

## DEPARTMENT OF HEALTH SERVICES

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June 4, 1998



TO: All County Welfare Directors  
All County Administrative Officers  
All County Medi-Cal Program Specialists/Liaisons

Letter No.: 98-22

## COOPERATION DETERMINATION BY DISTRICT ATTORNEY (DA) IN MEDICAL SUPPORT CASES

Ref.: EMC2 DHS No. 98031 - January 23, 1997 Amendment of Article 23

The purpose of this All County Welfare Directors Letter is to clarify the authority of the District Attorney (DA) to determine whether an applicant or beneficiary has cooperated with efforts to establish paternity or to collect cash and/or medical support, and to clarify new procedures to be used in this process.

The Department of Social Services (DSS), Office of Child Support, is the state agency in California which has the authority in federal law to make the cooperation determination and the county welfare department (CWD) shall determine if an applicant or recipient has Good Cause for noncooperation. The CWD, as the agent of the Department of Health Services (DHS), has the authority to make Good Cause determinations for purposes of Medi-Cal benefits.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and California Work Opportunity and Responsibility to Kids have not substantially changed the procedure for determining whether an applicant or beneficiary has failed or refused to cooperate within the meaning of Section 50185(a)(9) and (a)(10):

"... the district attorney will provide the county with a statement which specifies the circumstances of the beneficiary's failure or refusal. The county shall take action to terminate Medi-Cal to the beneficiary **only when it has verified** on the basis of all available evidence that the beneficiary failed or refused to cooperate without good cause." (Emphasis added.)

The DA must make the initial determination of cooperation which is reviewed by the county welfare office. DSS is the state agency which delegates the cooperation decision-making task to the DA, and this is appropriate under state and federal law. DHS can request that county welfare departments work with the DA to ensure that cooperation and good cause determinations in medical support enforcement are accomplished according to federal and state law, but DHS cannot tell each county how to accomplish this task in its county. Each of the 58 counties are unique in geographic location and organization, and because of this, each county must work out an agreement by which this is physically accomplished between the DA and the CWD. During this process, Medi-Cal benefits will not be denied until the DA has determined the applicant or recipient, if otherwise eligible, has not cooperated in medical support enforcement and the county has made a determination that good cause does not exist.

**PROCEDURES:**

When an applicant/custodial parent does not agree to assign their rights to medical support or establish paternity and does not claim good cause, deny Medi-Cal to the custodial parent and refer the children for medical support enforcement.

When an applicant/custodial parent agrees to assign their rights and signs the Medi-Cal application but does not wish to cooperate with the DA in paternity establishment or identification of medical support and does not claim/have good cause, deny Medi-Cal to the custodial parent and refer the children for medical support enforcement.

When an applicant/custodial parent agrees to assign their rights, signs the application and agrees to cooperate in paternity establishment and identification of medical support, refer the case to the DA for medical support enforcement.

When an applicant/custodial parent agrees to assign their rights and signs the Medi-Cal application but claims good cause for not cooperating with the DA, do not refer the case to the DA until a good cause determination can be made, or you may indicate on the CA 371 that good cause has been claimed. The DA will not begin any action on the case until the good cause determination has been made. Information from the DA can be requested in making the determination of good cause, but the CWD no longer needs to request an independent evaluation of the good cause claim from the DA. If the good cause claim is denied, the case will be referred to the DA for medical support enforcement. If the good cause claim is valid, the applicant or recipient should be referred to appropriate community, legal, medical, and support services.

Cooperation determinations will be done by the DA. Medi-Cal county staff must work with the DA in determining procedures for accomplishing a cooperation determination. The county will not discontinue any applicant/custodial parent until it receives a statement/document from the DA which specifies the circumstances of the individual's failure or refusal to cooperate in medical support enforcement. The county shall then review and verify the evidence that the applicant/custodial parent failed or refused to cooperate without good cause. If this is correct, the county must discontinue the individual from Medi-Cal benefits and refer the children for medical support enforcement.

If you have any questions, please contact Ms. Elena Lara of my staff at (916) 657-0712.

Sincerely,

ORIGINAL SIGNED BY

Glenda Arellano  
Angeline Mrva, Chief  
Medi-Cal Eligibility Branch