

## **SECOND NOTICE OF RIGHT TO CLAIM GOOD CAUSE FOR REFUSAL TO COOPERATE IN CHILD SUPPORT ENFORCEMENT**

### **Good Cause Circumstances**

You may claim to have good cause for refusing to cooperate if you believe that such cooperation would not be in the best interests of your child. The following are circumstances, under which the department of social services may determine that you have good cause for refusing to cooperate,

- Cooperation is anticipated to result in serious physical or emotional harm to the child;
- Cooperation is anticipated to result in physical or emotional harm to you which is so serious it reduces your ability to care for the child adequately;
- The child was born after forcible rape or incest;
- Court proceedings are going on for adoption of the child; or
- You are working with an agency helping you decide whether to place the child for adoption.

### **Proving Good Cause**

It is your responsibility to:

- Provide social services with the evidence needed to determine whether you have good cause for refusing to cooperate. (If your reason for claiming good cause is your fear of physical harm and it is impossible to obtain evidence, social services may still be able to make a good cause determination after an investigation of your claim.)
- Give necessary evidence to the agency within 20 days after claiming good cause. Social services will give you more time only if it determines that more than 20 days are required because of the difficulty in obtaining the evidence.
- Social Services may:
  - Decide your claim based on evidence which you give to the agency, or
  - Decide to conduct an investigation to further verify your claim. If social services decide an investigation is needed, you may be required to give information, such as the absent parent's name and address, to help the investigation. The agency will not contact the absent parent without first telling you.

### **Examples of Acceptable Evidence**

The following are examples of acceptable kinds of evidence social services can use in determining good cause exists.

If you need help in getting a copy of any of the documents, ask your case worker. The department of social services will give you reasonable assistance which is needed to help you obtain the necessary documents to support your claim.

- Birth certificates or medical or law enforcement records, which indicate that the child was conceived as the result of incest or forcible rape;
- Court documents or other records which indicate that legal proceedings for adoption are pending in court;

The North Carolina Division of Social Services does not discriminate against any person on the basis of race, color, national origin, disability, sex, or age in the admission, treatment, or participation in its programs, services and activities, or in employment.

- 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; Medical records which indicate emotional health history and present health status of you 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;
- 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
- Signed statements from individuals, including friends, neighbors, the clergy, social workers, and medical professional who might have knowledge of the circumstances providing the basis for your good cause claim.

### **Child Support Agency Participation and Enforcement**

The Child Support Enforcement Agency may review the department of social services' findings and the basis for a good cause determination in your case. If you request a hearing regarding this issue of good cause of refusing to cooperate, the Child Support Enforcement Agency may participate in the hearing.

If you are found to have good cause for not cooperating, the Child Support Enforcement Agency may attempt to establish paternity or collect support only if social services determine that this can be done without risk to you or the child. This will not be done without first telling you.

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Signature of applicant/recipient

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Date

**I have provided the applicant /recipient with a copy of this notice.**

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Signature of caseworker

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Date