
Rules of
Department of Social Services
Division 30—Child Support Enforcement
Chapter 8—Cooperation Requirement

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 30—Child Support Enforcement
Chapter 8—Cooperation Requirement**

13 CSR 30-8.010 Cooperation Requirement

PURPOSE. This rule sets forth the requirement for individuals who are applicants for or recipients of public assistance benefits (applicants/recipients) to cooperate with the Division of Child Support Enforcement in its efforts to establish paternity and establish, modify and enforce child support orders.

(1) Definition. For the purposes of this rule the following definitions are applicable:

(A) Division means the Division of Child Support Enforcement;

(B) Good cause means the circumstances under which cooperation is not in the best interest of the child or custodian who has applied for or is receiving public assistance benefits;

(C) Cooperation means the duty of applicants/recipients to provide within their ability to do so, all requested information and assistance to the division to enable it to establish paternity and establish, modify, and enforce child support and medical support orders;

(D) Public assistance means any benefits from a program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act;

(E) Applicant/recipient is a person who has applied for or is receiving public assistance;

(F) NCP means noncustodial parent;

(G) AF means alleged father.

(2) Cooperation Requirements. If it is determined by the division that an applicant/recipient is not cooperating in establishing paternity or establishing a medical support order with respect to a child, and the applicant/recipient does not qualify for a good cause or other exceptions established by the division, the division shall notify the Division of Family Services, who shall impose sanctions. Cooperation requirements include, but are not limited to providing to the division the following information pertaining to the noncustodial parent (NCP) or alleged father (AF) and assistance to establish paternity and establish, modify, and enforce support orders:

(A) Information relating to the NCP or AF includes, but is not limited to the following:

1. The name;

2. Date of birth or approximate age;

3. Social Security number;

4. Known address or last known address;

5. Past or present employer and usual occupation;

6. Name of high school, college, university, vocational school/expected graduation date;

7. Names of friends or relatives who may have information;

8. Names of clubs or union memberships;

9. Drivers license information;

10. Physical description;

11. Make, model or license plate of any vehicles owned;

12. Any information regarding any other property owned; and

13. Any other pertinent information relevant to locating the NCP/AF.

(B) Assistance required from the applicant/recipient—

1. Providing financial and income information, education and work history of the applicant/recipient;

2. Providing and updating the street and mailing address of the applicant/recipient;

3. Appearing at and cooperating with the division, or prosecuting attorney's offices and supplying written documentary evidence;

4. Appearing as a witness at judicial or administrative hearings;

5. Completing a notarized affidavit, attesting to a lack of relevant requested information regarding the NCP or AF; and

6. All other assistance requested by the division to establish paternity including, but not limited to, keeping appointments for genetic testing, participating in genetic testing.

(3) Good Cause for Noncooperation.

(A) An applicant/recipient may refuse to cooperate with the division based upon good cause. Each applicant/recipient will be informed by the division or Division of Family Services caseworker about the duty to cooperate and the right to claim good cause. Each applicant/recipient will also be provided information regarding good cause, including its definition and how good cause can be claimed and what evidence is needed to support such a claim.

(B) If the applicant/recipient claims good cause to the Division of Family Services caseworker, the Division of Family Services may make the good cause determination in compliance with this regulation.

(C) The applicant/recipient shall be provided a written copy of the requirement to cooperate and the right to claim good cause

for refusal to cooperate with the division. It is the responsibility of the applicant/recipient to specify the circumstances under which good cause is claimed and provide corroborative evidence. Good cause for refusing to cooperate is deemed to exist in one or more of the following circumstances, but may not be limited to these circumstances:

1. Physical or emotional harm to a child;

2. Physical or emotional harm to the applicant/recipient of sufficient severity that it would reduce the applicant/recipient's capacity to adequately care for a child;

3. Physical or emotional harm to the applicant/recipient as a result of domestic violence;

4. The child for whom support is sought was conceived as a result of incest or rape; or

5. Legal proceeding for the adoption of the child is pending before a court.

(4) The documentation will be submitted to the caseworker who will review it to determine if there is sufficient evidence to establish a claim of good cause. A claim of good cause may be verified by one of the following:

(A) Birth certificate or medical or law enforcement records that indicate that a child was conceived as the result of incest or forcible rape. Acceptable medical records shall include records reflecting the judgment of a disinterested third party including, but not limited to, counselors, therapists, or any other medical or psychological health professional that conception is the result of rape;

(B) Court documents or other records that indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(C) Court, medical, criminal, child protective services, social service, psychological, or law enforcement records that indicate the NCP/AF might inflict physical or emotional harm on the child or applicant/recipient;

(D) Medical records regarding the emotional health history and present emotional health status of the applicant/recipient or the child for whom support would be sought that indicate emotional harm would result from cooperation, or written statements from a mental health professional indicating such results;

(E) A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him or her for adoption; or

(F) When none of the items listed above is present or conclusive, a sworn statement



from the applicant/recipient, and at least one other individual with knowledge of the circumstances that provide the basis for the claim of good cause may be submitted.

(5) Due Process Rights.

(A) Upon application, the applicant/recipient will be given in writing, notice of the cooperation requirements. These requirements will be explained along with what sanctions can be applied when the applicant/recipient fails to cooperate with the division. If the applicant/recipient claims good cause, he/she will have twenty (20) calendar days to provide evidence to support the claim of good cause. The twenty (20) days may be extended in case of difficulty in obtaining the evidence for a period of time not to exceed forty-five (45) days as determined by the caseworker.

(B) Review and Determination. If the applicant/recipient claims good cause, the division or Division of Family Services caseworker will review the information provided and make a recommendation as to whether or not good cause exists. The recommendation must—

1. Be in written form and contain the worker's recommendation, the basis for the recommendation, the documentation provided by the applicant/recipient; and
2. Be forwarded to the designated division or Division of Family Services personnel, who will make the final determination as to whether there is good cause for noncooperation.

(C) Notification of Final Determination. The applicant/recipient must be notified in writing of the findings and basis for determination. If there is a finding of good cause for noncooperation, the applicant/recipient will be given the opportunity to have child support services stopped or be continued. If no good cause is found, the applicant/recipient will be afforded an opportunity to cooperate, withdraw the request for assistance or terminate assistance. The notification must be made a part of either the division or Division of Family Services case record.

AUTHORITY: section 454.400.2(5), RSMo Supp. 1999. Original rule filed March 30, 2000, effective Oct. 30, 2000.*

**Original authority: 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997.*