

CASE MANAGEMENT

CS 1088 CIC Good Cause Deferral/Waiver Request New 06/02 Revised 03/15/11 Training Complete 03/29/11 [R495-879](#)

NOTE: CIC-specific procedures contained in this section.

1088.1 Statutory Authority

Administrative Rule 495-879-6 states:

“(1) If collections interfere with family re-unification, a division may, using the Good Cause-Deferral/Waiver (form 602), request a deferral or waiver of arrears payments once a support order has been established. The request may be applied to current support when an undue hardship is created by an unpreventable loss of income to the present family. A loss of income may include non payment of child support from the other parent for the children at home, loss of employment, or loss of monthly pension or annuity payments. The request shall be initiated by the responsible case worker and forwarded to his or her supervisor, regional director, division director/superintendent, or designee for approval.

“(2) After a support order has been established, the Good Cause Deferral and Waiver request may be denied or approved by the referring agency at any stage in the process. Once the waiver has been approved at all levels in the referring agency, the division director (or designee) shall send the waiver to the ORS director (or designee) for review and decision. If the requesting agency disagrees with the ORS director's (or designee's) decision, the request may be referred to the Executive Director of the Department of Human Services for a final decision. The requesting agency will notify the family of the final decision. The request shall not be approved when it proposes actions that are contrary to state or federal law.”

1088.2 Forms Overview

CIC-XGCW: Good Cause Waiver, DHS Form 602 – This form should be completed by the Division or Institution who has custody of the child or who is providing services to the child on behalf of the parent(s). The form is used to document the initial request and subsequent approval or denial of that request through all levels of review.

1088.3 Deferral/Waiver Considerations

Good Cause Deferrals or Waiver requests are initiated by workers with the custodial agency, not by Office of Recovery Services (ORS) workers. The action may be prompted by a parent requesting that a Good Cause Deferral or Waiver request be submitted on his/her behalf or by the case manager or someone working closely with the child and parents for the custodial agency who believes a request for a waiver or deferral is appropriate.

The process to obtain a waiver /deferral applies only after the support amount is determined and the order for support is issued.

When determining if a Good Cause Deferral or Waiver is appropriate, custodial agencies should consider the following factors:

1. Will the collection of support prevent a child from receiving necessary medical care or other essential care?
2. Are the parent's circumstances unusually different from other parents with children in care?
3. Due to the child's special needs or the parent's unusual circumstances, will the payment of a support debt prohibit the re-unification of the child back into the home?

1088.4 Good Cause Deferral/Waiver Types

1. **Deferral of Support Obligation** – support obligation accrues, but payments are not required until a later date.
2. **Temporary Waiver** – support obligation is waived for a specific time period.
3. **Permanent Waiver** – obligation is permanently ended.

1088.5 Examples of Good Cause Deferral/Waiver Criteria

1. The custodial agency may ask ORS to **postpone (i.e. defer or temporarily waive)** collection activity because of unpreventable but temporary losses or expenditures of income affecting the family's well being that did **not** exist at the time the order was taken. Examples of unpreventable losses/expenditures include the following:
 - a. Medical expenditures (not covered by insurance) for such things as necessary orthodontic care, psychiatric care, or any cost of medical care that exceeds maximum insurance benefits, etc. **This does not include routine medical and dental care.**
 - b. Necessary home repairs following uninsured disasters to property. **This should not include expected maintenance work, such as replacing carpeting, shingles, appliances, and so forth.**
 - c. Forced (non-voluntary) unemployment due to a reduction in force or a documented medical disability prohibiting continued work with the same employer (parents must seek other employment if possible and then be reassessed).
 - d. Continuous non-payment of support to the family by an absent parent, which was **not** a factor at the time the administrative order was set.

2. The custodial agency may also request a **permanent waiver** in the following situations:
 - a. The circumstances that justify the waiver of the **current support** are expected to be long-term and the child will soon turn 18.
 - b. The payment of **arrears** will prohibit the re-unification of the child with the family and the circumstances are expected to remain for the foreseeable future.
 - c. The payment of current support and/or arrears may interfere with treatment or services for the child.

3. A Good Cause Deferral or Waiver **should not** be requested for the following reasons:
 - a. Collection of support will reduce a family's standard of living. Some degree of financial hardship is expected for parents (and the current family) while paying child support.
 - b. Support payments are placing an unusual amount of stress on the parent(s).
 - c. The State did not successfully treat the child.
 - d. The case worker or eligibility worker did not adequately inform the parents about their support obligation or told the parents there would be no support obligation.
 - e. The parents have too many other expenses/debts. ORS or the Administrative Hearings Office has already determined if any expenditures/debts should affect the ongoing support amount. Only debts incurred for **essential** needs after the order has been established should be considered.

1088.6 Good Cause Deferral/Waiver Process

Once it is determined that a Good Cause Deferral or Waiver request is appropriate, the request and review process consists of the following steps:

1. The caseworker for the custodial agency (i.e., DCFS, DSPD, etc.) will complete the DHS Waiver (form CIC-XGCW, DHS form 602). The form should be specific as to why a deferral or waiver should be considered. The caseworker for the custodial agency must include any documentation that would support the request (i.e., a statement from a doctor or an employer).
2. Once the form has been completed, the caseworker for the custodial agency will submit the form to his/her Supervisor, Regional Director, and Division Director/Superintendent (or designee) for approval, in that order.
3. At each level of approval within the custodial agency, the reviewing individual will either approve or deny (or defer to ORS) the waiver request. If the request is denied, it will be returned directly to the custodial agency caseworker.

4. If the division Director/Superintendent (or designee) of the custodial agency approves the request, it will be forwarded to the ORS Director (or designee).
5. The ORS Director (or designee) will review the request and take the following steps:
 - a. If the request is based on the Division or Institution's assessment that ORS involvement will interfere with treatment or reunification, ORS will defer or waive any further action.
 - b. If the request is being made on another basis, the ORS Director will review the request and information in the ORS/CIC records and send a response back to the Division Director/Superintendent (or designee). A copy of the response shall be sent to the ORS Director if the response is prepared by a designee.
6. The ORS Director will record the waiver request information in the ORS/CIC Good Cause Waiver Request log found on the shared drive at I:CICADMIN/Waiver-Deferral Log/Waiver-Deferral Log.
7. If the Division Director/Superintendent (or designee) disagrees with the ORS decision, the request will be sent with comments to the Executive Director of the Department (or designee) for a decision.
8. The Executive Director will inform the ORS Director and the Division Director/Superintendent (or designees) of the final decision.
9. The custodial agency will notify the family of the final decision.

1088.7 ORS Procedures if Good Cause Deferral/Waiver is Approved

If the Good Cause Deferral/Waiver is approved, there is no need to modify the support order to reflect the approval. The CIC-XGCW with the approval signatures will act as the record documenting why support is not being charged on the case.