

**OFFICE OF INVESTIGATIVE SERVICES
POLICY AND PROCEDURE #640**

REFUSAL/FALURE TO COOPERATE POLICY

OVERVIEW:

The TANF and Child Care programs require active recipients and CAPS Providers to cooperate with an OIS investigation of program eligibility. Once OIS notifies the county DFCS of a recipient's failure or refusal to cooperate with an OIS investigation, the assistance case is closed and the household is ineligible to receive assistance until the recipient cooperates or the OIS investigation is closed, whichever comes first. Once OIS notifies the county DFCS of a CAPS Provider's refusal to cooperate with an OIS investigation, the Provider is no longer eligible to receive subsidized child care and all CAPS families must choose new Providers to continue to receive subsidized child care.

Although the principles and application of failing or refusing to cooperate for recipient's and providers are similar, Policy #640 will specifically address the procedures that apply to public assistance recipients. For application of this policy for Child Care Providers, see Policy #910.

For the purposes of this policy, cooperation with OIS is to be defined as a recipient responding to an appointment with an Agent and participating at least to the extent that the recipient can be advised of the investigative process. This policy is designed to resolve claims being pursued for administrative adjudication, claims in the PAC process, and allegations that are under investigation.

If the case is pursued for criminal prosecution, case closure for failing to cooperate with the investigation will not be applied.

OPERATING PRINCIPLES:

Basic considerations for the application of this policy regarding a client's refusal to cooperate with an investigation include the following standards:

- Recipients will be expected to make reasonable efforts to attend appointments or to reschedule them. Agents are required to make reasonable efforts to reschedule appointments for clients who demonstrate good cause for missing the interview. The Agent needs to exert reasonable flexibility to accommodate the scheduling needs of the recipient, however the interview cannot and need not be delayed indefinitely.
- A client's right to a hearing will not be abridged, and the right against self-incrimination will be respected.
- Good service requirements must be met.
- A recipient's dispute with the allegations or disagreement with the findings does not constitute a refusal to cooperate with the investigation. A disputed claim may be referred for a disqualification hearing for resolution or to the prosecutor for appropriate legal action.

This policy must be applied prudently and uniformly. No investigation of program fraud is complete until the recipient has had an opportunity to respond to the allegations. In the absence of an explanation from the recipient, Agents should arrive at conclusions based on the available evidence and proceed with appropriate claim actions.

REFUSAL/FALURE TO COOPERATE (continued)

GOOD SERVICE:

Before initiating any adverse action to withhold benefits from an assistance unit for refusal to cooperate, the OIS Agent must assure that the affected household receives proper notice of the requirement to cooperate with the investigation and the consequences of refusing to cooperate. The Agent will maintain documentation on the **Case Review Checklist** to verify that proper notification was followed.

Good service can be achieved by sending to the recipient a **Request for Contact with OIS** by first class mail to the address listed for the household in the case record. The Agent must allow at least seven days prior notice for the appointment.

An alternate to first class mail is that the client be given this notice in a face-to-face contact or by telephone. If the notice is verbal or hand-delivered, the Agent must clearly document the circumstances of the notification in the OIS file.

APPLICATION OF POLICY:

1. When a recipient fails to appear for a WDH appointment, PAC appointment, or an investigative interview, a **Request for Contact with OIS** will be sent to the recipient. Good Service requirements must be followed.
2. If there is no response to the second appointment or Notice, good service requirements have been met, and criminal prosecution is not being pursued, the Agent will send DFCS a **Disposition Letter** requesting closure of the assistance case for non-cooperation. The Agent will consider the twelve-month time frame of the OIS referral before requesting closure of the assistance case to ensure that the case will remain closed for at least thirty days.
3. The Agent will document the request for case closure in SUCCESS.
4. The Agent will continue to pursue adjudication of the claim or resolution of the investigation while the assistance case remains closed.
5. The assistance case will remain closed until the client cooperates with the investigation, or the OIS case is closed or resolved, whichever comes first.

Once the client contacts the Agent and indicates a willingness to cooperate, the procedures for Managing Compliance will be observed.

MANAGING COMPLIANCE:

The Agent will receive approval from the supervisor before requesting that DFCS close an assistance case for the client's refusal to cooperate. The supervisor must ensure good service requirements are met and that all actions are documented on the **Case Review Checklist**. Supervisors will maintain a **Non-Cooperation Tracking Log** of cases closed for refusal to cooperate.

If the client contacts the Agent after DFCS has been notified to close the case and expresses a willingness to cooperate, the client will be given one additional opportunity to comply:

- The Agent will schedule a face-to-face interview with the client within five working days of the date the client contacts the Agent.

REFUSAL/FALURE TO COOPERATE (continued)

- The Agent will notify DFCS on the same date to postpone case closure by sending a **Notice of Compliance or Non-Compliance with OIS Investigation**.

If the client fails to keep this final appointment, the Agent will notify DFCS of the non-compliance on a **Notice of Compliance or Non-Compliance with OIS Investigation**. The Agent will not ask for any further delays in closure of the assistance case until the client actually meets with the Agent and cooperates to the minimum degree required.

COMPLIANCE AFTER ASSISTANCE CASE CLOSURE:

Whenever a client actually cooperates with the investigation after OIS has notified DFCS to close the assistance case for non-cooperation or OIS closes the investigation, the Agent will send DFCS a **Disposition Letter** and update documentation in SUCCESS citing cooperation. This will ensure that future assistance is not denied to the client based on failing to cooperate with an OIS investigation that has been resolved.