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**Rules of**  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 100—Child Support Program,**  
**General Administration**

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### Title 13—DEPARTMENT OF SOCIAL SERVICES

#### Division 40—Family Support Division Chapter 100—Child Support Program, General Administration

#### 13 CSR 40-100.030 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 Family Support Division in its efforts to establish paternity and establish, modify, and enforce child support orders.*

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

(A) “Division” means the Family Support Division;

(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;

(H) “Genetic Testing” means testing for paternity using blood cells, other tissue, or fluid.

(2) Cooperation Requirements. If it is determined by the Division’s Child Support Program that an applicant/recipient is not cooperating in establishing paternity, establishing a medical support order with respect to a child, or in establishing, modifying, or enforcing a support order, and the applicant/recipient does not qualify for a good cause or other exceptions established by the Division, the Division’s Child Support Program shall notify the Division’s Income Maintenance Program, who shall impose sanctions. Cooperation requirements include, but are not limited to, providing to the Division’s Child Support Program 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:

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. Driver’s 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’s Child Support Program 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’s Child Support Program to establish paternity including, but not limited to, keeping appointments for genetic testing and participating in genetic testing.

(3) Good Cause for Noncooperation.

(A) An applicant/recipient may refuse to cooperate with the Division’s Child Support Program based upon good cause. Each applicant/recipient will be informed by the division 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’s Income Maintenance Program, the Division’s Income Maintenance Program 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’s Child Support Program. 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 (1) 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 Division’s Income Maintenance Program which 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's Child Support Program. 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 the case of difficulty in obtaining the evidence, for a period of time not to exceed forty-five (45) days as determined by the Division's Income Maintenance Program.

(B) Review and Determination. If the applicant/recipient claims good cause, the Division's Income Maintenance Program will review the information provided and make the final determination as to whether there is good cause for noncooperation.

(C) Notification of Final Determination. The Division's Income Maintenance Program will notify the applicant/recipient of its decision in writing. If the division finds that there is good cause for noncooperation, the division will give the applicant/recipient the option to have child support services stopped or be continued. If the division finds that there is no good cause to refuse to cooperate, the division will give the applicant/recipient an opportunity to cooperate, withdraw the request for assistance, or terminate assistance.

*AUTHORITY: sections 454.400 and 660.017, RSMo 2016.\* This rule originally filed as 13 CSR 30-8.010. Original rule filed March 30, 2000, effective Oct. 30, 2000. Moved to 13 CSR 40-100.030 and amended: Filed Aug. 28, 2018, effective April 30, 2019.*

*\*Original authority: 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997 and 660.017, RSMo 1993, amended 1995.*

**13 CSR 40-100.040 State Directory of New Hires**

*PURPOSE: For new hire reporting purposes under section 285.300, RSMo, this rule defines "newly hired employee" in accordance with The Trade Adjustment Assistance Extension Act of 2011 (Public Law 112-40) amendment to section 453A(a)(2) of the Social Security Act.*

(1) "Newly hired employee" means an employee who—

(A) Has not previously been employed by the employer; or

(B) Was previously employed by the employer but has been separated from such prior employment for at least sixty (60) consecutive days.

*AUTHORITY: section 454.400.2(5), RSMo 2000.\* Emergency rule filed Sept. 16, 2013, effective Sept. 26, 2013, expired March 24, 2014. Original rule filed Sept. 16, 2013, effective Feb. 28, 2014.*

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