

## NOTICE OF RIGHT TO CLAIM "GOOD CAUSE"

Federal law requires enforcement of the legal obligations of parents to support their dependent children. Potential benefits to them include their future right to inheritance; social security, veterans or other government benefits; and the knowledge that they are being supported, at least in part, by their absent parent(s).

The law requires that you cooperate in securing child support from the absent parent(s) as a condition of receiving Temporary Assistance For Needy Families (TANF) and cooperate in securing medical support from the absent parent(s) as a condition of receiving Medicaid. "Cooperation" means that you must name the absent parent(s) of any child for whom you are seeking aid and give information needed to locate and obtain support from the parent(s). You may also be asked to come to the county social service office, child support office, or court to sign papers or give information. If the child was born out of wedlock, you must assist in legally establishing the child's paternity. You are required to turn over to Child Support Enforcement any child support payments you receive directly from the absent parent(s) after you have signed an application for Temporary Assistance for Needy Families (TANF).

You have "good cause" not to cooperate with the state's effort to establish paternity or collect child/medical support if you can show that your cooperation might be contrary to the best interest of your child. You must be able to provide evidence to support this claim. If it is decided that your cooperation is not likely to bring harm to you or your child, you will then be required to assist in the Child Support Enforcement effort. Your refusal to do so at that point will result in your ineligibility for Medicaid and will result in the removal of your needs from the TANF benefit.

If you think you may want to file a "good cause" claim to be exempt from the requirement to cooperate, READ THE BACK OF THIS FORM for a more detailed written explanation of the circumstances under which "good cause" may be established and the type of evidence needed to decide the issue. If you want to claim "good cause," you must complete SFN 446, "Request to Claim 'Good Cause.'" which is available from your eligibility worker.

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I have read and received a copy of this statement concerning my right to claim "good cause" for refusing to cooperate with Child Support Enforcement efforts.

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Signature of Applicant/Recipient Date

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**DISTRIBUTION:** Original - County Social Service file  
Canary - To applicant

### "GOOD CAUSE"

You, as caretaker relative, may claim to have "good cause" for refusing to cooperate with the child support enforcement effort if you believe that such cooperation would not be in the best interests of you or your child. The following are the circumstances

under which the county social service office may find that you have "good cause" for not cooperating:

- a) The child for whom support is sought was conceived as a result of incest or rape;
- b) Legal proceedings for the child's adoption are pending in court;
- c) Serious physical or emotional harm may come to the child or to you, or
- d) A licensed public or private social agency is helping to decide if a child should be kept by the family or relinquished for adoption and the discussions have not gone on for more than 3 months.

You are further advised that:

- a) It is your responsibility to give the county social service office the evidence necessary to establish your "good cause" claim for refusal to cooperate. You are normally required to provide this evidence within 20 days of filing your claim although additional time will be allowed if you have difficulty in obtaining the evidence. The following are examples of acceptable kinds of evidence needed in deciding if "good cause" exists:
  - (1) A birth certificate or medical or law enforcement records which indicates that the child was conceived as the result of incest or rape;
  - (2) Court documents or other records which indicate that legal proceedings for adoption are pending in court;
  - (3) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the alleged or absent parent might inflict physical or emotional harm on you or the child;
  - (4) Medical records which indicate emotional health history and present health status of the caretaker or the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of you or the child;
  - (5) A written statement from a public or private agency confirming that you are being assisted in resolving the issue of whether to keep or give up the child for adoption; and
  - (6) Sworn statements from individuals, other than yourself, who may have knowledge of the circumstances providing the basis of your "good cause" claim. These statements may come from friends, neighbors, clergy, social workers, and medical professionals.
- b) Upon your request, the county social service office will assist you in obtaining evidence to substantiate the "good cause" claim. The alleged or absent parent will not be contacted unless it is for purposes of establishing the "good cause" claim **and** unless you are notified that such contact is necessary **before** it is made;
- c) On the basis of evidence the county social service office will decide whether "cooperation" on your part will be contrary to the best interests of the child;
- d) Child Support Enforcement will be asked to review the findings of the county social service office and to make recommendations concerning your "good cause" claim. The Child Support Enforcement may also participate in any subsequent hearing regarding the issue of "good cause"; and
- e) Child Support Enforcement will **not** attempt to establish paternity and/or collect support if it is determined that the evidence is sufficient to uphold your claim of "good cause"; and

If the county social service office determines that "good cause" does not exist, you have the following choices: 1) cooperate with the child support effort; 2) denial of the application or have the case closed; 3) continue to refuse to cooperate which will result in the deletion of your needs from the TANF benefit and will result in ineligibility for Medicaid for the caretaker (unless pregnant); or 4) appeal the decision to the North Dakota Department of Human Services. Pending a decision, neither TANF nor Medicaid will be denied, delayed, or discontinued if you have done all that can reasonably be expected to assist in deciding your claim.