997 and the parents were unmarried at the time of conception (this applies to paternity referrals only).

**Important:**

Child support enforcement does not apply to recipients who receive Medi-Cal Only. However, the EW must advise Medi-Cal Only recipients that child support services are available, but not mandatory. The CW 2.1Q provides a box that the recipient must check, indicating whether or not additional child support services are requested. This information must be entered by the EW in the [Court Order Details] tab of the **Collect Absent Parent Information** window in CalWIN by entering a “Y” in the ***Request Other Child Support Enforcement Services*** field.