

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



October 10, 2001

CSSIN LETTER: 01-30

ALL IV-D DIRECTORS
 ALL DISTRICT ATTORNEYS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: MANUAL OF POLICIES & PROCEDURES (MPP) UPDATE TO
 INCORPORATE CHANGES FROM THE FOLLOWING RULEMAKINGS:

1. R-3-01E LOCATION OF PERSONS AND ASSETS
2. R-4-01E CASE INTAKE PROCESS
3. R-5-01E INTERSTATE CASES
4. R-6-01E ADMINISTRATIVE REPORTING & PERFORMANCE MEASURES

The Department of Child Support Services (DCSS) has adopted four new emergency regulations packages addressing the following issues: a) location of persons & assets, b) case intake process, c) interstate cases, and d) administrative reporting & performance measures. The new regulations adopted into Division 13 of Title 22 of the California Code of Regulations will not be added to the DCSS Regulations Manual as the manual is being phased out. Division 13 of Title 22 of the California Code of Regulations may be viewed at the Office of Administrative Law's website at www.oal.ca.gov.

The Location of Persons & Assets rulemaking: a) establishes definitions of terms related to locating persons or assets, b) specifies location sources required to be used to locate them, and c) specifies who is authorized to request information from those sources and for what purposes.

The Case Intake Process rulemaking: a) defines terms, b) specifies requirements for child support services case opening and processing, c) specifies cooperation requirements for certain recipients, and d) specifies requirements relating to family violence issues.

Reason for this Transmittal

- State Law or Regulation Change
 Federal Law or Regulation Change
 Court Order or Settlement Change
 Clarification requested by One or More Counties
 Initiated by DCSS



The Interstate Cases rulemaking: a) addresses the exercise of long arm jurisdiction, b) describes local child support agency responsibilities when California is the initiating state, and c) describes local child support agency responsibilities when California is the responding state.

The Administrative Reporting & Performance Measures rulemaking: a) identifies collection and distribution report requirements, b) describes activity and statistical report requirements, and c) specifies state and federal performance measure data required to be reported.

As part of these rulemaking packages, related sections of the MPP were repealed. In R-3-01E - Location of Persons & Assets, MPP Sections 12-104.1 through 12-104.432 and Section 12-221 were repealed effective September 4, 2001. In R-4-01E - Case Intake Process, MPP Sections 12-103.1 through 12-103.24, 12-110 and 12-220 were repealed effective September 10, 2001. In R-5-01E - Interstate Cases, MPP Sections 12-104.433 through 12-104.5 and 12-226 were repealed effective September 24, 2001. In R-6-01E - Administrative Reporting and Performance Measures, MPP Section 12-435 regarding collection and distribution reports was repealed effective September 6, 2001.

Revised pages of the MPP are enclosed for replacement in accordance with the following instructions.

Remove Old Page(s)	Insert New Page(s)
23	23
34, 35.1 - 35.3	34
39.5 & 39.6	39.5
40	40
61, 62, & 63	61 & 63
67, 68 & 69	67
79.1	79.1
79.29 & 79.30	79.29

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If you have any questions or concerns regarding this matter, please contact
Lucila Ledesma, Regulations Coordinator at (916) 464-5087.

Sincerely,

LEE D. MORHAR
Chief Counsel

Enclosure

cc: Holders of the DCSS Regulations Manual

CHILD SUPPORT PROGRAM
CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

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12-103 TIME STANDARDS - CASE INTAKE AND RECORDS 12-103

.1 Through .24 Repealed by regulation package R-4-01E, effective 9/10/01.

12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS 12-104

.1 Through .432 Repealed by regulation package R-3-01E, effective 9/4/01.

.433 Through .5 Repealed by regulation package R-5-01E, effective 9/24/01.

12-110 CHILD SUPPORT COOPERATION 12-110

Repealed by regulation package R-4-01E, effective 9/10/01.

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12-211 PROGRAM PERFORMANCE STANDARDS - EXPEDITED PROCESS 12-211

- .1 The district attorney shall meet the time frames at Section 12-109.3 for bringing to a disposition actions to establish child support orders and, if necessary, paternity.
- .2 Failure to meet the requirements specified in Section 12-109.3 shall result in a finding of noncompliance for expedited process.

NOTE: Authority cited: Sections 10553, 10554, 11475, 11475.1(b), and 11479.5, Welfare and Institutions Code. Reference: Sections 15200.8 and 11479.5, Welfare and Institutions Code; and 45 CFR 303.101, and .101(b)(2).

12-220 PROGRAM PERFORMANCE STANDARDS - INTAKE 12-220

Repealed by regulation package R-4-01E, effective 9/10/01.

12-221 PROGRAM PERFORMANCE STANDARDS - LOCATE 12-221

Repealed by regulation package R-3-01E, effective 9/4/01.

**CHILD SUPPORT PROGRAM
PROGRAM PERFORMANCE REVIEWS**

12-222

Regulations

**12-222 PROGRAM PERFORMANCE STANDARDS - PATERNITY
ESTABLISHMENT**

12-222

- .1 The district attorney shall attempt to establish paternity for children under age 18 whose paternity has not previously been established.
 - .11 If the district attorney determines that establishing paternity would not be in the best interest of the child and the case involves incest, forcible rape or pending adoption proceedings, then the district attorney shall not attempt to establish paternity.
 - .111 Such determination and the reasons therefor shall be documented in the case record.
 - .12 Establishment of paternity shall be done in accordance with the standards specified in Section 12-106.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.5(a) and (b).

**12-223 PROGRAM PERFORMANCE STANDARDS - ESTABLISHMENT AND
MODIFICATION OF CHILD SUPPORT ORDERS**

12-223

- .1 The district attorney shall attempt to establish a child support order for cases in which a child support order does not exist.
 - .11 When petitioning the court for child support, the district attorney shall use the statutory child support guidelines in effect at that time to determine the amount of child support sought.
 - .12 Establishment of child support orders shall also be done in accordance with the standards specified in Section 12-106.
- .2 Upon a written request for modification of a child support order the district attorney shall:
 - .21 Review the case.
 - .22 Respond to the request in writing within 90 calendar days of the date the request is postmarked.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.50(a) and 303.4(b) and (d); Section 4720.1, California Civil Code; and 42 U.S.C. 466(a)(10)(A).

12-225 PROGRAM PERFORMANCE STANDARDS - COLLECTION AND DISTRIBUTION (Continued) 12-225

- .322 The total amount of payments to the family, or zero if no amounts were paid to the family.
- .323 In the case of multiple absent parents, a separate listing of collections from each absent parent, or zero if no collections were received from an absent parent.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(a)(3)(i), .32, .37, .51, .52, and .54(a) and (b).

12-226 PROGRAM PERFORMANCE STANDARDS - INTERSTATE CASES 12-226

Repealed by regulation package R-5-01E, effective 9/24/01.

12-227 PROGRAM PERFORMANCE STANDARDS - EXPEDITED PROCESS 12-227

Repealed by Manual Letter No. CS-96-01, effective 7/18/96.

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CHILD SUPPORT COLLECTIONS AND DISTRIBUTION**

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12-430 CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS (Continued) 12-430

2. No interest shall accrue on any past due support for which the payor has made payment to the local child support agency for the six month period, or on any amounts due thereafter until the family is located as long as the local child support agency has returned the funds due to the inability to locate the family.
- (2) When a warrant which is sent to the family pursuant to Sections 12-425(c) and (i) and Sections 12-430(e), (f)(1), (g), and (h) is uncashed, the local child support agency shall take the following actions:
- (A) Declare the check void six months after issuance, and
 - (B) Hold the funds in stewardship for two years after the warrant is declared void. Government Code Section 29802 gives the payee this period of time to seek payment from the issuing agency. At the end of the two-year period, if no payment has been claimed, the funds revert to the county general fund.
 - (C) Funds that revert to the county general fund, pursuant to Section 12-430(k)(2)(B), shall be reported on the CS 820, and as an abatement on the CS 356.2 of the local child support agency's quarterly administrative expenditure claim.

HANDBOOK BEGINS HERE

- (3) Returning Excess Intercepts

Excess intercept collections shall be treated in accordance with Section 12-713.

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 17310 and 17312, Family Code. Reference: Section 14008.6, Welfare and Institutions Code; Section 29802, Government Code; 42 CFR 433.146; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 454B(c)(1) [42 U.S.C. 654B(c)(1)], Section 455(d) [42 U.S.C. 655(d)], and Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)]; Balanced Budget Act of 1997 (P.L. 105-33), Section 5532(b) (conforming amendments in Section 457(a)(6)) [42 U.S.C. 657(a)(6)]; Office of Child Support Enforcement Action Transmittal 97-13, Question 70; and Office of Child Support Enforcement Action Transmittal 97-17, Sections I, V, VI, and VII, and Questions 22 and 41.

12-435 CHILD/FAMILY AND SPOUSAL SUPPORT MONTHLY REPORTS 12-435

Repealed by regulation package R-6-01E, effective 9/6/01.