

CSS Letter: 15-09
November 2, 2015
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assigned arrears owed. However, these cases should be considered “assisted” for the following child support purposes:

Income: The income derived from the K1 and 3F grants is “needs based,” and therefore may not be used in the guideline calculator for any recipient per Family Code (FC) Section 4058(c). While the K1 and 3F programs are funded with state General Fund money, they are still considered CalWORKs and therefore the income received is public assistance.

Unless the K1/3F household has another income source that is not public assistance, no income should be entered for the recipient CP or non-custodial parent on the guideline calculator.

All County Letter (ACL) 14-78 states that K1 and 3F CalWORKs assistance units will be required to report the child support payments they receive in accordance with their CalWORKs and CalFresh income reporting rules to determine if they remain eligible.

Stipulations: FC Section 4065(c) prohibits LCSAs from stipulating to a child support order below the guideline amount if the children are receiving assistance under the CalWORKs program.

Parties who are currently or formerly active on K1 or 3F aid codes and wish to stipulate to an amount other than guideline child support must go to court in order to have their child support amount, both current and arrears, reviewed. Though arrears that accrue while participants are in programs coded as K1 and 3F are not permanently assigned, the arrears may not be waived because they were accumulated while the family unit was on public assistance.

In cases currently coded K1 and 3F, the original CP is not considered aided and there is no assignment of rights, so the CP’s signature would be required for any guideline stipulation. The child support attorney shall advise the court of the aid status of the parties upon request by the court pursuant to FC Section 4004. Further information about these codes is available by viewing [ACL No. 13-70](#).

If you have any questions regarding this matter, please contact the Policy and Program Branch at (916) 464-5883.

Sincerely,

o/s

VICKIE K. CONTRERAS
Deputy Director
Child Support Services Division