

Department of Child Support Services



Child Support Program Orientation

Participant Resource Guide - Version 4.0

State of California
Department of Child Support Services

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**Child Support Program Orientation
Participant Resource Guide**

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Written, edited, and produced by the State of California Department of Child Support Services
in association with the DCSS Core Curriculum Development Project Team,
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State of California

Department of Child Support Services

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Chapter 1 **Big Picture**

This chapter provides a history of child support in the United States and an overview of the federal, State, and local agency roles in administering the program.

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DCSS Child Support Program Orientation Participant Resource Guide

History and Organizational Structure of the Child Support Program

History of the Child Support Program

During the post-Depression era, the United States enacted federal legislation establishing the forerunner of today's welfare system. The program was originally initiated to provide all dependent children more stability through financial aid via Title IV-A of the **Social Security Act of 1935**.¹ This act established the Aid to Families with Dependent Children (AFDC) program.

Over the years, public attitudes towards assistance programs changed. What was once a noble cause—supporting families—became the focus of intense criticism. It was suggested that the AFDC program created welfare dependency and families had no incentive to leave the system. Many argued that the welfare system, designed to support children who resided in one-parent households, was becoming an undue financial burden on tax-payers.

In 1975, in response to public pressure, Congress amended the Social Security Act to add **Title IV-D**. This amendment mandated all States establish a program to locate noncustodial parents, establish paternity, establish and enforce child support obligations, and collect, distribute, and disburse support payments. The child support program is often referred to as "IV-D." Federal regulations, codified in Part 300 of 45 Code of Federal Regulations (CFR), further delineated the specific responsibilities of the Federal, State, and local governments.

The **Title IV-E** Amendment to the Social Security Act in 1980 established the Federal and State Foster Care Program to provide financial support for a child who "has been placed in a foster family home or child-care institution". This program is primarily funded from Federal sources. The IV-E Agency is the Foster Care Agency.

Important Legislation

The federal **Child Support Enforcement Amendments of 1984** made the use of income withholding orders mandatory on delinquent accounts. These amendments helped expedite the process of establishment and enforcement of support orders. They also allowed actions such as state income tax refund intercepts, real property liens, and credit reporting on delinquent accounts.

The federal **Family Support Act of 1988** made additional changes to the existing child support processes. The act mandated immediate wage withholding for child support orders issued or modified on or after November 1, 1990. It required mandatory review and adjustment of orders while setting program standards and timeframes. Lastly, it required states to develop a statewide automated child support system.

1. Federal and State social service agencies heavily regulate assistance programs and county welfare departments have the responsibility of implementing these programs.

The federal **Omnibus Budget Reconciliation Act of 1993** mandated that by January 1, 1995, all states were to adopt a simple, hospital-based program that allowed parents to voluntarily acknowledge paternity without going to court. Beginning January 1, 1995, California implemented its Paternity Opportunity Program (POP) that required State birthing hospitals and clinics to provide unmarried parents with the documents and information necessary to voluntarily establish paternity.

The federal **Personal Responsibility and Work Opportunity Reconciliation Act of 1996** (PRWORA, also known as Welfare Reform) changed federal law affecting child support programs across the country. The philosophy of PRWORA is to help families become self-sufficient.

PRWORA created the **Temporary Assistance for Needy Families** (TANF) program, which replaced the Aid to Families with Dependent Children (AFDC) program. The federal government provides a block grant allocation of TANF funds to states, territories, and tribes to cover benefits, administrative expenses, and services targeted to needy families. The purpose of TANF funding is to assist needy families so that children can be cared for in their own homes; reduce dependency of needy parents by promoting job preparation, work, and marriage; prevent out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families.

California's program is called "California Work Opportunity and Responsibility to Kids (CalWORKs)." This welfare program provides cash aid and services to eligible needy California families. The program serves all 58 counties and is operated locally by county welfare departments.

Federal Child Support Performance and Incentive Act of 1998 established the five federal performance measures, data reliability requirements, and performance funding incentives and penalties.

The State **Child Support Reform Act of 1999** in California created a new California Department of Child Support Services (DCSS) and moved local administration of child support programs from the District Attorney's Office to newly created Local Child Support Agencies (LCSAs).

Organizational Structure

This section provides child support program organizational charts and describes child support roles at the federal, state, and local levels. This section also introduces the DCSS program's mission statement.

Child Support Organizational Structure

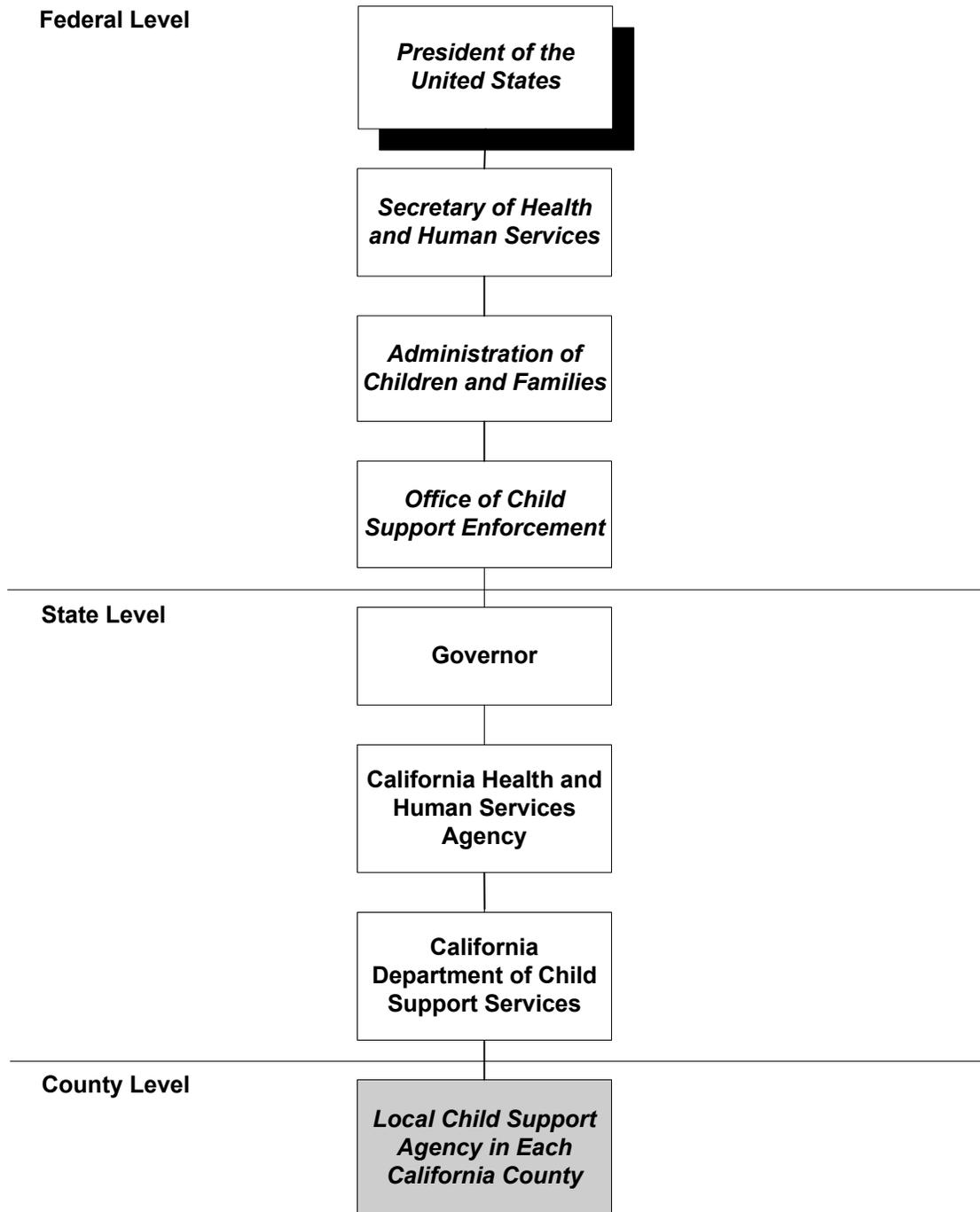


Figure 1: Child Support Organizational Structure

California Department of Child Support Services Organizational Structure

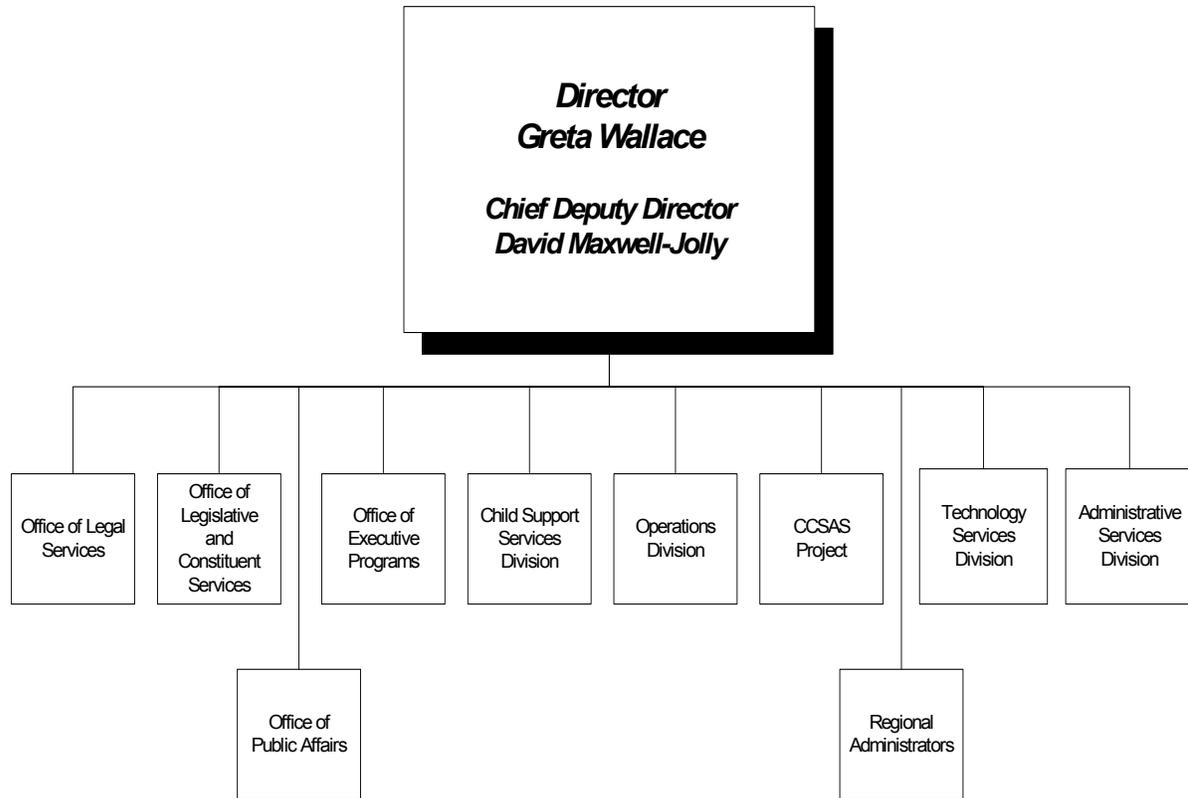


Figure 2: California Department of Child Support Services Organizational Structure

Role of the Federal Government

The Federal Office of Child Support Enforcement (OCSE), under the Administration for Children and Families, Department of Health and Human Services (DHHS) is tasked with overseeing the Child Support Enforcement Program. The federal agency's role is primarily one of administrative, regulatory, and technical assistance to states. Its responsibilities include:

- Promulgating program regulations and instructions
- Reviewing and approving state plans and plan amendments
- Establishing and maintaining a Federal Parent Locator Service (FPLS)
- Funding state programs, including funding of computer systems
- Approving requests for waivers of certain program requirements
- Providing technical assistance to states upon request
- Monitoring program activity through on-site program reviews

- Auditing states' programs for compliance, efficiency, and effectiveness
- Imposing sanctions when a State's plan or program fails to comply with federal laws or regulations

Communication

The OCSE issues a variety of policy documents which are consecutively numbered on an annual basis. For example, the first Action Transmittal issued in 2003 would be AT-03-01.

An index of federal documents including policies, Information Memoranda, Dear Colleague Letters, and Policy Interpretation Questions can be found on the OCSE website at <http://www.acf.dhhs.gov/programs/cse>.

Role of the State Government

The mission of the California Child Support Services Program is to promote the well-being of children and the self-sufficiency of families by assisting both parents to meet the financial, medical, and emotional needs of their children through the delivery of quality child support establishment, collection, and distribution services.

In California, the Department of Child Support Services (DCSS), under the Health and Human Services Agency, is responsible for statewide program supervision. Incentives and sanctions encourage compliance. Responsibilities include:

- Maintaining the State Plan and ensuring its continuous operation
- Seeking legislation as needed to implement program requirements
- Maintaining required management and administrative records.
- Maintaining the California Parent Locator Service (CPLS) operated by the Department of Justice (DOJ) through a contract
- Publicizing the availability of Title IV-D services
- Evaluating the quality, efficiency, effectiveness, and scope of County program operations
- Maintaining a central registry for all interstate requests for support enforcement
- Paying County claims for administrative reimbursement
- Maintaining State-level intercept and/or withholding systems
- Developing regulations
- Developing and disseminating program policies, standards, procedures, and instructions
- Allocating and distributing program funding to counties
- Reviewing, evaluating, monitoring, and recommending Federal approval for electronic data processing efforts undertaken by local jurisdictions
- Providing technical assistance to counties on request

Communication

The California Department of Child Support Services also issues a variety of informational and policy communications. They are numbered sequentially in the same fashion as federal documents and include:

- Child Support Services (CSS) Letters
- Child Support Services Informational Notices (CSSIN)

- Local Child Support Agency (LCSA) Letters
- Training Coordinator (TC) Letters
- Public Information Officer (PIO) Letters
- Paternity Opportunity Program (POP) Letters and Notices

Regional Administrators

California Department of Child Support Services' Regional Administrators, established in State Statute as a part of child support reform, provide a direct link between the DCSS Directorate and local agency directors. This link serves to strengthen the working relationship between DCSS and the local child support agencies (LCSAs). Regional Administrators provide program and performance oversight to the LCSAs in their region and serve as a part of the Executive Office of DCSS. The responsibilities of the Regional Administrator are defined in statute and, more broadly, include:

- Serve as a conduit for effective communication between DCSS and LCSAs
- Expedite resolution of critical issues for local agencies
- Have a visible presence in the LCSA through regular and comprehensive site visits
- Actively participate in the identification and resolution of compliance issues related to State and federal law or regulation
- Continue to monitor and lead DCSS efforts in performance improvement through the evaluation of Quality Assurance and Performance Improvement (QAPI) plans and close oversight of the implementation of performance efforts in each of the LCSAs in his/her region as a part of a statewide continuing improvement effort
- Encourage collaboration and a sharing of best practices between LCSAs
- Participate in briefings with the Director and Chief Deputy on a weekly basis to share performance improvement strategies, provide status updates on key issues emanating from the LCSAs, and to discuss approaches to improve communication and coordination of LCSA issues
- Serve as the Director's representative at meetings with local officials and attend hearings, conferences, or other gatherings at which formal DCSS representation is necessary



Note

State policy documents can be found on the DCSS website at the following address:
<http://www.childsup.ca.gov>.

Role of the Local Government

In California, each county operates an LCSA under the supervision of DCSS. Each county's LCSA has a written agreement (the Plan of Cooperation) with DCSS.

The responsibilities of the LCSA as specified by the plan of cooperation are:

- Maintain appropriate types and numbers of staff to achieve the standards for an effective program
- Perform support enforcement functions including:
 - ✓ Intake (case opening) activities
 - ✓ Location of noncustodial parents (NCPs)
 - ✓ Determination of the NCP's ability to pay support
 - ✓ Determination of the NCP's legal obligation to support his or her dependent children, including paternity determination when necessary
 - ✓ Determination of the amount, terms, and method of payment of the support obligation according to state guideline
 - ✓ Monitoring payment activities and processing cash flow
 - ✓ Enforcement (collection) of support through a variety of legal and administrative remedies
- Comply with general administrative program requirements as follows:
 - ✓ Maintain complete and accurate records of case activity
 - ✓ Safeguard information (confidentiality)
 - ✓ Cooperate with other states in the delivery of IV-D services
 - ✓ Separate cash handling and accounting functions
 - ✓ Maintain an accounting system in conformity with generally accepted accounting standards
 - ✓ Process, distribute, and disburse support collections in compliance with federal and State regulations

The LCSAs may enter into cooperative agreements with other county agencies, courts, and law enforcement officials when necessary to establish and enforce support obligations. They must also cooperate with other states regarding these functions.

Role of Child Support Professionals

Each LCSA is managed by a Director and staffed by child support professionals. Depending on the size of the county of the LCSA, there may be anywhere from one to more than 2000 employees, including attorneys, paralegals, other legal staff, management staff, case workers, clerical and support staff, and financial staff.

The primary focus of the child support professional is to develop rapport with the individuals involved with the case, to establish confidence in the child support program, and to deliver timely, professional child support services. Child support professionals may also be in contact with employers, attorneys, title company representatives, military personnel, other LCSA staff, staff in other LCSAs, state child support staff, other state's child support offices, eligibility and social workers for public assistance and foster care cases, genetic testing specialists, process servers, and court personnel. Child support professionals are the face of the State and LCSA and represent the child support program to the public.

For these reasons, the child support professional is a key figure in the provision of excellent customer service. (See *Chapter 12: Customer Service*, beginning on page 181.)

Because of the sensitive, confidential, and personal nature of a child support case, child support staff must conduct themselves in a professional manner at all times. Maintaining the confidentiality of information is paramount as the child support professional takes appropriate actions within the case. (See *Chapter 2: Confidentiality*, beginning on page 23.)



Note

The actions taken and work performed by a child support professional can make a difference in a child's life.

Federal and State Child Support Performance Measures

Federal Child Support Performance Measures set standards for state funding (incentive system based on program performance).

History of Performance Measures

At the Federal Level

Federal incentive funding has long been a part of the child support program to encourage states to do an effective job in collecting support. The Child Support Performance and Incentive Act of 1998 made significant changes to the incentive formula by shifting the standards for incentive funding from collections and cost-effectiveness to five specific measures of program success. Implementation was then communicated via Action Transmittal 01-01 from the OCSE.

At the State Level

The following is a brief list of performance-related events at the state level:

- Family Code Section 17602(a) requires the Department of Child Support Services to adopt performance standards for the Federal and State performance measures
- CSS Letter 04-01 informed stakeholders of new State performance measures effective July 1, 2004

Performance Measures Table

The following table (Table 1 on page 12) lists the various Federal and State Performance Measures.

Table 1: Federal and State Performance Measures

<i>Categories</i>	<i>Federal Measures</i>	<i>State Measures</i>
<i>Paternity</i>	Paternity establishment percentage	
<i>Court Orders For Support</i>	Percent of cases with a child support order	Percent of cases with a support order established during the report period
<i>Collections on Current Support</i>	Percent of current support due and distributed	Percent of cases with collections of current support
<i>Collections on Arrears</i>	Percent of cases owing and paying arrears	
<i>Cost-effectiveness</i>	Cost-effectiveness performance level	
<i>Additional Measures</i>		<p>Average amount collected per case with a collection</p> <p>Percent of cases with support orders with medical support</p> <p>Percent of cases requiring support order with alleged father and/or obligor successfully served with a Summons and Complaint</p> <p>Complaints per one thousand cases</p>

Data Reliability Standards Federal Requirement

Performance data must be accurate, complete, and reliable to a minimum acceptable standard of 95 percent. The federal government conducts annual audits to verify that each state meets this minimum standard.

Reporting Requirements

The LCSAs report performance data periodically throughout the year. Data for the Federal Fiscal Year (October 1-September 30) is reported annually to the federal government on the OCSE 157 report and the State monitors performance data monthly via what is reported by the LCSAs on the CS 1257 report.

Performance Improvement Tools

The vision of the California Child Support Services Program is: “Children can rely on their parents for the financial, medical, and emotional support they need to be healthy and successful.”

The DCSS has developed and implemented a Strategic Plan and a Quality Assurance and Performance Improvement Program (QAPI) program to further support this vision.

Strategic Plan

The **California Child Support Services Program Strategic Plan** was created through a collaborative process involving LCSA Directors, customers, and other stakeholders. It represents the Department’s ongoing commitment to put children first and establishes the following statewide program goals and objectives through federal FY 2009:

- Improve the performance of California child support services program
- Establish and implement a single, statewide automated child support system
- Promote statewide consistency and efficiency of child support practices among the program’s governmental partners
- Enhance customer service to child support program clients

Quality Assurance and Performance Improvement (QAPI)

QAPI provides a statewide approach to managing in a performance-based environment. Specifically, QAPI is a process that all LCSAs use to achieve improvement in their program performance. The QAPI process reflects continuous quality improvement principals and approaches in a performance improvement cycle that includes planning, implementing, and monitoring outcomes. The purpose of QAPI is to:

- Improve performance statewide
- Ensure program effectiveness
- Improve customer service
- Maximize program resources

Each LCSA is required to maintain a QAPI plan with annual updates submitted to DCSS that describes its organizational structure and QAPI team, its local performance targets, and action plans which, when implemented, will enable the LCSA to achieve its performance goals. To prepare the action plans, the LCSA reviews performance data and other available indicators to identify program areas in which improvement is needed. The action plans identify a series of projects and activities the LCSA will undertake during the plan year targeting specific areas needing corrective action or improvement. Examples include taking case-specific enforcement action where needed, implementing case clean-up activities, or analyzing and changing existing business practices.

Once the QAPI plan update is approved by DCSS, the LCSA implements the action plan activities and monitors and measures the outcomes of those activities over the course of the year. The process is repeated annually as the LCSA reviews the outcomes of previous year activities, analyzes program data and other indicators, and begins the process of planning for the next update.

Compliance

Compliance within the Child Support Program context refers to LCSAs adhering to and/or meeting State and federal mandated case management requirements. These requirements govern actions LCSAs must take when managing child support cases and set specific timeframes for those actions. Adherence to these requirements is the subject of quarterly and annual compliance self-reviews, conducted by LCSA staff, under the direction of and subject to monitoring by DCSS. The LCSA must be in compliance or in the process of completing corrective action as a condition of continuing to receive its share of State funding. This process also meets federal OCSE requirements for states to conduct annual self-assessments of program compliance.

Civil Rights

What are Civil Rights?

Civil rights are personal rights guaranteed and protected by the U.S. Constitution and by subsequent acts of Congress, such as the Civil Rights Act of 1964. They include, for example, the right to be free from discrimination.¹ Such protection against discrimination is also provided for in State law.

The DCSS, the LCSAs, and any other recipient of IV-D federal financial assistance and/or state financial assistance are covered by federal and State laws in the provision of services to the public.

Federal and State laws provide that no person in the State of California shall on the basis of ethnic group identification, race, color, religion, sex, national origin, disability, marital status, or age be excluded from participation in, denied the services of, or otherwise subjected to discrimination under any program or activity funded by the State or federal government.

A person or someone on his or her behalf may file a civil rights complaint with the LCSA or with the Office of Civil Rights of the U.S. Department of Health and Human Services (DHHS) which enforces the federal laws that prohibit discrimination by human service providers that receive funds from DHHS.²

With regards to these service based Civil Rights discrimination complaints, each LCSA has designated a Civil Rights Officer to handle the complaints.³

With regards to employment discrimination complaints, any employee of the LCSA who believes he or she has been subjected to discrimination is urged to contact his or her local county human resources department.

California's Policy

California's Non-Discrimination Policy is stated on page 3 of the Child Support Handbook published by the DCSS. The Child Support Handbook can be found online at <http://www.childsup.ca.gov/library.asp>.

Child Abuse and Neglect Reporting Act

As defined in California Penal Code Section 11164(b), the intent and purpose of this act is to protect children from abuse and neglect. "Child abuse or neglect" includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Penal Code section 11165.1, neglect as defined in Penal Code section 11165.2, willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Penal Code section 11165.3, and unlawful corporal punishment or injury as defined in Penal code section 11165.4. (California Penal Code Section 11165.6)

1. U.S. Dept. of Health & Human Services, Office of Civil Rights - FAQ Sheet, www.hhs.gov/ocr

2. U.S. Dept. of Health & Human Services, Office of Civil Rights - Fact Sheet: "Know Your Civil Rights"

3. LCSA Letter: 02-19 (July 18, 2002)

As a Child Support Professional you are considered a “Mandated Reporter” under the Child Abuse and Neglect Reporting Act. “A mandated reporter shall make a report to an agency specified in 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practically possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written followup report thereof within 36 hours of receiving the information concerning the incident.” (California Penal Code Section 11166(a))

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. (California Penal Code Section 11166(c))



Note

The agencies specified in California Penal Code Section 11165.9 are “any police department or sheriff’s department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department”.

California Child Support Automation System

The mission of the California Child Support Automation System (CCSAS) Project is to create a single statewide system for child support that delivers effective and efficient services to all users and customers.

CCSAS Components

The CCSAS will include two functional components, namely the Child Support Enforcement component (CSE) and the State Disbursement Unit (SDU).

Child Support Enforcement (CSE)

The CSE component of CCSAS includes:

- Case Management (for example: Case Initiation, Locate, Customer Service, Enforcement)
- External Interface Management
- Member/Participant Data
- Support Order Information (for example: Establishment, Modification)

State Disbursement Unit (SDU)

The SDU component is a centralized state operation to collect and disburse court ordered child support payments including Non IV-D payments that are paid by wage withholding. The SDU will process child support payments and issue disbursement checks to receiving families. After all LCSAs have transitioned to the SDU, they will no longer collect and disburse child support payments. Child support payments will be mailed directly to the SDU at the following address:

California State Disbursement Unit
P.O. Box 989064
West Sacramento, California 95798-9064

In Summer 2006, a few changes will take place that will assist in a more convenient process for making and receiving payments. Credit card services will become available statewide. This will be of interest to noncustodial parents (NCPs) because it will allow them to make payments using a credit card over the SDU's secure internet website. NCPs will also have the option to pay by electronic funds transfer (EFT) from a checking or savings account.

The other important change is custodial parties (CPs) will have instant access to support dollars through the implementation of an electronic payment card (EPC), similar to an ATM card, which can be used at ATM machines, as well as retail outlets.

You can learn more about SDU by accessing the links shown below:

- <http://www.childsup.ca.gov/sdu>
- https://www.casdu.com/CAS_SDU

Statewide Uniformity with CCSAS

The following comparison demonstrates the conceptual process for statewide uniformity. This goal will be achieved through gradual LCSA implementation of CCSAS through 2008.

<i>Before CCSAS</i>	<i>CCSAS Version 1</i>	<i>CCSAS Version 2</i>
6 separate consortia systems	2 consortia systems (ARS and CASES)	1 single, statewide, automated system
6 business languages	2 business languages	1 business language
Numerous business practices	Transition to uniform practices	Uniform practices

CCSAS Information on the Web

You can learn more about CCSAS by accessing the links shown below.

- <http://www.childsup.ca.gov/project/ccsas>
- <http://ccsasweb/orientation/default.asp>

Case Evaluation

This section describes the basic information a child support professional uses to evaluate a case. Case evaluation can be a complicated process and the concepts described below are not the only ones you will use on the job. However, they will help you evaluate a case not only by the facts, but with the broader goals and objectives of the child support program in mind.

Use of Filters

There are six essential values that you, a child support professional, should remember when evaluating a case. These values will act as “filters” to help you sift through the facts of a case in a professional manner.

List of Values

DCSS requires that all child support professionals adhere to the following values when performing their individual responsibilities:

- **Commitment to Children & Families**– “We believe in a shared commitment among parents, communities, and agencies to put the well-being of children above all else.”
- **Fairness and Respect** – “We embrace the diversity of people, recognize their needs, and treat each individual with fairness, equity, and consideration.”
- **Quality Customer Service** – “We are committed to providing timely, courteous, and responsive services to our customers.”
- **Cooperative Partnerships** – “We promote sharing, cooperation, and joint effort with families, communities, and agencies in an environment of trust and open communication.”
- **Integrity and Ethical Conduct** – “We uphold the highest ethical standards of personal and professional conduct, not allowing personal interests or beliefs to interfere with our professional responsibility. We will ensure the privacy and security of the personal information so critical to our mission.”
- **Operational Excellence** – “We proactively seek the most efficient and effective ways to meet the needs of children and families.”

Understanding Basic Case Flow

By understanding how each of the functional categories work together as a whole, the evaluation of a case or process becomes easier. It provides a context with which to view a case. The basic elements of case flow are:

1. Intake
 - Request for Services
 - Case Initiation and Update
2. Locate
3. Establishment
4. Enforcement
5. Financial Management
6. Case Closure

Identifying Basic Data Elements in a Case

By identifying the basic data elements, you will be able to identify where a case is in its' life cycle and identify the functional area in which the next appropriate action should take place.

Case Status

1. Is the case open or closed?
2. Where are the parties?
 - Local – All parties are within your county
 - Intrastate – All parties are within the State
 - Long-arm – The legal authority for one state to assert personal jurisdiction over someone who lives or is served with process in another state
 - Interstate – One of the parties is in another state and the LCSA is working with a IV-D agency in the other state to establish or enforce the order
3. What is the case status?
 - Never Assistance
 - Current Assistance
 - Former Assistance
4. What service is the LCSA providing? Cases may require establishment and/or enforcement of:
 - Paternity
 - Current child support
 - Arrears
 - Medical support
 - Locate services only
 - Spousal support

Case Participants

1. Direct participants
 - Custodial party (CP)
 - Noncustodial parent (NCP)
 - Dependent or child
2. Other related participants
 - LCSA caseworker
 - SDU worker
 - DCSS worker
 - Local welfare department caseworker
 - Other IV-D agency caseworker
 - Ombudsperson case worker
 - Private attorney
 - Court staff
 - Child Support Commissioners
 - Family Law Facilitator
 - Employers
 - Domestic violence agency

Chapter 2 **Confidentiality**

This chapter lists the applicable California Code of Regulations (CCR) pertaining to confidentiality of the Department of Child Support Services (DCSS).

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Participant Resource Guide**

Confidentiality and Record Keeping

California Code of Regulations, Title 22, Division 13, Chapter 1, Subchapter 1, Article 5, commencing with Section 111420

Section 111420. Record Maintenance.

Each local child support agency shall maintain records necessary for the administration of the Title IV-D program, and the date of each, including all of the following:

- (a) Applications for child support services.
- (b) Actions to locate noncustodial parents, to establish paternity and to obtain, modify, and enforce support orders, including medical support, and the costs incurred in such actions. This includes any relevant facts and actions taken by the local child support agency and the results of such action.
- (c) The amounts and sources of support collections and the distribution of these collections.
- (d) Any fees charged or paid for support enforcement services, or any other administrative costs.
- (e) Any statistical, fiscal, and other records necessary for reporting and accountability pursuant to 45 Code of Federal Regulations, Section 302.15(a)(7).
- (f) All records pertaining to complaint resolution specified in Chapter 10.
- (g) Any other information and documents not required by subsections (a) through (f) pertaining to the case.

Note

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: 45 Code of Federal Regulations, Sections 302.15 and 303.2.

Section 111430. Safeguarding and Confidentiality of Child and Spousal Support Information.

(a) Child and spousal support information used in the administration of the Title IV-D Program shall be considered confidential and shall not be disclosed for any purpose not directly connected with the administration of the child and spousal support enforcement program, unless expressly authorized under this Article. For the purposes of this Article, information means all files, applications, papers, documents, and records including those maintained in an electronic format, on microfilm or microfiche.

(b) Information considered confidential under this Article consists of:

(1) Child and spousal support enforcement records related to:

(A) Determination of paternity.

(B) Establishment, modification, and/or enforcement of child support and medical support orders.

(C) Establishment, modification, and/or enforcement of spousal support orders.

(2) Information related to abducted children or the location of the concealing, detaining, or abducting person.

(3) Information related to crimes against a child.

(c) All records and information obtained from other sources such as the Federal Parent Locator Service, Department of Motor Vehicles, Department of Justice and private financial institutions shall be safeguarded in accordance with the requirements set forth by those sources.

Note

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 17212, Family Code; Section 11478.1, Welfare and Institutions Code; and 45 United States Code, Section 654 (26).

Section 111440. Disclosure of Information.

(a) Disclosure of information specified in Section 111430 is authorized as follows:

(1) Information may be disclosed to public agencies for administrative, civil, or criminal investigations, actions, proceedings, or prosecutions directly related to the administration of the Title IV-D program, and other entities as permitted by state or federal law.

(2) Information may be disclosed to the local agency responsible for the administration of the Title IV-D program in another state.

(3) Information may be disclosed to the local agency responsible for the following programs funded under the federal Social Security Act:

(A) Title IV-A.

(B) Title IV-B.

(C) Title IV-E.

(4) A document requested by the person who wrote, prepared, or furnished the document may be disclosed to that person or his/her designee, if the designee has written authorization.

(5) A payment history of an obligor pursuant to a support order may be disclosed to the obligor, court, or person on whose behalf enforcement actions are being taken or to his/her designee, if that designee has written authorization.

(6) Income and expense information of either parent may be disclosed to the other parent or custodial party for the purpose of establishing or modifying a child support order.

(7) Medical insurance information for a child may be disclosed to the other parent or person having custody of the child for the purpose of establishing, modifying, or enforcing a medical support order.

(8) Any information required to be disclosed by a court order may be disclosed to the person designated in the court order.

(9) Public records subject to disclosure under the Public Records Act may be disclosed.

(10) Information may be disclosed to the courts for Title IV-D related activities.

(11) Information may be disclosed to a district attorney, law enforcement agency, state or county child protective agency, or for use in any judicial proceeding, to the extent permitted by federal and state law and regulation, for the following purposes:

(A) In aiding or assisting in the investigation or prosecution of cases involving child abduction.

(B) The prosecution of a crime against a child.

(C) For the protection of a child.

(12) Information may be disclosed to individuals who are authorized access to information from the Federal Parent Locator Service.

(b) Notwithstanding any other provision in these regulations, the disclosure of information on the whereabouts of one party or the child to the other party shall be prohibited in any of the following circumstances:

(1) The local child support agency has reason to believe that release of the information may result in physical or emotional harm to the party or the child; or

(2) A good cause claim, pursuant to Section 11477.04 or Section 14008.6, Welfare and Institutions Code, has been approved or is pending; or

(3) A protective order has been issued by a court or administrative agency.

Note

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 3752(c) and 17212, Family Code; and Sections 11477.04, 11478.1, and 14008.6, Welfare and Institutions Code.

Section 111450. Record Retention.

All closed Title IV-D case records shall be retained for four years and four months from the date of case closure, except case records that are the subject of any of the following, which shall be retained until the closure of:

- (a) An open federal or State audit.
- (b) A pending civil litigation, or a court order requiring such records be maintained for an extended period.

Note

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: 45 Code of Federal Regulations, Sections 302.15 and 303.11(d).

Section 111460. Record Disposal.

(a) Each local child support agency shall ensure that the records maintained pursuant to Section 111420 are disposed of as specified below.

(b) Confidential records shall be destroyed in one of the following manners:

- (1) Shredding.
- (2) Recycling which results in destruction of the records.
- (3) Burning.
- (4) Erasure.
- (5) Obliteration.
- (6) Burial.

(7) Permanently deleting, erasing, and/or purging electronic, microfilm, and microfiche records from computers, hard-drives, floppy disks, magnetic media, and other software programs. Electronic documents that have been printed or reproduced into a hard copy shall be destroyed as specified in subparagraphs (1) through (6) above.

(c) Records destroyed as specified in subsection (b)(6), shall be obliterated in a manner that ensures the information contained in these records is indecipherable prior to burial.

(d) Records containing criminal history information not related to the parents failure to provide support, shall be destroyed as specified in subsection (b) within four years and four months of the date the case was closed.

(e) If the records specified in this Article are destroyed by a third party, a local child support agency shall include a confidentiality clause in the contract with the third party to ensure record confidentiality through destruction.

Note

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 17531, Family Code.

Chapter 3 **Case Flow**

This chapter introduces the Department of Child Support Services (DCSS) case flow process.

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Case Flow Introduction and Flow Chart

This chapter introduces child support case flow and how the functional areas of child support interact. The purpose of this section is to demonstrate the most fundamental flow of a case through its life cycle.

Introduction

With an understanding of a case life cycle the child support professional can identify where a case is in its life cycle, identify the next logical action or function that should take place in a case, and understand how the functions within the case flow work together.

Federal and State Timeframes

Although there are no federal and State timeframes that cover the overall flow of a child support case, certain stages of a case must be completed within specific timeframes. The timeframes that regulate the various stages in a case's life cycle (see *Figure 1* below) are listed at the beginning of each corresponding chapter.

Case Flow Flowchart

Figure 1 represents a general overview of the life cycle of the "ideal case" from intake to case closure. The functions identified are the basic categories of work as defined by the DCSS. To meet compliance regulations, the Local Child Support Agency (LCSA) must complete each function within a specific timeframe.

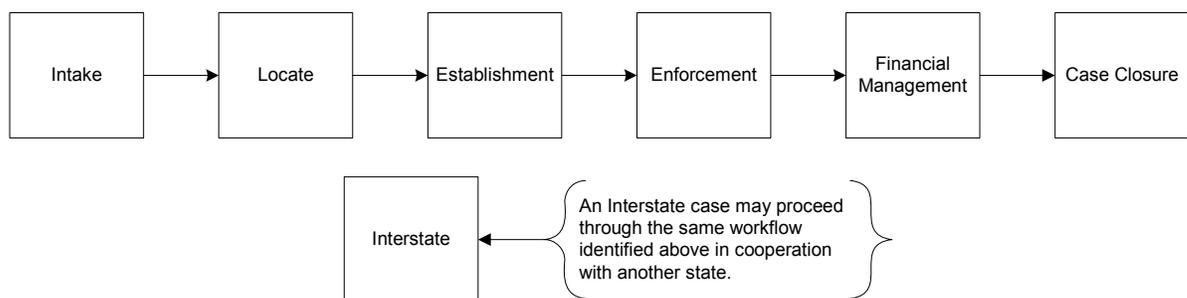


Figure 1: General Overall Workflow for a Case

Chapter 4 **Intake**

This chapter provides an overview of the Department of Child Support Services (DCSS) intake process and explains how a case is initiated.

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Introduction to Intake

Intake is the process of responding to a request for child support (IV-D) services and seeking to obtain the best information possible to initiate the case and establish a case record.

This chapter provides an overview of the intake process.

The Importance of Intake

The case intake and initiation process is critically important to enabling effective child support program services. Information obtained and recorded will impact all other functions throughout the life cycle of the case. Intake is most often the first point of contact an applicant has with the Local Child Support Agency (LCSA) and can set the tone of the relationship between the two.

Federal and State Timeframes

- Provide the application package on the day it is requested in person or within 5 business days of a telephone or written request
- Accept a signed application form on the day it is received from a custodial party (CP) who is not currently receiving public assistance or a noncustodial parent (NCP)
- Accept all referrals from the local welfare department on the day they are received
- Upon receiving an interstate referral from the California Central Registry, immediately notify the caseworker in the initiating IV-D agency if additional information is needed
- Within 20 days of receiving a request for child support services, open or re-open a case and establish a case record
- Within 10 calendar days of opening a case on a welfare referral or a non-welfare application, interview the CP or the NCP (if NCP is the applicant) to obtain information necessary to pursue paternity and establish or enforce an order



Note

According to California Code of Regulations, Title 22, Section 110244, “day’ means calendar day unless otherwise sepcified.”

The Intake Process

Request for Services

Requests for services originate from three different sources: Non-Welfare, Welfare, and Interstate.

Non-Welfare

When a CP or NCP requests an application package, compliance measures dictate we must “Provide the application package on the day it is requested in person, or within five business days of a telephone or written request.” We must also accept a signed application form on the day it is received from a CP or NCP who is not currently receiving public assistance.

Welfare

The referral from the county welfare department includes the “Referral to Local Child Support Agency” Form CW 371 as required by the California Department of Social Services (CDSS), the “Support Questionnaire” Form CW 2.1Q, the “Notice and Agreement” Form CW 2.1, and the “Attestation Statement”¹ Form CS870 if applicable. The compliance measure is to accept all referrals from the local welfare department on the day they are received.

There are three types of referrals we receive from the local welfare department:

- **CalWORKs** – California Work Opportunity and Responsibility to Kids, family is receiving cash assistance
- **Medically Needy Only** – Receiving medical assistance only, no cash
- **Foster Care** – The 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting

Assignment of Rights

As a condition of eligibility for receiving public assistance, the custodial party must agree to assign to the local child support agency any rights for child, spousal, or medical support payments, including arrearages, paid by the noncustodial parent in exchange for receipt of a cash assistance grant and other benefits. At the time of applying for public assistance, the CP must sign Form CW 2.1 “Notice and Agreement” which outlines the assignment and cooperation rules. Local child support agencies can then use a portion of child support to defray or recoup the public assistance expenditure. Assignment of rights can also occur by operation of law. For example, court placement in foster care results in assignment of rights.

1. An Attestation Statement is required if the CP indicates she does not know who the NCP is or does not have sufficient information regarding the NCP for the LCSA to pursue.

Interstate Sources

Out of state referrals are forwarded to your LCSA through the California Central Registry when one of the parties resides in your county. If additional information is needed, we have 10 business days to notify the caseworker in the initiating IV-D agency.

Case Opening Process

Within 20 calendar days of receipt of any request for IV-D services, the LCSA must open or re-open a case and required information must be solicited and/or verified. A case will be reopened if there is new information that could lead to establishment or enforcement of an order. Key data elements such as all actions taken, each contact made, pertinent dates, names, and results relevant to the case must be entered into the LCSA's automated child support system and a paper file created.

Cooperation vs. Non-cooperation

As a condition of CalWORKs eligibility, the recipient is required to cooperate with the LCSA in identifying and locating the NCP, establishing paternity, obtaining child support payments, and/or appearing at interviews and legal proceedings. The penalties for failure to cooperate (non-cooperation) can be discontinuance or reduction of a cash grant from the county welfare department.

Good Cause

A CalWORKs recipient may be excused from cooperating with the LCSA due to good cause. The determination of good cause is made by the local welfare department. Some examples of good cause are:

- Increased risk of abuse to a child or CP
- Conception of a child by rape or incest
- Adoption of child pending

The LCSA shall suspend all child support services when notified by the county welfare department that good cause is pending. The LCSA shall terminate all child support services and close the case when notified by the county welfare department that good cause or has been granted.

Interview

Within 10 calendar days of opening a case on a welfare referral or a non-welfare application, the LCSA must interview the CP or the NCP (if NCP is the applicant) to obtain information necessary to pursue paternity and establish or enforce an order. If an interview was conducted prior to opening a case, that satisfies this requirement (112100e).

During the Interview

- Review forms, solicit additional information, and/or complete forms as necessary (CP is often your best resource)
- Educate customer on rights and responsibilities and the child support process

-
- If family violence is determined, record the determination by flagging the case record with the family violence indicator. The family violence indicator must be activated in the county's automated system for submission by DCSS to the Federal Case Registry.
 - Determine if paternity is at issue and complete a paternity questionnaire if necessary
 - Share local resource information if appropriate, for example:
 - ✓ Family Law Facilitator
 - ✓ Victim services
 - ✓ Substance abuse referrals
 - ✓ Court clerk's office
 - ✓ Legal aid/lawyer referral service

Assess and Refer for Next Appropriate Action

After opening a case, an assessment is needed to determine what the next appropriate action is. Some examples of questions to consider while making the assessment are:

- Do we have valid locate on the noncustodial parent?
- Does an order exist for relief sought?
- Is paternity at issue?
- Will this be an interstate case?

Intake Workflow

Figure 1 shows the intake process and possible actions.

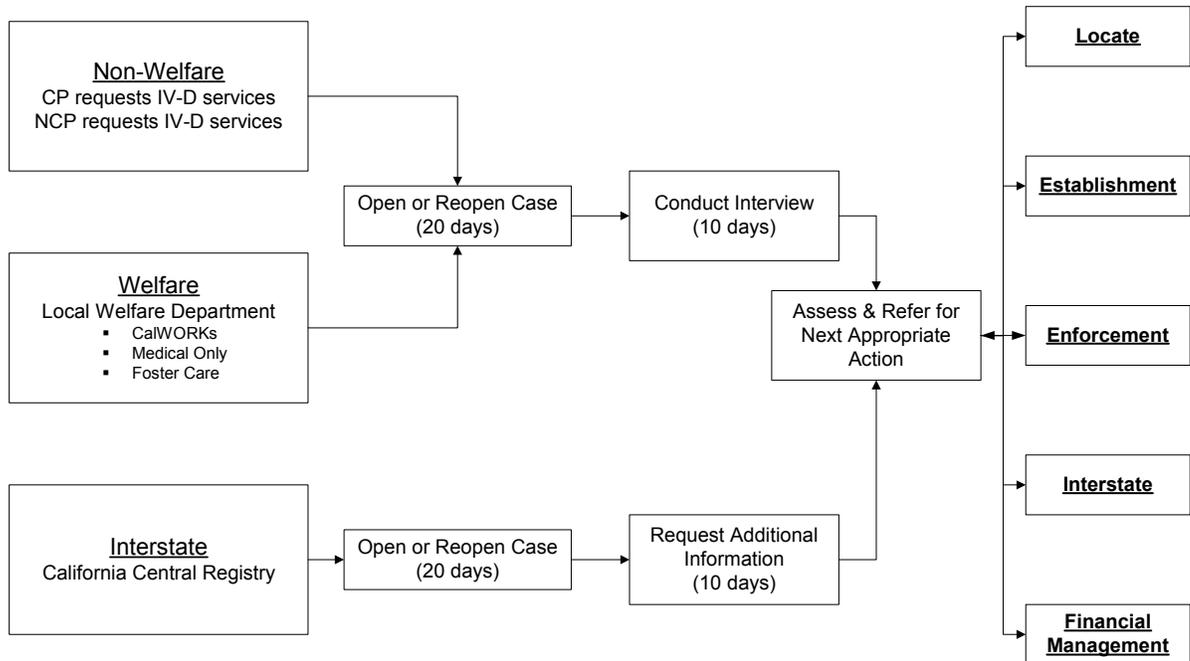


Figure 1: Intake Workflow Flowchart

Chapter 5 **Locate**

This chapter introduces the tools necessary to perform the task of locating individuals and their assets in order to establish and enforce orders for support.

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Introduction to Locate

“‘Locate’ or ‘Location’ means information concerning the physical whereabouts of the custodial party [CP], non custodial parent [NCP], non custodial parent’s employers, or the non custodial parent’s sources of income or assets which is used for the purpose of establishing paternity and establishing, modifying and/or enforcing a child support obligation.” (California Code of Regulations, Title 22, Section 110413).

Federal and State Timeframes

- 75 days to access all appropriate State, federal, and local locate sources after it has been determined that the NCP is lost or assets need to be located
- Immediately act upon new information received that could lead to locating the NCP or the NCP’s assets
- Quarterly locate attempts must be made on each case in which the location of the NCP and/or assets is needed in order to proceed
- Within 5 business days of determining that contact with a CP has been lost and that CP must be located because the LCSA has a child support collection to distribute to that CP, the LCSA shall attempt to locate the CP for six months using the same locate resources available to locate an NCP.

The Locate Process

Locating Individuals

It may become necessary to locate individuals in order to take the next appropriate action on a child support case.

Circumstances that require locate activities for an NCP include:

- Service of process
 - ✓ Establishing paternity
 - ✓ Establishing a support obligation
 - ✓ Modifying a support obligation
 - ✓ Enforcing a support order/obligation
- To determine jurisdiction
- Contact to gain additional information regarding the child support case
- Disbursement of refunds

There are also several reasons to locate a CP, including:

- Loss of contact
- Disbursement of payments when a CP's address is unknown
- Contact to gain additional information regarding the child support case

Locating Assets

It may become necessary to locate an NCP's income and assets in order to take the next appropriate action on a child support case. During the establishment process, locating an NCP's income and assets is necessary:

- To establish a support order based on guideline support
- For review and adjustment of an existing order to include a support obligation

During the enforcement process, NCP asset information is needed to:

- Enforce a support obligation
 - ✓ Serve Order/Notice to Withhold
 - ✓ Serve National Medical Support Notice (NMSN)
 - ✓ Initiate other appropriate enforcement actions
- Complete a review and adjustment of a support obligation

Locate and Other Child Support Functions

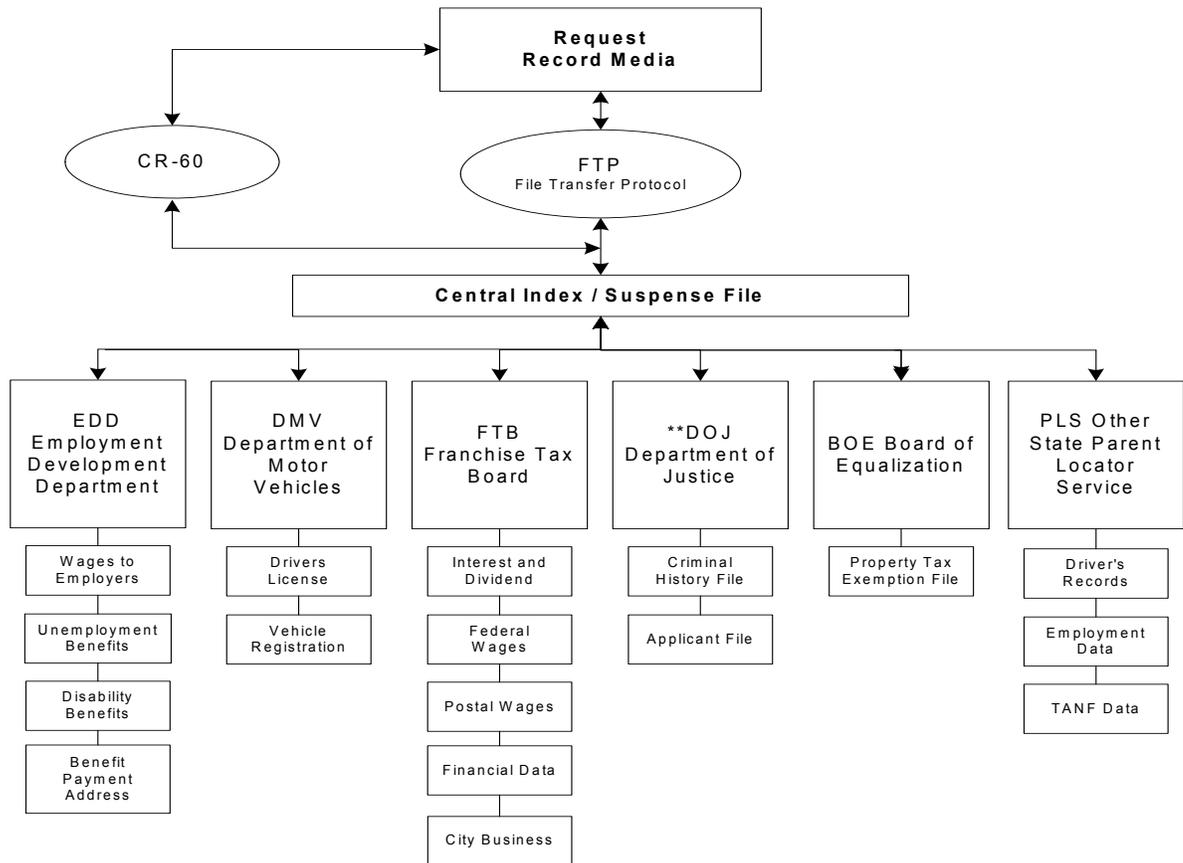
The need for locate can occur at any point and must be initiated within the appropriate timeframes.

- **Intake** – During the intake process, if an NCP's location or assets are unknown, the appropriate locate activities must be initiated
- **Establishment** – To locate the NCP for service of process and verify assets and wages
- **Enforcement** – To locate the NCP's employer or assets
- **Financial Management** – To disburse collected payments to either the NCP or the CP

California Parent Locator Service (CPLS)

Local Child Support Agencies (LCSAs) may submit requests for information from CPLS by several different methods, some of which include paper requests or electronic media. The manner in which the request is submitted determines how the response is returned.

The following flowchart shows how an LCSA sends and receives information from CPLS sources.



** DOJ interface will end once CCSAS Version 1.3 is turned on.

Figure 1: California Parent Locator Service Data Flow

Federal Parent Locator Service (FPLS)

The following diagram shows the Federal Case Registry (FCR) data flow and how it relates to the FPLS.

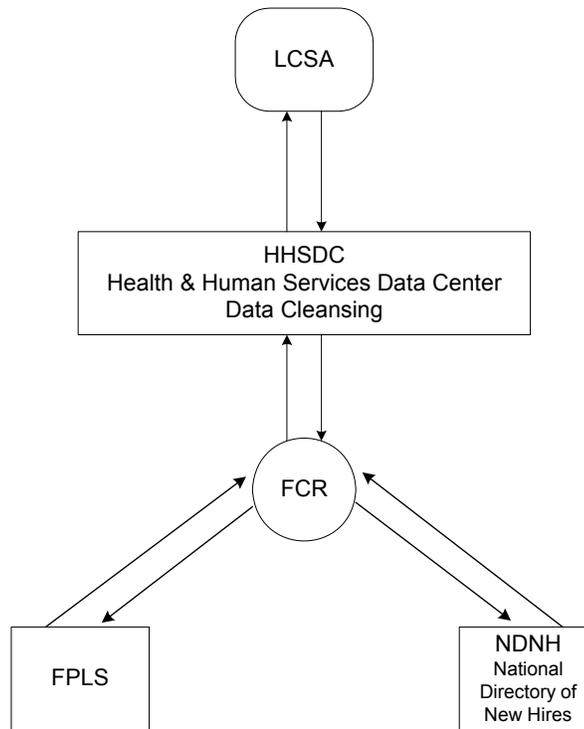


Figure 2: Federal Parent Locator Service - Federal Case Registry Data Flow

Once a case is opened information is sent to FCR where it is matched against NCP demographic information in a variety of federal databases such as IRS, SSA, and FBI.

Other Sources of Locate Information

The Department of Child Support Services (DCSS) mandates that LCSAs use all appropriate locate sources when the NCP's location is unknown. These locate sources include but are not limited to:

- The CP
- United States Postal Service for postal verification
- Internet
- Credit reporting agencies
- Voter registration
- Friends and relatives
- Private locate sources when appropriate

Documentation and Follow Through

When performing locate activities and information is received, it is imperative to interpret the information.

- Data validity - ensure that the information pertains to the case in question
- Data reliability - enter the information correctly
- Document that information was received and update all information provided
- Take the next appropriate action

Locate Workflow

The following flowchart (*Figure 3*) illustrates the locate process.

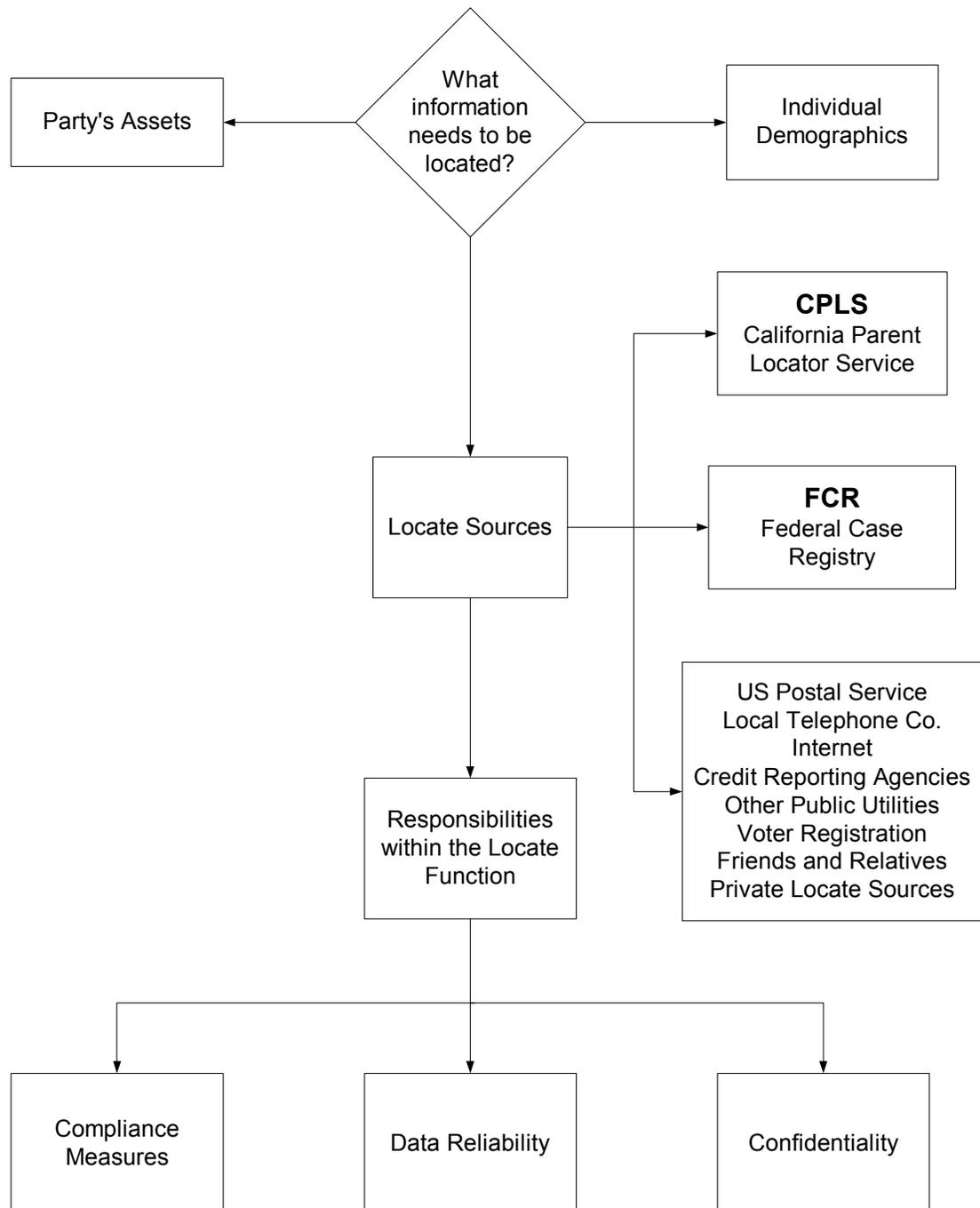


Figure 3: Locate Workflow

Chapter 6 **Establishment**

This chapter outlines the process of obtaining a court order in the Department of Child Support Services (DCSS) child support system.

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Introduction to Establishment

Most people associate the duties of a Local Child Support Agency (LCSA) with collecting money from a noncustodial parent (NCP) and disbursing the money to the custodial party (CP).

However, before an LCSA can collect support from an NCP, there must be an enforceable child support order. This chapter discusses the actions an LCSA takes in order to establish a child support order.

Federal and State Timeframes

- 60 days to serve or attempt service from the date the CP provides the NCP's residential or employer information
- 90 days to serve or attempt service from the date the NCP is located by the LCSA
- 180 days to establish parentage or a support order on 75 percent of the cases from the date of service
- 365 days to establish parentage or a support order on 90 percent of the cases from the date of service

What is an Enforceable Child Support Order?

An enforceable child support order is a legal decision which states how much child support must be paid by the NCP. We will use the term "child support order" throughout this section to refer to that legal decision.

A child support order may contain:

- An ongoing child support amount
- A past due child support amount
- Health insurance coverage
- An income withholding order

A child support order may also contain additional elements of support such as:

- Child care
- Medical bills
- Education
- Transportation

Some child support orders also establish parentage and paternity (or fatherhood), where the parents are unmarried at the time of conception, and paternity has not already been established by a previous order or a voluntary declaration of paternity. In California, these voluntary declarations are called Paternity Opportunity Program (POP) Declarations.

Court orders for support can be established through a legal action filed by a governmental agency (for instance, an LCSA or another jurisdiction's child support agency), a dissolution of marriage (divorce), or a private legal action between two unmarried persons.

When the CP requests to have a case opened, the CP will be asked if a voluntary paternity declaration has been signed and if there is an existing child support order. Based on that information, a series of legal actions will establish the LCSA's authority to collect support.

Establishment of a Child Support Order

Determining Legal Actions to Establish a Child Support Order

After the LCSA opens a new child support case (See *Chapter 4: Intake*, beginning on page 33.) a child support professional reviews the case file and determines the proper steps needed to establish the LCSA's legal authority to enforce child support.

- If a child support order does not exist, the LCSA will begin legal actions to create a new child support order
- If an order does exist, the LCSA will begin legal actions to make that existing order payable to the LCSA

Examples of existing orders include:

- A dissolution judgment (divorce) between the CP and NCP which occurred in a California county or in another state
- Any private child support order between the CP and NCP which was court ordered in a California county or in another state
- A child support order obtained by a California LCSA
- A child support order obtained by another child support agency in another state or county

Establishing a new child support order or making an existing child support order payable to the LCSA allows the LCSA to take enforcement actions. (See *Chapter 8: Enforcement*, beginning on page 97.) In either situation, the LCSA must file specific California Judicial Council forms with the local superior court. The LCSA must then properly notify the CP and NCP of the legal actions being taken by sending copies of the filed forms to them.

Establishment of a New Child Support Order

Step 1: Determining the Child Support Amount

Before filing a lawsuit for a new support order, a child support professional must calculate a proposed child support amount using uniform guidelines established by California law (Family Code Section 4055-4076). The DCSS allows LCSAs to use commercial software that performs these calculations, but the software must adhere to California guidelines. In the future, LCSAs will use the state DCSS' child support guideline calculator.

The calculation of a child support amount is based on a number of factors, including:

- Income information from both parents
- The number of biological and adopted children of both parties
- Percentage of time the children are under the care and control of the NCP

Income Information

Examples of the types of income information a child support professional uses when determining a child support amount are:

- Wages from employment
- Tips, bonuses, and commissions
- Rental income
- Royalties
- Interest and dividends
- Pension
- Unemployment insurance benefits
- Disability (For example, Worker's Compensation or Social Security)
- Any other payments/credits due or becoming due

For a regulatory definition of earnings see “Earnings and Employers” on page 99.



Note

Public Assistance or Supplemental Security Income/State Supplemental Payments (SSI/SSP) are not considered income and shall not be used in a child support calculation.

The Number of Children

Child support is calculated on a “per child” basis. The number of children for whom support is sought, in most cases, affects the amount of support calculated for each child. The number of other children for whom the NCP is financially responsible can also affect the calculations.

Primary Care and Control (Visitation)

The percentage of time the children visit with the NCP can have an affect on the amount of guideline child support. In general, the lower the amount of visitation the higher the support amount.

Step 2: Filing a Lawsuit for a New Support Order

To obtain a new child support order, the LCSA files a Summons and Complaint Regarding Parental Obligations (Judicial Council form FL-600) with the local superior court. The LCSA is the petitioner/plaintiff (the party pleading for relief) and the NCP is the respondent/defendant.

Summons and Complaint

The “summons” calls the NCP/respondent to court. The “complaint” asks the court to order that the NCP/respondent:

- Is the parent of the child or children (in cases with male NCP/respondent in which paternity has not already been established by a previous court order or by voluntary declaration of paternity)
- Will pay a specified amount of child support and the date payment begins
- Will provide health insurance coverage for the child or children

Along with the summons and complaint, the LCSA files a proposed Judgment Regarding Parental Obligations (Judicial Council form FL-630) with the court. The proposed judgment reflects the terms requested on the summons and complaint. The summons and complaint explains that the proposed judgment will become an order of the court if the NCP/respondent does not respond within 30 days of being served.

The summons and complaint also includes a Statement of Rights and Responsibilities which gives the NCP/respondent information about the lawsuit and what to do if he or she disagrees with the legal action the LCSA is taking.

Step 3: Service of Process

Service of process entails either mailing a service packet or using personal service to present the service packet to the obligor. The service packet includes:

- Copies of the summons and complaint and proposed judgment
- Statement of Rights and Responsibilities
- Child Support Handbook
- Blank answer to complaint form
- Blank financial forms
- Other documents and informational material required by law and/or LCSA policy

When service of process is completed, a Proof of Service is filed with the superior court. Filing a Proof of Service proves to the court that the LCSA has properly served the NCP/respondent with the lawsuit seeking child support.

The LCSA must also mail a copy of the summons and complaint and proposed judgment to the CP in the case. By law, after a judgment is entered in the case, the CP will become a party to the court case and is referred to in the body of subsequent legal documents as the “Other Parent.” Sometimes a person other than a “parent” has custody of the child, for instance a caretaker, relative, or a foster care facility. This CP will not become a party to the case after a judgment is entered.

Step 4: Obtaining a Child Support Order

By Stipulation

A stipulation is a signed written agreement between parties in a legal action. After the parties have signed the stipulation, the LCSA sends the document to the superior court. The stipulation is signed by the commissioner and filed with the court. The Stipulation for Judgment, when signed and filed in court, then becomes an enforceable child support order and provides the authority to the LCSA to take enforcement actions to collect child support from the obligor, which is usually the NCP, but not always.

Once the respondent has been served with a service packet, he or she can come into the LCSA office, submit income and visitation information to a child support worker and voluntarily sign a Stipulation for Judgment (Judicial Council form FL-615).

The signed Stipulation for Judgment is an agreement that states that the obligor is:

- The parent of the child
- Agreeing to pay child support in a specific amount with a beginning or effective date
- Willing to provide health insurance coverage for the child
- Willing to allow the court to enter an order without appearing in court

If the CP is receiving public assistance, only the NCP and the LCSA sign the stipulation. If the CP is not receiving public assistance, the CP, NCP, and LCSA sign the stipulation. The NCP/respondent must read and sign the “Advisement and Waiver of Rights for Stipulation.”

By Court Hearing

If the NCP/respondent disagrees with any of the assertions of the complaint, he or she has the right to respond to the complaint by filing an answer with the court. A blank Answer to Complaint Regarding Parental Obligations (Judicial Council form FL-610) is provided with the Summons and Complaint/Proposed Judgment packet. After the NCP/respondent files the answer, the NCP/respondent must then serve a copy of the answer on the LCSA. The LCSA or respondent may then file a notice of motion or order to show cause to set a hearing date.

At the hearing, the NCP/respondent has the right to address the court and provide information which will be used in determining a guideline child support amount. The LCSA will also present its case to the court. After all parties have been heard, the court issues and enters a judgment stating whether or not the NCP/respondent should pay child support, setting the amount for current child support, and ordering payment of retroactive support back to the date the Summons and Complaint was filed (only if appropriate). The LCSA then has the authority to take enforcement actions to collect child support from the NCP.

By Default

If the NCP/respondent does not respond to the summons and complaint within the time allotted, the LCSA files documents with the court stating the NCP/respondent has not responded to the lawsuit. These documents request the court issue a final Judgment Regarding Parental Obligations (Judicial Council form FL-630).

The court, if appropriate, will issue a final judgment. The final judgment is then an enforceable child support order and the LCSA has the authority to take enforcement actions to collect child support from the NCP. The final judgment must mirror the proposed judgment.

This type of judgment is known as a “default judgment.” One of the State’s goals is to reduce the number of defaults. This is not the preferred method of obtaining an enforceable order.

Genetic Testing

If paternity is an issue in the complaint, and the NCP/respondent does not believe or does not know that he is the father of the child:

- The NCP/respondent and the LCSA can come to an agreement that he will submit to genetic testing
- The NCP/respondent can complete and file an answer with the court stating he is not the father of the child

If genetic testing determines the NCP/respondent is in fact the biological father of the child, a child support judgment will be issued either by stipulation or judgment. If he is found not to be the biological father, the court may issue a judgment of non-paternity or the legal action may be dismissed.

There may be rare circumstances where an LCSA may pursue support against a non-biological father. These are cases in which the LCSA pursues a “presumed” father. The rules and case law are very complex and case-specific. This is why it is very important to be sure that intake documents (such as the paternity questionnaire) are thoroughly and accurately completed.



Note

Respondents do not need to pay for the test. The person/respondent should be advised to keep records of test results (retain all paperwork).

Legal Actions in an Existing Child Support Order

Notice of Registration

If there is an existing order (filed in a California county other than the county in which the child now lives), the LCSA will file a Notice Regarding Payment of Support - Substitution of Payee (Judicial Council form FL-632) and a Notice of Registration of California Support Order (Judicial Council form FL-651).

Registration of another county's court order gives the local court jurisdiction over that child support order. The other county's child support order will receive a local superior court number and will become part of the records of the local court. The LCSA must notify the NCP that the child support order will be registered in the county where the child now lives.

Substitution of Payee

If there is an existing California child support order within the LCSA county of jurisdiction and a new child support order is not needed, the LCSA will prepare and file a Notice Regarding Payment of Support - Substitution of Payee (Judicial Council form FL-632). To enforce child support, the LCSA must establish its authority over the existing order. The Substitution of Payee asks the local court to substitute the LCSA for any previously determined payee. Once this document is filed, the LCSA must provide copies to the CP and NCP in the case.

Paternity Opportunity Program

California has followed federal law and implemented a voluntary program for establishing paternity for children born to unmarried couples. This program is the Paternity Opportunity Program (POP). It is a fast, free, and easy way to establish paternity without going to court.

- When a child is born to a married couple, as a general rule it is legally presumed that the husband is the father of the child. Since paternity is not an issue, the husband's name will be put on the child's birth certificate.
- If the parents are not married, paternity must be established. A father's name cannot be put on the birth certificate unless both parents sign a Declaration of Paternity or establish paternity through court action.

Declaration of Paternity

Unwed parents may establish paternity for their child by completing and signing a Declaration of Paternity (Form CS 909) at the hospital after the baby is born. The form is also known as a POP Declaration.

- The POP Declaration names the child and both parents. Signing the declaration is voluntary, but it is the easiest way for an unmarried father to obtain and protect his legal parental rights to custody or visitation and the child's right to support.
- Both parents may complete and sign the form in the hospital after the baby is born. The hospital then transmits the form to DCSS and the state office of Vital Statistics and paternity is legally established. Once it is on file with DCSS, it is a legal document that has the same force and effect as a court order. If a valid POP declaration is on file, the LCSA does not request paternity through the courts.
- If the parents do not wish to sign a POP declaration at the hospital, they can also obtain and sign a declaration at the LCSA, social services agency, the family law facilitator's office, the county registrar of births and deaths, or it can be signed in front of a Notary Public. However, signing the declaration after the child leaves the hospital may result in a longer, more complicated process to amend the original birth record, including having to pay additional fees.
- Signing a POP Declaration is the easiest way to ensure that an unmarried father has the same rights as if the parents were married. It ensures the child's rights to receive social security benefits, veteran's benefits, medical insurance coverage, life insurance benefits, and inheritance from the father's estate.
- While a married woman cannot sign a POP Declaration because of the presumption of her husband's paternity, a married man can sign a POP Declaration if the unwed mother identifies him as the biological father.



Note

POP is for the exclusive use of a child's biological parents. People wanting to adopt should not use a POP declaration.

Canceling a Declaration

A POP Declaration can be canceled/rescinded within 60 days from the date the last person signed the form. Either parent can fill out a Rescission Form for the Declaration of Paternity Form CS 915), which is available at the LCSA, the local registrar, via mail from the State POP Program, or on-line at <http://www.childsup.ca.gov/program/pop/library.asp>. The rescission form must be notarized. The notarized rescission form, accompanied by a signed certified receipt (as proof of notifying the other parent) must be received by the State POP Program within 60 days from the date the last person signed the form.

After 60 days, a Declaration of Paternity can only be set aside by court order and must be done within two years of birth, if genetic test results exclude the named father.

Minor Parents

A Declaration of Paternity may be signed by a minor. The signed POP Declaration creates a rebuttable presumption of paternity and will not establish paternity until 60 days after both parents have reached the age of 18 or are emancipated, whichever occurs first. In situations where paternity needs to be established prior to a parent's 18th birthday, parents would need to go to court to establish legal paternity. A minor parent who signs a POP declaration may rescind at any time up to 60 days after the parent reaches the age of 18.

Signing a Declaration of Paternity Prior to Child's Birth

POP Letter 03-01, issued April 3, 2003, provided directions to all POP providers in regards to signing early. The following policy was instituted immediately:

"Only those men on active duty, who can produce military orders showing that they cannot be present at the child's birth, can sign a Declaration of Paternity before the child is born."

Judicial Council Forms

FL-600: Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406): TELEPHONE NO.: () - FAX NO.: () - E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
SUMMONS AND <input type="checkbox"/> COMPLAINT <input type="checkbox"/> SUPPLEMENTAL COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT REGARDING PARENTAL OBLIGATIONS	CASE NUMBER:

TO (name):

The local child support agency has filed this lawsuit against you. This lawsuit says you and the other parent are the parents of each child named in this complaint and that the obligor may be required to pay child support. The attached proposed *Judgment Regarding Parental Obligations (Governmental)* (form FL-630) names you and the other parent as parents of each child listed below and, if there is an amount stated in item 6 of the proposed *Judgment*, orders the obligor to pay support for these children. If you disagree with the proposed *Judgment*, you must file the attached *Answer* form with the court clerk **within 30 days of the date that you were served with this Complaint**. If you do not file an *Answer*, the proposed *Judgment* will become a final determination of parentage. If you are required to pay child support, the payments may be taken from your pay or other property without further notice. See the attached statement of your rights and responsibilities for more information.

La agencia local que vigila la manutención de menores ha registrado la presente demanda contra Usted. Esta demanda dice que usted y el otro padre son los padres de los hijos nombrados aquí y que el obligado deberá pagar manutención de menores. El propuesto FALLO RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario FL-630) los nombra a Usted y al otro padre como padres de cada uno de los hijos que figuran a continuación y, si se incluye una suma en el inciso 6, obliga al obligado a pagar manutención por estos hijos. Si no está de acuerdo con el FALLO propuesto, deberá registrar el formulario de RESPUESTA que se adjunta, presentándolo al actuario del tribunal dentro de 30 días después de haber recibido notificación de esta DEMANDA. Si usted no registra una REPUESTA, el FALLO propuesto tomará efecto con una determinación final de paternidad. Si se le está exigiendo que pague manutención de menores, los pagos podrán ser deducidos de su salario o de otras pertenencias tuyas sin necesidad de mandarle ninguna otra notificación. Para mayor notificación, vea la declaración anexa respecto a los derechos y responsabilidades que tiene.

1. The local child support agency is asking the court to issue a judgment or orders for these children starting on the "beginning dates":

Name	Date of Birth	Establish Parentage	Establish Support	Modify Order	Beginning Date
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Additional children are listed on a page (labeled Attachment 1) attached to this *Complaint*.

Notice to person served: You are served

1. as an individual defendant.

2. on behalf of a minor child or children.

3. other (specify):

Date: _____ Clerk, by _____, Deputy

Page 1 of 6

Form Adopted for Mandatory Use
Judicial Council of California
FL-600 [Rev. July 1, 2003]

**SUMMONS AND COMPLAINT OR SUPPLEMENTAL
COMPLAINT REGARDING PARENTAL OBLIGATIONS
(Governmental)**

Family Code, §§ 2330, 17400,
17402, 17404, 17428, 17430
www.courtinfo.ca.gov

Figure 1: *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (1 of 6)

PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	CASE NUMBER: _____
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This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days in writing (use *Notice of Objection (Governmental)*, (form FL-666); otherwise, the recommended order will become a final order of the court.) If you object to the recommended order, a judge will make a temporary order and set a new hearing.

Each superior court has a family law facilitator's office to provide education, information, and assistance to parents who have child support issues. The basic duties of the family law facilitator include:

- Providing educational materials;
- Distributing court forms;
- Providing assistance in completing forms;
- Preparing child support guideline calculations; and
- Providing referrals to the local child support agency, family court services, and other community agencies.

The family law facilitator is a neutral person whose services are available to any person who is NOT represented by an attorney. Both parties in the same case may receive assistance from the family law facilitator. There is no attorney-client privilege between the family law facilitator and any person assisted by the family law facilitator, and matters discussed with the family law facilitator are not confidential. No person can be represented by the family law facilitator.

STATEMENT OF RIGHTS AND RESPONSIBILITIES

NOTICE to the defendant: The proposed *Judgment* will be entered against you unless you file your written *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610) with the court clerk within 30 days of the date you were served with the *Complaint*. The proposed *Judgment* will be entered whether or not you have a lawyer. If you were served with a form telling you the date of a court hearing, you should go to court on that date. An order may be entered without your input if you do not attend the hearing.

AVISO para el acusado: El FALLO propuesto entrará en efecto contra usted, a menos que dentro de 30 días desde cuando recibió notificación de la DEMANDA, Usted registre por escrito una RESPUESTA A DEMANDA o DEMANDA SUPLEMENTAL RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario 610). El FALLO propuesto entrará en efecto contra usted, tenga o no tenga usted un abogado. Si le dieron notificación con un formulario que especifica una fecha de audiencia, usted tiene que presentarse al tribunal en esa fecha. Si no asiste a la audiencia, una orden judicial podrá emitirse sin considerar su punto de vista..

FL-600 [Rev. July 1, 2003] Page 4 of 6

SUMMONS AND COMPLAINT OR SUPPLEMENTAL
 COMPLAINT REGARDING PARENTAL OBLIGATIONS
 (Governmental)

Figure 4: Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)
 (4 of 6)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER
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All orders for support must contain an earnings assignment. If you are obligated to pay support, this assignment will require your employer or other payor to deduct support payments from your salary or earnings and send the payments to the local child support agency. Your employer may also be required to enroll your children in a health insurance plan and deduct the cost from your salary or earnings.

Any amounts you owe may be collected from your property, whether or not you are current in your payments toward past due support. Collection may be made by taking money owed to you by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property you own, by placing a lien on your property, or by any other lawful means. You may be fined or imprisoned if you fail to pay support as ordered.

If the local child support agency does not know how much money the obligor (parent asked to pay support) earns, he or she is presumed to earn enough money to pay the amounts stated in item 6b of the proposed *Judgment Regarding Parental Obligations (Governmental)* (form FL-630).

OTHER IMPORTANT INFORMATION

Both parents should tell the local child support agency everything they know about the other parent's earnings and assets.

The defendant is always a party to this action. If the other parent has requested or is receiving services from the local child support agency, that parent will become a party to the lawsuit filed by the local child support agency after the initial support order or medical support order is entered by the court. After the other parent has become a party to the lawsuit either parent may then ask the court to decide issues concerning support, custody, visitation, and restraining orders (domestic violence). No other issues may be raised in this lawsuit. Either parent may go to court to modify the court order. The local child support agency cannot bring proceedings to establish or modify custody, visitation, or restraining orders.

After the other parent has become a party to the lawsuit, either parent may go to court to enforce the existing order against the other, but must first notify the local child support agency as required by law. The local child support agency is allowed 30 days to determine whether or not a parent will be permitted to proceed with the enforcement action against the other parent. The local child support agency may deny a parent permission to proceed if it is currently taking enforcement action or if the action by a parent would interfere with an investigation. If the local child support agency does not respond to the notice by the parent seeking enforcement within 30 days or if the local child support agency notifies the parent seeking enforcement that the enforcement action can proceed, the parent may then file the enforcement action as long as all support is paid through the local child support agency.

If the custodial person receives public assistance, the local child support agency may agree to settle any parentage or support issue in this lawsuit without providing advance notice to the custodial person. A child support agency may not settle any child support issue without the consent of any parent who is an applicant for child support services and who does not receive public assistance.

The local child support agency is required, under section 466(a)(13) of the Social Security Act, to place in the records pertaining to child support the social security number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment. This information is mandatory and will be kept on file at the local child support agency.

Your family law facilitator is available to help you with any questions you may have about the above information. You can reach your family law facilitator by telephone at:
 ()
or in person at:

For more information on finding a lawyer or family law facilitator, see the Self-Help Web site:
www.courtinfo.ca.gov/selfhelp/

FL-600 [Rev. July 1, 2003]

SUMMONS AND COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)

Page 6 of 6

Figure 6: *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (6 of 6)

INFORMATION SHEET FOR ANSWER TO COMPLAINT
(California Rules of Court, rule 1299.04)

Please follow these instructions to complete the *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form.

You must file the completed *Answer* and attachments with the court clerk within 30 days of the date you received the *Summons and Complaint* (form FL-600). The address of the court clerk is the same as the one shown for the Superior Court on the *Summons and Complaint* (form FL-600). You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk to obtain forms to apply for a waiver of court fees. **Keep two copies of the filed *Answer* form and its attachments. Serve one copy on the local child support agency and keep the other copy for your records. (See *Information Sheet for Service of Process*, form FL-611.)**

Upon receipt of your filed *Answer*, the local child support agency will set a court hearing on this matter.

INSTRUCTIONS FOR COMPLETING THE ANSWER FORM (TYPE OR PRINT FORM IN BLACK INK):

Front page, first box, top of form, left side: Print your name, address, and telephone number in this box if they are not already there.

1. For each child listed on the *Answer* form, you must check the "yes" box if you agree that you are that child's parent, or check the "no" box if you do not think or are not sure whether you are that child's parent. You must write in the name of each child listed in the *Summons and Complaint* (form FL-600) if your *Answer* form does not include the names of any children.

NOTE: Checking the "no" box does not satisfy the requirements needed to set aside any *Voluntary Declaration of Paternity* which you may have signed (Family Code Section 7575).

2. If you have checked a "no" box in answer to number 1 above, you must request a genetic test to determine whether you or the other parent is the parent. (The test is usually a blood test.) The local child support agency will tell you when and where to go for the test. The local child support agency will pay for the cost of the test now. If the court decides the test shows parentage as pleaded in the *Complaint*, you may have to repay this cost to the local child support agency.
3.
 - a. Check this box if you agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630) that you received.
 - b. You should check this box if you do not agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630).
4. If you agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630), but you disagree with the proposed judgment for another reason, you should check this box and write your reasons in this space. **If you have documents that prove your reasons for disagreeing with the proposed judgment, you should attach the documents to the *Answer* form.**
5. You must list your address and phone numbers where you can receive all notices and court dates. You must let the court know whenever your address changes. If the court does not have your current address, you may not receive important notices that affect you.

You must date the *Answer* form, print your name and sign the form under a penalty of perjury. When you sign the *Answer* form, you are stating that the information you have provided is true and correct.

Instructions for how to complete the *Proof of Service* section of the *Answer* form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the *Answer* and its attachments must fill out this section of the form. **You cannot serve your own *Answer*.**

Figure 9: *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*
(3 of 3)

FL-615: Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406)	FOR COURT USE ONLY
TELEPHONE NO.: () - FAX NO. (Optional): () - EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
STIPULATION FOR <input type="checkbox"/> JUDGMENT <input type="checkbox"/> SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT	CASE NUMBER:

1. **This matter proceeded as follows:**

a. By written stipulation without court appearance.

b. By court hearing, appearances as follows:

(1) Date:	Dept.:	Judicial Officer:
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(5) Local child support agency (Family Code, §§ 17400, 17406) by (name):		
(6) <input type="checkbox"/> Other (specify):		

c. The obligor (the parent ordered to pay support) is petitioner/plaintiff respondent/defendant other parent

2. This order is based on the attached documents (specify):

3. **The parties agree that**

a. Obligor has read and understands the *Advisement and Waiver of Rights for Stipulation* on page 4 of this form. Obligor gives up these rights and freely agrees that a judgment may be entered in accordance with this stipulation.

b. The amount of support payable by the obligor as calculated under the guideline is: \$ _____ per month.

We agree to guideline support.

The guideline amount should be rebutted because of the following:

(1) We have been fully informed of the guideline amount of support; we agree voluntarily to child support in the amount of: \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below guideline, no change of circumstances need be shown to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.

(2) Other rebutting factors (specify):

c. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, shall become the court's findings.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

Form Adopted for Alternative Mandatory Use
 Instead of Form FL-692
 Judicial Council of California
 FL-615 [Rev. July 1, 20054]

**STIPULATION FOR JUDGMENT OR SUPPLEMENTAL JUDGMENT
 REGARDING PARENTAL OBLIGATIONS AND JUDGMENT
 (Governmental)**

Page 1 of 4
 Family Code, §§ 17400,
 17402, 17406
 www.courtinfo.ca.gov

Figure 10: Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental) (1 of 4)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER
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3. d. The petitioner/plaintiff and respondent/defendant listed in the complaint are the parents of the children named in item 3e below.

e. Obligor must pay current child support as follows:

<u>Name</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
(1) <input type="checkbox"/> Other (specify):		
(2) <input type="checkbox"/> For a total of: \$ _____ payable on the: _____ day of each month beginning (date): _____		
(3) <input type="checkbox"/> The low income adjustment applies. <input type="checkbox"/> The low income adjustment does not apply because (specify reasons): _____		
(4) Any support ordered will continue until further order of court, unless terminated by operation of law.		

f. Obligor must pay child support for the past periods and in the amounts set forth below.

<u>Name</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
(1) <input type="checkbox"/> Other (specify):			
(2) <input type="checkbox"/> For a total of: \$ _____ payable \$ _____ on the: _____ day of each month beginning (date): _____			
(3) <input type="checkbox"/> Interest accrues on the entire principal balance owing and not on each installment as it becomes due.			

g. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearages, unless specifically provided.

h. No provision of this judgment shall operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

i. All payments must be made to (name and address of agency):

j. An **Order/Notice to Withhold Income for Child Support (form FL-195)** will issue.

k. Obligor Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and shall keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

FL-615 [Rev. July 1, 2005]
**STIPULATION FOR JUDGMENT OR SUPPLEMENTAL JUDGMENT
REGARDING PARENTAL OBLIGATIONS AND JUDGMENT
(Governmental)**
Page 2 of 4

Figure 11: Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental) (2 of 4)

PETITIONER/PLA INTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER
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3. l. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

m. The *Notice of Rights and Responsibilities -- Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

n. Obligor must pay costs of: \$ _____ to (specify): _____
 on the following terms and conditions (specify): _____

o. The following person (the "other parent") is added as a party to this action under Family Code section 17404 (name): _____

p. Other (specify): _____

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF PETITIONER)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR PETITIONER)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF RESPONDENT)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF OTHER PARENT)

Date: _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR OTHER PARENT)

JUDGMENT

4. **THE COURT SO ORDERS.**

Date: _____ (JUDICIAL OFFICER)

5. Number of pages attached: _____ Signature follows last attachment.

FL-615 [Rev. July 1, 2005] **STIPULATION FOR JUDGMENT OR SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT (Governmental)** Page 3 of 4

Figure 12: Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental) (3 of 4)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

1. **RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.
2. **RIGHT TO A TRIAL.** I understand that I have a right to have a judicial officer: (1) determine if I am the parent of the children named in the stipulation, (2) decide how much child support I must pay, and (3) decide how much I owe for arrearages (unpaid support).
3. **RIGHT TO CONFRONT AND CROSS- EXAMINE WITNESSES.** I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence and witnesses.
4. **RIGHT TO HAVE PARENTAGE TESTS WHERE THE LAW PERMITS.** I understand that, where the law permits, I have the right to have the court order parentage tests. The court will decide on the tests. The court could order that I pay none, some, or all of the costs of the tests.
5. **ADMISSION AND WAIVER OF RIGHTS.** I understand that by agreeing to the terms of this stipulation, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.
6. **WHERE THE STIPULATION INCLUDES CHILD SUPPORT.**
 - a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.
 - b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if they are assigned to collect the support.
 - c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.
7. **WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE.** I understand that I must keep health insurance coverage for the minor children if insurance is available, or becomes available, to me at no or reasonable cost. A health insurance coverage assignment/*National Medical Support Notice* may be ordered to get health insurance for my children.
8. I agree to the terms of this stipulation freely and voluntarily.
9. I understand that the local child support agency is required by state law to enforce the duty of support.
10. **I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.**
11. **COLLECTION OF SUPPORT.** I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.
12. **IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE STIPULATION AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.**

I have read and understand the *Advisement and Waiver of Rights for Stipulation*; or
 Attached is a translation of this *Advisement and Waiver of Rights for Stipulation* in (specify language):
 I understand the translation.

Date: _____

_____ (TYPE OR PRINT NAME) ▶ _____ (PARTY'S SIGNATURE)

INTERPRETER'S DECLARATION. The above-named party is unable to read or understand this *Advisement and Waiver of Rights for Stipulation* because

his or her primary language is (specify):
 other (specify):

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment*. The above-named party said he or she understood the terms of this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* or *Judgment* before signing it.

Date: _____

_____ (TYPE OR PRINT NAME OF INTERPRETER) ▶ _____ (INTERPRETER'S SIGNATURE)

FL-615 [Rev. July 1, 2005] **STIPULATION FOR JUDGMENT OR SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT (Governmental)** Page 4 of 4

Figure 13: *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental) (4 of 4)*

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. c. Obligor owes support arrears as follows, as of *(date)*:

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the _____ day of each month beginning *(date)*: _____

(4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

d. No provision of this order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

e. All payments shall be made to *(name and address of agency)*:

f. **An Order/Notice to Withhold Income for Child Support (form FL-195) must issue.**

g. Obligor Oblige must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and shall keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services to the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment must issue.

h. The parents must notify the local child support agency within 10 days in writing of any change in residence or employment.

i. The form *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

j. The following person (the "other parent") is added as a party to this action under Family Code section 17404 *(name)*:

k. The court further orders *(specify)*:

Date: _____

5. Number of pages attached: _____

Approved as conforming to court order:
 Date: _____

 (SIGNATURE OF ATTORNEY FOR OBLIGOR)

 JUDICIAL OFFICER
 Signature follows last attachment

Page 2 of 2

ORDER AFTER HEARING
(Governmental)

Figure 20: Order After Hearing (Governmental) (2 of 2)

Establishment Flowcharts

Establishment of a New Child Support Order Flowchart

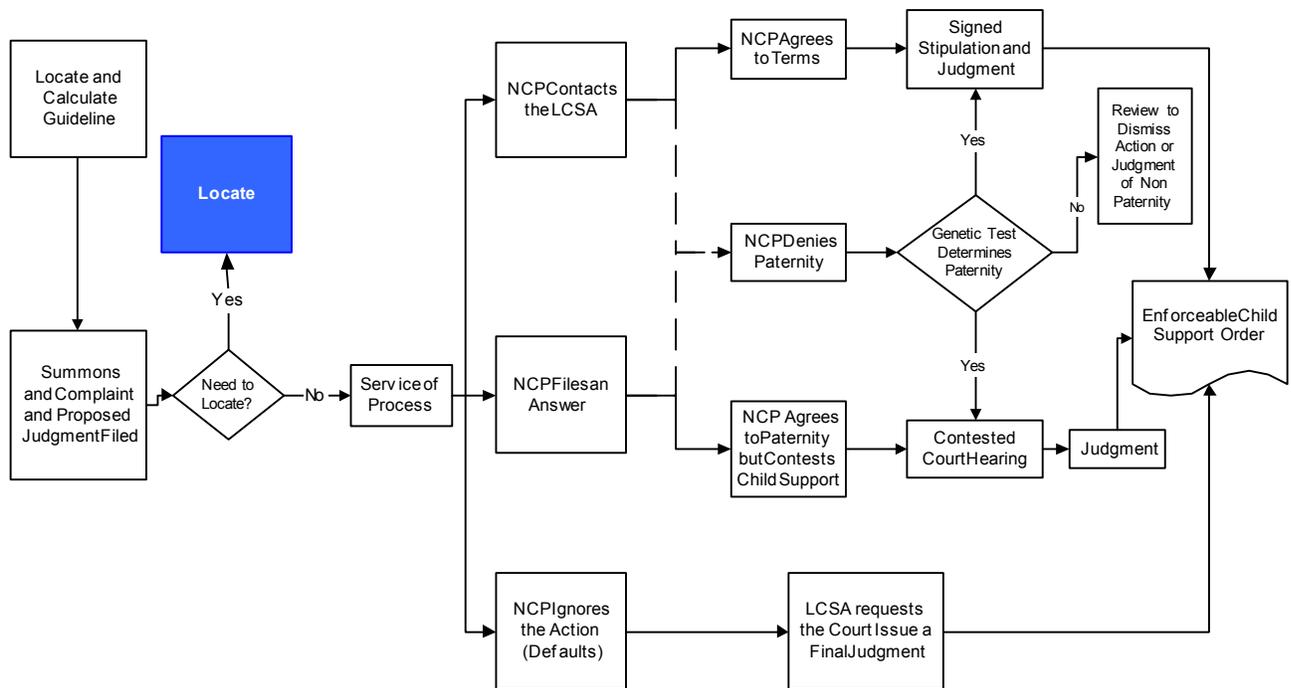


Figure 21: Establishment of a New Child Support Order

Existing Order Flowchart

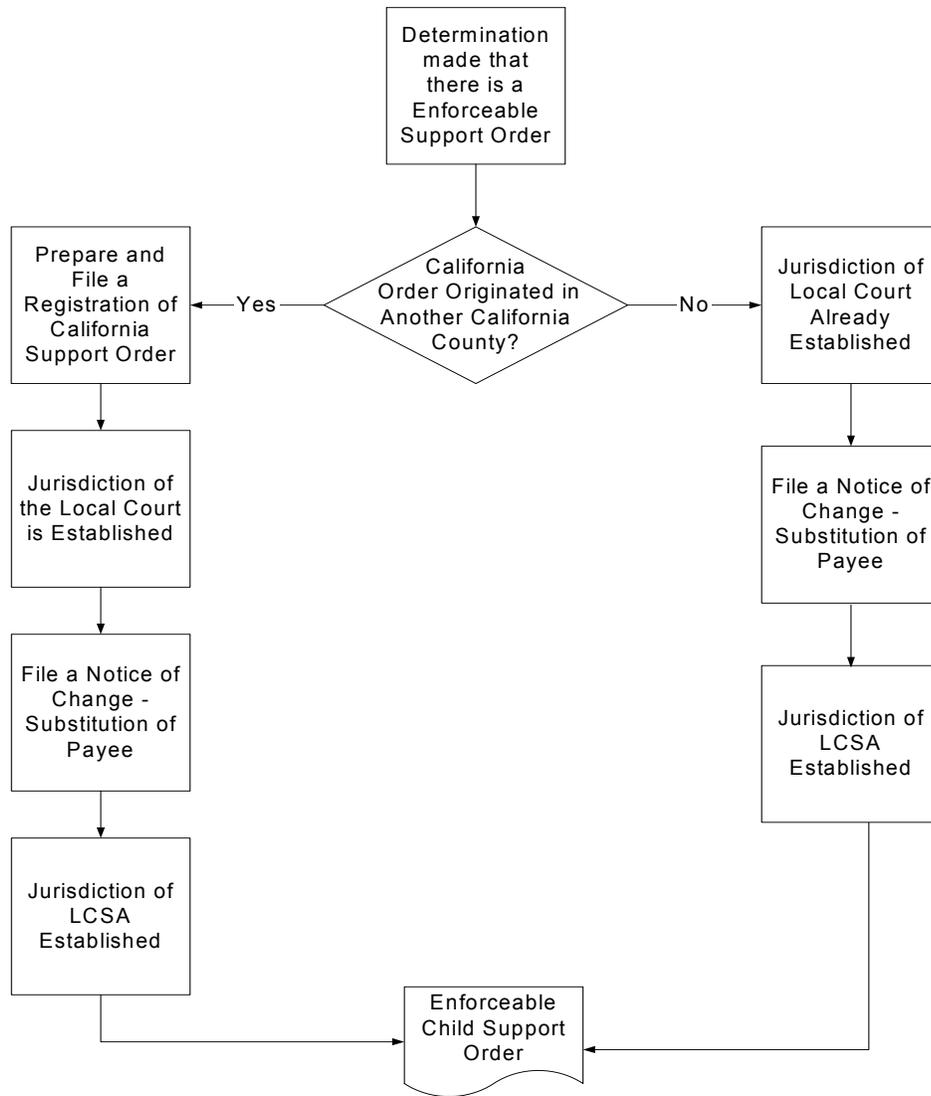


Figure 22: Existing Order Flowchart

Chapter 7

Review and Adjustment

This chapter describes the Department of Child Support Services (DCSS) review and adjustment process.

Introduction to Review and Adjustment..... 91
 Federal and State Timeframes 91

Review and Adjustment Process 93
 Reasons for Review of a Child Support Order 93
 Review of Information 93
 Results of the Review 94
 Interstate Cases 95



DCSS Child Support Program Orientation Participant Resource Guide

Introduction to Review and Adjustment

Review and adjustment is the process of reviewing a child support order for a possible modification. This chapter describes the DCSS review and adjustment process and the legal actions and standards a Local Child Support Agency (LCSA) follows when reviewing an order.

Federal and State Timeframes

- At least once every three years, LCSAs must notify the CP and NCP of the right to request a review to seek an adjustment of a child support order or an adjustment to include a provision for medical support.
- If the LCSA determines that a change in circumstances does not exist, the requesting party shall be notified within 14 calendar days of determination that the request does not satisfy the change in circumstances criteria.
- The LCSA must conduct the review and motion the court to adjust the order, if appropriate, or determine that the adjustment is not warranted within 180 days of receipt of the request or locating the nonrequesting parent, whichever occurs later.
- If the order is adjusted, the LCSA must send a copy of the adjusted court order to both the requesting and nonrequesting parties within 14 calendar days after the adjusted order is received from the court.

Review and Adjustment Process

Reasons for Review of a Child Support Order

The LCSA must act on any request for a review of the support order and determine if a change of circumstances exists that could alter the current order. The LCSA must also initiate a review upon receipt of certain information even if a participant has not requested a review. Circumstances that may result in a change to the child support order include, but are not limited to:

- A change in either CP's or NCP's employment status or income
- Either CP or NCP begins or stops receiving unemployment benefits, state disability insurance, or workers' compensation benefits
- The release of either CP or NCP from incarceration or a psychiatric facility
- A change in parenting time or custody
- A change in the cost of child care incurred for employment or for education to gain employment-related skills
- A change in the reasonable cost of health care expenses for the child(ren)
- A change in the cost of either the CP's or NCP's health insurance premium
- Changes in the cost of education or other special needs of the child(ren)
- A change in the cost of travel for visitation with the child(ren)
- Any financial hardship on a party that did not exist at the time the order was established or last adjusted
- The existence of additional new child support orders which were not considered when the order at issue was established or last adjusted

The LCSA may, but is not required to, deny a request for a review if the case has been submitted for review or adjusted within the last six months and nothing has changed since the last time the requesting party requested a review or since the last adjustment.

If the LCSA becomes aware that an order does not contain a medical support provision, the LCSA must file a motion pursuant to medical support regulations - California Code of Regulations Title 22, Section 116114.

The LCSA is required to notify the CP and NCP in writing at least once every three years of the right to request a review of the existing support order. The request may be for an upward or a downward modification of support, or for the addition of medical coverage to an existing support order. The request for a review and adjustment may be made either orally or in writing.

Review of Information

Once the review of the order is requested, the requesting party and nonrequesting party must each provide their own necessary and relevant information to assist in the review. Such information should include current income information, visitation records, health insurance coverage information, and other information as requested by the LCSA. The date of receipt of the request is the date the requesting party's income and expense is received by the LCSA.

The LCSA will review the submitted information and calculate the appropriate child support amount, using the same legal guidelines that would be used when calculating a new child support order.

Results of the Review

The LCSA must take steps to change the support order if the re-calculated child support amount shows an upward or downward change of the support amount of at least 20% or \$50, whichever is less, and the change is reasonably expected to last more than three months.

If the order under review was based on presumed income and meets the criterion in Section 17432 of the Family Code, the LCSA must attempt to set aside the child support order.

The LCSA must send the parties a copy of any adjusted order within 14 calendar days of receipt of the order from the court.

If the review indicates that a change in circumstances does not exist and no adjustment will occur, the LCSA must notify the requesting party within 14 calendar days of the determination. In addition, if the LCSA determines that an adjustment is not appropriate at this time, the LCSA must notify the requesting party and nonrequesting party of the right to file a motion for modification without the LCSA's participation, and of their right to retain legal counsel or seek assistance from the local Family Law Facilitator.

Stipulation and Order

If the parties come to an agreement on an adjusted child support amount, all parties involved must sign a Stipulation and Order form that modifies the terms of the order.

The child support commissioner will sign the Stipulation and Order and it will be filed with the court. When filed, the Stipulation and Order supercedes the previous order. It then becomes an enforceable child support order and the following steps will be taken:

- An Order/Notice to Withhold Income for Child Support form will be issued for the adjusted child support amount
- A National Medical Support Notice form will be included in the adjusted support order, if it was not part of the original support order

Court Hearing

The requesting party and nonrequesting party both have the right to appear at the court hearing and present any objections or support of the proposed child support order. The court will review the information and determine if the existing support order should be adjusted and issue a new order if necessary. Medical support may also be ordered.

Interstate Cases

If a Review and Adjustment is requested in a case where another state has issued the court order for child support, the LCSA must take the following actions pursuant to Title 22, Section 117403 of the California Code of Regulations:

- Within 20 calendar days of receiving the information necessary to conduct the review, the LCSA must determine whether the other state has continuing, exclusive jurisdiction (CEJ) to modify the order.
- If no other state has CEJ to modify the child support order, the LCSA must transmit a request for registration and modification by the obligee or obligor to the state where the non-requesting party resides.

If a motion to modify support has been filed and served, the LCSA must proceed with a modification of a child support order even if the party leaves the State while the proceedings are pending. However, if the CP and NCP agree, the modification proceedings can be terminated, and if required by the court, the LCSA should have the agreement to terminate the proceedings signed by both parties.

Chapter 8 **Enforcement**

This chapter introduces Child Support Enforcement actions and State regulatory concepts.

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Introduction to Enforcement

The Enforcement chapter is a comprehensive introduction to all enforcement actions that a Local Child Support Agency (LCSA) may take to ensure the collection of child support.

Federal and State Timeframes

- When an Order/Notice to Withhold Income is used as an enforcement action, it must be served within 15 calendar days of the date an employer is known.
- When an employer is discovered through a new employee registry, an Order/Notice to Withhold Income must be issued within two business days of the employer being entered into the new employee registry.

Earnings and Employers

State laws and regulations define earnings and employers very broadly for the purpose of enforcing support.

Earnings

The California Code of Regulations (CCR) Title 22, Section 110242 defines earnings as any of the following to the extent that they are subject to an income withholding order for support:

- Wages, salary, bonuses, vacation pay, retirement pay, and commissions
- Payments for services of independent contractors, interest, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights
- Payments or credits due or becoming due as a result of a written or oral contract for services or sales whether denominated as wages, salary, commission, bonus, or otherwise
- Payments due for workers' compensation temporary disability benefits
- Payments due from a disability or health insurance policy or program
- Any other payments or credits due or becoming due, regardless of the source

Employers

The California Code of Regulations (CCR) Title 22, Section 110250 defines employer as follows:

- a. A person for whom an individual performs services as an employee, as defined in Section 706.011 of the Code of Civil Procedure
- b. The United States government and any public entity as defined in Section 811.2 of the Government Code
- c. Any person or entity paying the following types of earnings:
 1. Wages, salary, bonus, money, and benefits described in Sections 704.110, 704.113, and 704.115 of the Code of Civil Procedures

2. Payments due for services of independent contractors, interest, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights
3. Payments or credits due or becoming due as a result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise
4. Payments due for workers' compensation temporary disability benefits
5. Payments due as a result of disability from benefits described in Section 704.130 of the Code of Civil Procedure
6. Any other payments or credits due or becoming due, regardless of source

Exempt Income

While the definition of earnings for the purpose of support enforcement is very broad, some assets and sources of income are exempt from enforcement. The following list represents income and assets that **may** be exempt in certain enforcement situations:

- The debtor's interest, not to exceed \$17,425 in value, in real property or personal property that the debtor uses for a residence
- The debtor's interest, up to \$1,375, in essential household items or personal property (this amount can be more in certain circumstances)
- The debtor's interest, not to exceed \$1,150 in value, in personal or family jewelry
- The debtor's interest, not to exceed \$1,750 in value, in any professional items or tools of the trade
- Any interest in an unmatured life insurance contract
- Professionally prescribed health aids
- Any form of public assistance including, but not limited to: (1) Temporary Assistance to Needy Families (TANF) or California Work Opportunity and Responsibility to Kids (CalWORKs) benefits, (2) Supplemental Security Income (SSI) benefits, (3) State Supplementary Payment (SSP) benefits, (4) County Aid and Relief to Indigents benefits
- Payments made for personal injuries pursuant to the provisions of the Federal Tort Claims Act
- Benefits through the Federal Longshoreman and Harbor Workers Compensation Act (LHWCA)
- Payments or portions of payments made by the Department of Veterans Affairs, in which the entitlement of the payee is based on non-service-connected disability or death, age, and need. (To determine if the veterans assistance benefits are eligible for garnishment, the LCSA shall contact the Veterans Assistance Regional Office that provides the noncustodial parent's benefits.)
- Refunds and other payments made in connection with overpayments or erroneous payments of income tax and other taxes
- Grants
- Fellowships
- Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependant of the debtor

This list does not provide all the circumstances in which certain exemptions may apply. For detailed information consult your county attorney.

Support Exception

Exempt income and assets can be sought and applied to the satisfaction of a judgment for child, family, or spousal support provided appropriate court proceedings are initiated to determine the extent to which the exempt property shall be applied to the satisfaction of the support judgment. In making this determination, the court will assess the needs of the judgment creditor, the needs of the NCP, the needs of the person(s) the NCP is required to support, and all other relevant circumstances (see Section 703.070 of the California Code of Civil Procedure).

Enforcement Actions

The LCSA has the legal ability to enforce a child support order once authority is granted to the LCSA by order of the court, substitution of payee, or registration. (For more information on the establishment of court orders see “Introduction to Establishment” on page 57.)

LCSAs use a number of actions to enforce child support orders. These actions are governed by State and federal law. The primary enforcement actions are grouped into five main categories:

- **Immediate Enforcement Actions**
 - ✓ Income Withholding Orders
 - ✓ Medical Support Enforcement
 - ✓ Real Property Liens
 - ✓ Credit Reporting
- **Nondiscretionary Enforcement Actions**
 - ✓ Federal Income Tax Refunds and Other Administrative Payments
 - ✓ Passport Denial
 - ✓ Franchise Tax Board (FTB) Intercepts
 - ✓ California Insurance Intercept Project (CIIP)
 - ✓ State Licensing Match System
 - ✓ DCSS Child Support Collection
 - ✓ Employment Development Department (EDD)
- **Special Enforcement Actions**
 - ✓ General Enforcement Criteria
 - ✓ Job Search Orders
 - ✓ Order for Judgment Debtor Examination
 - ✓ Contempt
 - ✓ Writ of Execution
 - ✓ Security Deposits of Money
 - ✓ Probate Actions
 - ✓ Liens on Workers' Compensation Awards
 - ✓ Liens in Pending Actions/Special Proceedings
 - ✓ Voiding Fraudulent Transfers
- **Extraordinary Enforcement Actions**
 - ✓ IRS Full Collection Service
 - ✓ Criminal Actions
 - ✓ Project Save Our Children (federal criminal prosecution)
- **Other Actions**
 - ✓ Motions to Determine Arrearages
 - ✓ Parents as Parties Seeking Independent Enforcement Actions
 - ✓ Private Collection Agencies
 - ✓ Mistaken Identity

These enforcement actions may be performed manually or by use of automation.

Integrated Data Base

The Integrated Data Base (IDB) is the automated system that compiles child support data submitted by LCSAs and forwards it to the following agencies:

- The Office of Child Support Enforcement (OCSE)
- FTB
- EDD

Immediate Enforcement Actions

An overview of immediate enforcement actions is provided below. Detailed regulatory information is located in the California Code of Regulations, Title 22, Division 13, Chapter 6, Subchapter 6.1. Immediate enforcement actions must occur immediately after an order for support or medical insurance is obtained.

Income Withholding Orders

An income withholding order instructs an employer to deduct money directly from the NCP's wages for payment of support. This method of securing payment is mandatory under California law and is accomplished by use of an Order/Notice to Withhold Income for Child Support. This document must be faxed, e-mailed, or mailed to the NCP's employer within 15 calendar days of any of the following:

- The date the support order is received by the LCSA, if the address of the NCP's employer is known on that date
- The date the NCP's employer is located
- The date the LCSA opens a case, if the address of the NCP's employer is known on that date, the support order was entered prior to case opening, and the LCSA confirms the existence of the court order
- The date information is received from the Independent Contractor Registry
- The date the foreign state order is registered in California by the LCSA

If information regarding a newly hired employee is entered into the State Directory of New Hires, an Order/Notice to Withhold Income for Child Support must be faxed, e-mailed, or mailed to the NCP's employer within two business days of the date the LCSA receives the information.



Note

The State Directory of New Hires, also known as the New Employee Registry (NER), is a database maintained by the California Employment Development Department and is used for tracking newly hired individuals reported by employers throughout the state.

The Order/Notice to Withhold Income for Child Support must be honored by the employer as long as the parent remains employed. In most instances, withholdings cannot exceed fifty percent of the NCP's net earnings. NCPs who are self-employed must make arrangements for payment of child support. Usually, they mail support payments directly to the State Disbursement Unit (SDU)

Medical Support Enforcement

An order for medical support is a court order that requires the NCP to provide the child(ren) with health insurance coverage. A National Medical Support Notice is sent to employers to enforce the order for medical support. This notice authorizes the employer to provide coverage and deduct the cost of health care premiums from the NCP's earnings. The notice also instructs the employer to notify the LCSA of any lapse or change in the health insurance coverage. New information regarding insurance enrollment, lapse, termination, or changes in coverage or providers, must be provided by the LCSA to the CP and the Department of Health Services within 10 business days of receipt.

Real Property Liens

The LCSA records an Abstract of Support Judgment, a certified copy of the order/money judgment, a Federal Notice of Lien, or Notice of Support Judgment with the County Recorder's Office to create a lien against real property.

The LCSA must record a real property lien in:

- The county where the NCP resides
- The counties where the parent(s) of the NCP reside, if known and if different from the county of the NCP
- The counties where the NCP is known to have, or could reasonably be expected to acquire, real property

The real property lien prevents the NCP from selling or refinancing the property until the lien is satisfied in full or other arrangements are made with the LCSA.

Credit Reporting

LCSAs report NCP account status and payment history to the Department of Child Support Services (DCSS). DCSS consolidates the information from all LCSAs and submits it to the credit reporting agencies. The failure to pay monthly will negatively affect an NCP's credit rating. Written notice must be provided to the NCP by the LCSA prior to submission. After receiving notice, the NCP has 30 days to contest or pay the amount of past due support submitted to the credit reporting agencies.

Nondiscretionary Enforcement Actions

The LCSA must take nondiscretionary enforcement actions in cases where there is a court or administrative order for support that is past due. These actions consist of intercepts, locate, and automated enforcement activities. DCSS uses the IDB automated interfaces to enforce the collection of past due support. The effectiveness of the automated enforcement is dependent upon accurate and up to date case information.

Federal Income Tax Refund Intercepts and Other Administrative Payments

This action allows the child support program to intercept an NCP's federal income tax refund for past due support. A valid child support order must exist in order to intercept.

The Debt Collection Improvement Act (DCIA) of 1996 allows the child support program to intercept federal payments for:

- Retirement
- Vendor
- Miscellaneous (i.e., expense reimbursement and travel payments)
- Salary

Passport Denial

The Passport Denial Program was introduced through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. This program requires the Secretary of State to refuse to issue a passport to any person certified by the Secretary of Health and Human Services as owing past due child support in an amount greater than \$5,000. This amount will be reduced to \$2,500 effective October 1, 2006. Further, the Secretary of State may take action to revoke, restrict, or limit a passport previously issued to an individual owing such an arrearage. Currently, the State Department is only denying passports at time of application or renewal.

Franchise Tax Board Intercepts

The full title of this enforcement action is Franchise Tax Board Intercepts of State Income Tax Refunds and State Lottery Winnings.

The FTB assists DCSS in child support enforcement by performing State income tax refund and State lottery winnings intercepts.

State Income Tax Refund Intercepts

This service allows for the intercept of an NCP's State income tax refund. Cases that are eligible for a State tax refund intercept are submitted to the IDB by the LCSAs.

A child support case must meet the following requirements to be eligible for the FTB tax refund intercept process:

- Support payments are more than 60 days past due
- Past due support amount exceeds \$100

State Lottery Winnings Intercepts

This program intercepts lottery winnings owed to NCP's who have past due child support. Cases eligible for this program are submitted to the IDB by the LCSAs. The requirements for submission are the same as those listed above for the state income tax refund intercept.

California Insurance Intercept Project (CIIP)

The CIIP matches third party insurance settlements and workers' compensation benefits nationwide. Once a match occurs the LCSA initiates appropriate legal action.

State Licensing Match System (SLMS)

The State Licensing Match System denies permanent State issued business, professional, and driver's licenses to NCPs who owe past due child support and apply for a license or a renewal. SLMS also denies driver's licenses to NCPs who are four months or more behind in paying support whether or not they are up for renewal. Additionally, the SLMS can revoke driver's licenses of NCPs who fail to continue to comply with agreements to pay past due support in order to obtain a license.

State Licensing Match System Participating Agencies

- Department of Motor Vehicles – Driver's licenses and Occupational licenses
- Emergency Medical Services Authority - Paramedics Certifications
- Office of Real Estate Appraisers – Real Estate Appraiser licenses
- Department of Real Estate – Real Estate Brokerage and Agent licenses
- California State Bar – Attorney licenses
- Department of Insurance – Insurance Brokerage and Agent licenses
- Department of Corporations – Securities and Investments Brokerage and Agent licenses and Financial Advisor certifications
- Commission on Teacher Credentialing – K-12 and college teaching credentials
- Department of Alcoholic Beverage Control – Retail and Wholesale Liquor Sales permits
- Secretary of State – Public Notary certifications
- Department of Fish and Game – Commercial Fishery licenses
- Department of Consumer Affairs Licensing Boards
 - ✓ Contractors' State Licensing Board
 - ✓ Bureau of Automotive Repair
 - ✓ State Board of Accountancy
 - ✓ Board of Architectural Examiners
 - ✓ Board of Barbering and Cosmetology
 - ✓ Board of Behavioral Science Examiners
 - ✓ Board of Collections and Investigative Services (defaulted debts and private investigation)
 - ✓ Board of Dental Examiners
 - ✓ Board of Dental Auxiliaries
 - ✓ Bureau of Electronic and Appliance Repair
 - ✓ Board of Funeral Directors and Embalmers
 - ✓ Board of Registration for Geologists and Geophysicists
 - ✓ Bureau of Home Furnishings and Thermal Insulation
 - ✓ Bureau of Home Furnishings-Dry Cleaning Program
 - ✓ Bureau of Landscape Architects
 - ✓ Medical Board of California

- ✓ Bureau of Dispensing Opticians
- ✓ Acupuncture Committee
- ✓ Board of Examiners of Nursing Home Administrators
- ✓ Hearing Aid Dispensing Examination Committee
- ✓ Board of Physical Therapy
- ✓ Board of Optometry
- ✓ Physician Assistant Examining Committee
- ✓ Board of Podiatric Medicine
- ✓ Board of Pharmacy
- ✓ Board of Psychology
- ✓ Board of Professional Engineers and Land Surveyors
- ✓ Board of Respiratory Care
- ✓ Board of Speech-Language Pathology and Audiology
- ✓ Board of Registered Nursing
- ✓ Board of Shorthand Reporters
- ✓ Board of Structural Pest Removal
- ✓ Board of Chiropractic Examiners
- ✓ Bureau of Tax Preparation
- ✓ Board of Veterinary Medicine
- ✓ Animal Health Technician Examinations Committee
- ✓ Board of Vocational Nurses
- ✓ Board of Psychiatric Technician Examiners

DCSS Child Support Collection Program

DCSS is responsible for collecting all child support debts more than 60 days delinquent with an outstanding balance of \$100 or more. DCSS is empowered to levy bank accounts to collect past due support.

When cases are referred to DCSS by the LCSA, a demand for payment notice is mailed to the NCP. If the NCP contacts DCSS with a claim of hardship, DCSS may negotiate payment arrangements. If the obligation is not resolved in 20 days of the demand notice or if a payment arrangement is not approved, DCSS may issue a levy against the NCP's account. The NCP has 10 days to pay the obligation, or the bank forwards the funds to DCSS.

Employment Development Department

The California Employment Development Department provides LCSAs with NCP employment information. The EDD provides the following services:

- New Employee Registry
- Income Earnings System
- State Disability Insurance intercepts
- Unemployment Insurance Benefits intercepts

New Employee Registry

Under the NER, employers report their newly hired employees to EDD. New employee registry reports are matched against child support records to help locate parents to enforce child support orders. The information is also sent to the National Directory of New Hires to locate delinquent NCPs in other states.

Income Earnings System

The Income Earnings System is a tool used by EDD to track income earned by employed individuals throughout the State. Reporting requirements obligate employers to provide updated earning information periodically to EDD. This information can be used by LCSAs to obtain and track income and employer information for purposes of establishing, adjusting, and enforcing support.

State Disability Insurance Intercepts/Unemployment Insurance Benefits Intercepts

Intercepting and withholding of Unemployment Insurance Benefits (UIB) and Unemployment Disability Insurance Benefits (SDI) to enforce delinquent child support is authorized by law. Cases that are eligible for SDI and UIB intercept are identified on lists compiled by each LCSA and submitted to the IDB. The NCP's data is sent to the EDD for matching. If EDD finds an NCP, they deduct up to 25 percent from the NCP's monthly benefits and forwards the amounts collected to the LCSA.

Special Enforcement Actions

Special enforcement actions are actions the LCSA should take in delinquent cases. These actions require review of individual case circumstances to determine the appropriate action for individual cases.

General Enforcement Criteria

Review of a case by an LCSA is required to determine if a special enforcement action should be initiated. If one of following circumstances apply, the LCSA should not initiate special enforcement actions:

- The LCSA cannot locate the NCP
- The case meets case closure criteria
- The support order is being adjusted or reviewed for adjustment

Job Search Orders

A Job Search Order is used to require an unemployed NCP to seek employment or attend job training or vocational rehabilitation. Typically, an NCP will be ordered by the court to make a certain number of job contacts every month. The job contacts are documented and reported to the court or the LCSA.

Order for Judgment Debtor Examination

An Order for Judgment Debtor Examination is a procedure used to discover assets after an order for support is obtained and the NCP is delinquent in meeting the obligation.

A judicial officer must order the NCP (judgment debtor) to participate in a debtor's examination hearing. The judge, a hearing officer, or authorized LCSA representative may conduct the debtor's examination. At the hearing, the NCP must provide the court with information on personal assets and liabilities. This information includes money, property, stocks, bonds, loans, bank accounts, and employer information.

Contempt

Sections 1209 and 1209.5 of the California Code of Civil Procedure, are the code sections for contempt. Section 1209 pertains to all court orders and 1209.5 specifically addresses child support. The basic elements that must be proved to establish contempt are:

- A valid order
- Proof of knowledge of the order, such as service of the order on the defendant or presence in court at the time the order was made
- Proof that the defendant did not comply with the order

Contempt actions can be filed in the underlying child support action and are considered quasi-criminal. Some of the special rights entitled to a criminal defendant apply.

Writ of Execution

A Writ of Execution allows a party to enforce a judgment by levying on an NCP's real or personal property of an NCP to satisfy the judgment amount. A Writ of Execution may be obtained by application to the superior court that entered the judgment or by any superior court where the judgment has been registered. A writ may also be issued directly by an LCSA. The writ is delivered to the levying officer along with a set of written instructions describing the assets and specified location. The levying officer, who can be a sheriff, marshal, or person appointed by the LCSA, will prepare a Notice of Levy to seize the asset. The assets can subsequently be sold to satisfy the support judgment.

Security Deposits of Money

A security deposit of money allows the LCSA to obtain a court order requiring the NCP to deposit up to one year of child support into an interest bearing trust account for future child support payments. The money is accessible only by court order. The account can remain open until the child support obligation terminates. Upon full payment and termination of the support order, remaining funds and interest go back to the NCP. Failure of the NCP to comply is punishable by contempt.

Probate Actions

Probate actions consist of actions involving:

- Creditor's claims on personal property in the estate of a deceased obligor
- Obligor's interest in personal property in the estate of a decedent

When an NCP dies, procedures exist to ensure child support debts are paid prior to distribution of funds to other heirs. If the NCP has a trust or is a beneficiary of a trust, a motion can be filed to obtain assets or income from the trust to pay support. If the NCP dies

without a trust, a probate action may be initiated. In a probate case, child support claims can be sent to the personal representative of the estate.

Procedures also exist to intercept money an NCP stands to inherit from another deceased person. Again, claims can be made in situations involving a trust, will, or probate. Establishment and resolution of these claims can be complex. Consultation with a supervisor or an attorney should be considered in these cases.

Liens on Workers' Compensation Awards

This procedure is used in cases where the NCP is injured on the job and has an active claim before the Workers' Compensation Appeals Board (WCAB). The NCP must be at least one month delinquent in child support payments to have a lien submitted to the WCAB.

When a claim of work-related injury is verified, the LCSA will serve an Order/Notice to Withhold Income for Child Support on the insurer to obtain a portion of the NCP's temporary disability benefits that are paid on a periodic basis to the NCP. In conjunction with the service of the Order/Notice to Withhold Income for Child Support, the LCSA will file documents to place a lien in the case. The lien is used to secure a portion of the final lump-sum payout of the worker's compensation claim and is used to satisfy a portion of the unpaid child support accrued from the date of injury.

Liens in Pending Actions/Special Proceedings

A lien can be filed in a pending lawsuit where an NCP ultimately may be entitled to an award. This type of lien should be considered if there is information that the NCP is suing an employer, obtaining a personal injury settlement, or receiving a money settlement in a divorce action from an ex-spouse. In most cases, attorney's fees and medical fees obtain priority over the child support lien. Establishment and resolution of these liens can be complex. Consultation with a supervisor or an attorney should be considered in these cases.

Voiding Fraudulent Transfers

A fraudulent transfer is a transfer of property made with the intent to hinder collection by a creditor. In the context of child support, fraudulent transfers are made by NCPs to avoid collection of support by the CP or LCSA. An LCSA can set aside a fraudulent transfer in court and void the transfer of property provided certain conditions are met. A transfer is fraudulent when:

- It is made with actual intent to hinder, delay, or defraud a creditor of the debtor.
- It is made without receiving a reasonable equivalent value in exchange.

If the transfer was made after the child support obligation was incurred, intent need not be proven if the transfer was made without the NCP receiving a reasonably equivalent value in exchange for the transfer, and the debtor became insolvent as a result of the transfer.

Fraudulent transfers are difficult to prove and must be established in a court proceeding. All cases involving an alleged fraudulent transfer must be substantiated by facts and evidence. All such cases should be reviewed by an attorney so the proper court process can be initiated under an attorney's supervision and guidance.

Extraordinary Enforcement Actions

Extraordinary enforcement actions should be taken by the LCSA after all other appropriate enforcement actions have failed to produce compliance with the court orders. These are the most resource intensive child support enforcement actions and, like the special enforcement actions, should only be taken after careful case review.

IRS Full Collection Service

The IRS Full Collection Service provides for use of the Internal Revenue Service to collect past due support. This procedure is separate and distinct from the IRS Tax Intercept Program, which intercepts monies being refunded to taxpayers who have overpaid their federal income taxes for a specific year. In the IRS Full Collection Service, IRS collection officers are used to collect past due tax obligations.

The process provides state child support enforcement agencies a collection remedy when an LCSA's attempts to recover the delinquent amount on a specific case have failed and further efforts would be unproductive. Child support enforcement agencies may use the IRS collection mechanism if they have been unable to collect the arrearage, the arrearage meets minimum certification requirements, and income or asset information suggests there is a good chance the IRS could collect.

Cases that are placed into the IRS Full Collection Service may not be submitted to the IRS Tax Intercept Program. The IRS will offset any applicable tax refunds through the Full Collection Service.

Criminal Actions

When the NCP is not meeting the support needs of his or her child, the LCSA has the ability to refer the case for prosecution under Sections 166, 270, and 271 of the California Penal Code.

Failure to Provide

Sections 270 and 271 of the California Penal Code are the code sections for "failure to provide." In order to prosecute under these sections, the following criteria must be met:

- The defendant is the parent of the child
- The defendant failed to furnish the child with necessary clothing, food, shelter, medical assistance, or other remedial care
- The omission was willful

This crime requires a separate criminal court action which must follow the rules of criminal procedure.

Willful Disobedience of a Court Order

Section 166(a)(4) of the California Penal Code is the penal code section for contempt for willful disobedience of a court order. In order to prosecute under these sections, the following criteria must be met:

- There is a valid order
- The obligor has knowledge of the order as evidenced by service of the order on the defendant or presence in court at the time the order was made

- The obligor failed to comply with the order
- The obligor has the ability to comply

These criminal actions require a separate criminal court action which must follow the rules of criminal procedure.

Project Save Our Children

Project Save Our Children (PSOC) is a federal program designed to enhance the ability of state and local IV-D agencies to submit eligible cases for federal criminal prosecution. This program addresses enforcement of child support obligations for interstate cases by creating a formal partnership between OCSE and the federal criminal justice system. PSOC's goal is to increase child support collections in cases where the parents reside in different states by identifying, investigating, and prosecuting delinquent NCPs.

In order for a case to be referred, the child for whom child support is owed must reside in a state other than where the NCP resides and, the LCSA must have exhausted all other available enforcement remedies to collect arrears. Cases must also meet the following criteria:

1. Felony Criteria
 - a. The NCP must have refused to pay at least \$10,000 in total child support arrears; or
 - b. The NCP has not paid any amount for two years.
2. Misdemeanor Criteria
 - a. The NCP owes at least \$5,000 in child support arrears; or
 - b. The NCP has not made any payments for at least a year; or
 - c. Extenuating circumstances such as if the NCP is a repeat criminal child support offender; or
 - d. The child involved has serious medical needs; or
 - e. The financial condition of the CP has suffered greatly due to lack of payments.

Other Actions

Other actions are enforcement actions requiring review of individual case circumstances.

Motions to Determine Arrearages

Any party to an action involving collection of support may request a judicial determination of arrearages. The party may request an administrative review prior to requesting a judicial review. A request for an administrative review of arrears should be treated as a request for complaint resolution. A motion to determine arrears must include a monthly breakdown showing amounts ordered, amounts paid, and any other relevant information.

Parents as Parties Seeking Independent Enforcement Action

A CP or the CP's private attorney may take independent action to enforce a support order in a case filed by an LCSA with the LCSA's prior consent. All support payments must be made

to the LCSA in any independent enforcement action filed by the parent, unless support services are terminated by the LCSA through case closure.

At least 30 days before filing an independent enforcement action, the CP must provide notice to the LCSA. Within 30 days of receiving notice of a CP's anticipated independent enforcement action, the LCSA must provide the CP written consent to proceed or a written notice of objection. Failure of the LCSA to respond within 30 days after notice is deemed consent.

Private Collection Agencies (PCA)

A CP is permitted to use a PCA to enforce child support. An LCSA may not adopt a policy of requiring a CP to request case closure while he or she has a contract with a PCA. However, a CP can be required to notify the LCSA of the use of a PCA to prevent duplication of efforts and to ensure proper accounting. A PCA is a third party, so an LCSA must be careful not to improperly disclose confidential information to the PCA. (For more information on confidentiality see "Confidentiality" on page 23.)

Upon receiving written authorization from the CP, the LCSA must:

- Change the address of record of a CP to the address of a private child support collection agency
- Send non-assistance child support payments to the private child support collection agency



Note

Private collection agencies DO NOT have the authority to request these changes. Only the CP may request them.

Mistaken Identity

Pursuant to California Family Code Section 17530, local child support agencies are responsible for investigating claims of mistaken identity in which a person claims that enforcement actions have been taken in error against that individual's wages or assets. The local child support agency conducts an investigation by requesting documentation from the claimant, such as driver's license, social security card, birth certificate, or some other certified documentation that reveals the identity of the claimant.

Bankruptcy

Generally, debts relating to support (child, family, spousal, and medical) are not dischargeable in bankruptcy. However, upon the filing of a bankruptcy petition by an NCP an “automatic stay of enforcement” can prohibit the use of enforcement actions to collect support. The automatic stay remains effective until the debtor receives a discharge or until the case is dismissed, whichever happens first.

The most common bankruptcy actions initiated by an NCP are:

- **Chapter 7 Case** is a 90 to 120 day procedure in which the debtor intends to discharge personal debts and creditors usually get paid nothing. The LCSA can continue to collect current support and arrearages from the debtor’s salary or wages under an exception to the automatic stay allowing the enforcement of support from property which is not property of the bankruptcy estate. In Chapter 7 cases, wages and salary paid postpetition are not part of the bankruptcy estate.
- **Chapter 13 Wage Earner Reorganization Case** is a procedure, which typically last no more than 60 months, in which the debtor agrees to repay some or all of his or her debts under a court approved plan. In a Chapter 13 case the debtor’s postpetition salary and wages are property of the bankruptcy estate. However, there is a division of authority as to the status of salary or wages following confirmation of the Chapter 13 plan. Some authorities find that it is property of the estate, others do not. Therefore no enforcement action should be taken to collect any support (current or arrears) in a Chapter 13 case without approval of a child support program attorney.

During the bankruptcy, debtors are legally obligated to pay monthly ongoing support. However, without an agreement of the debtor, approval of the bankruptcy court, or specific legal authority to collect, neither current support nor arrears may be enforced during a Chapter 13 bankruptcy. It is therefore essential to obtain the approval of the debtor’s attorney in order to continue to collect current support in a Chapter 13 case or move for relief from the automatic stay. Support arrears will usually be paid through the bankruptcy trustee. During the course of a Chapter 13 bankruptcy, unassigned arrears must be paid fully and assigned arrears may be paid partially.

Since support arrears are not dischargeable after a debtor receives a discharge or the bankruptcy case is dismissed, the LCSA can use all possible methods of enforcement to collect the entire support debt.

The “automatic stay” does not prohibit actions against the debtor to establish or modify a support order or to obtain a paternity judgment.

BANKRUPTCIES FILED ON OR AFTER OCTOBER 17, 2005

New bankruptcy laws went into effect on October 17, 2005, which allow for certain exceptions to the automatic stay during the bankruptcy proceedings. For bankruptcy petitions filed on or after October 17, 2005, local child support agencies may initiate enforcement actions to:

- Issue, serve, or leave in place all wage withholding orders for domestic support obligations
- Suspend driver’s or professional licenses
- Report overdue support owed to consumer credit reporting agencies

- Intercept tax refunds
- Continue to enforce medical support obligations during bankruptcy.

**Note**

Bankruptcy law is complicated. Consultation with your supervisor or a child support program attorney is recommended when the NCP files for bankruptcy.

Federal Forms

This section includes commonly used Federal forms.

National Medical Support Notice

NATIONAL MEDICAL SUPPORT NOTICE
PART A
NOTICE TO WITHHOLD FOR HEALTH CARE COVERAGE

This Notice is issued under section 466(a)(19) of the Social Security Act, section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 (ERISA), and for State and local government and church plans, sections 401(e) and (f) of the Child Support Performance and Incentive Act of 1998.

Issuing Agency: _____ Issuing Agency Address: _____ Date of Notice: _____ Case Number: _____ Telephone Number: _____ FAX Number: _____	Court or Administrative Authority: _____ Date of Support Order: _____ Support Order Number: _____
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_____) Employer/Withholder's Federal EIN Number	RE* _____ Employee's Name (Last, First, MI)
_____) Employer/Withholder's Name	_____ Employee's Social Security Number
_____) Employer/Withholder's Address	_____ Employee's Mailing Address
_____) Custodial Parent's Name (Last, First, MI)	
_____) Custodial Parent's Mailing Address	_____ Substituted Official/Agency Name and Address
_____) Child(ren)'s Mailing Address (if different from Custodial Parent's)	
_____) _____) _____) Name, Mailing Address, and Telephone Number of a Representative of the Child(ren)	
Child(ren)'s Name(s) DOB SSN	Child(ren)'s Name(s) DOB SSN
_____ _____ _____	_____ _____ _____
_____ _____ _____	_____ _____ _____

The order requires the child(ren) to be enrolled in [] any health coverages available; or [] only the following coverage(s): Medical; Dental; Vision; Prescription drug; Mental health; Other (specify): _____

THE PAPERWORK REDUCTION ACT OF 1995 (P.L. 104-13) Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB control number: 0970-0222 Expiration Date: 02/29/2008.

Figure 1: National Medical Support Notice (1 of 10)

EMPLOYER RESPONSE

If either 1, 2, or 3 below applies, check the appropriate box and return this Part A to the Issuing Agency within 20 business days after the date of the Notice, or sooner if reasonable. NO OTHER ACTION IS NECESSARY. If neither 1, 2, nor 3 applies, forward Part B to the appropriate plan administrator(s) within 20 business days after the date of the Notice, or sooner if reasonable. Check number 4 and return this Part A to the Issuing Agency if the Plan Administrator informs you that the child(ren) is/are enrolled in an option under the plan for which you have determined that the employee contribution exceeds the amount that may be withheld from the employee's income due to State or Federal withholding limitations and/or prioritization.

1. Employer does not maintain or contribute to plans providing dependent or family health care coverage.

2. The employee is among a class of employees (for example, part-time or non-union) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes.

3. Health care coverage is not available because employee is no longer employed by the employer:

Date of termination: _____

Last known address: _____

Last known telephone number: _____

New employer (if known): _____

New employer address: _____

New employer telephone number: _____

4. State or Federal withholding limitations and/or prioritization prevent the withholding from the employee's income of the amount required to obtain coverage under the terms of the plan.

Employer Representative:

Name: _____ Telephone Number: _____

Title: _____ Date: _____

EIN (if not provided by Issuing Agency on Notice to Withhold for Health Care Coverage):

Figure 2: National Medical Support Notice (2 of 10)

INSTRUCTIONS TO EMPLOYER

This document serves as notice that the employee identified on this National Medical Support Notice is obligated by a court or administrative child support order to provide health care coverage for the child(ren) identified on this Notice. This National Medical Support Notice replaces any Medical Support Notice that the Issuing Agency has previously served on you with respect to the employee and the children listed on this Notice. If the employee already has enrolled the child(ren) in health care coverage, the employer should contact the issuing agency to provide coverage information.

The document consists of **Part A - Notice to Withhold for Health Care Coverage** for the employer to withhold any employee contributions required by the group health plan(s) in which the child(ren) is/are enrolled; and **Part B - Medical Support Notice to the Plan Administrator**, which must be forwarded to the administrator of each group health plan identified by the employer to enroll the eligible child(ren), or completed by the employer, if the employer serves as the health plan administrator.

EMPLOYER RESPONSIBILITIES

1. If the individual named above is not your employee, or if family health care coverage is not available, please complete item 1, 2, or 3 of the Employer Response as appropriate, and return it to the Issuing Agency. NO FURTHER ACTION IS NECESSARY.
2. If family health care coverage is available for which the child(ren) identified above may be eligible, you are required to:
 - a. Transfer, not later than 20 business days after the date of this Notice, a copy of **Part B - Medical Support Notice to the Plan Administrator** to the administrator of each appropriate group health plan for which the child(ren) may be eligible, and
 - b. Upon notification from the plan administrator(s) that the child(ren) is/are enrolled, either
 - 1) withhold from the employee's income any employee contributions required under each group health plan, in accordance with the applicable law of the employee's principal place of employment and transfer employee contributions to the appropriate plan(s), or
 - 2) complete item 4 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholding.
 - c. If the plan administrator notifies you that the employee is subject to a waiting period that expires more than 90 days from the date of its receipt of **Part B** of this Notice, or whose duration is determined by a measure other than the passage of

Figure 3: National Medical Support Notice (3 of 10)

time (for example, the completion of a certain number of hours worked), notify the issuing agency of the enrollment timeframe and notify the plan administrator when the employee is eligible to enroll in the plan and that this Notice requires the enrollment of the child(ren) named in the Notice in the plan.

LIMITATIONS ON WITHHOLDING

The total amount withheld for both cash and medical support cannot exceed ___% of the employee's aggregate disposable weekly earnings. The employer may not withhold more under this National Medical Support Notice than the lesser of:

1. The amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C., section 1673(b));
2. The amounts allowed by the State of the employee's principal place of employment; or
3. The amounts allowed for health insurance premiums by the child support order, as indicated here:_____.

The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as State, Federal, local taxes; Social Security taxes; and Medicare taxes. As required under section 2.b.2 of the Employer Responsibilities on prior page, complete item 4 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholding.

PRIORITY OF WITHHOLDING

If withholding is required for employee contributions to one or more plans under this notice and for a support obligation under a separate notice and available funds are insufficient for withholding for both cash and medical support contributions, the employer must withhold amounts for purposes of cash support and medical support contributions in accordance with the law, if any, of the State of the employee's principal place of employment requiring prioritization between cash and medical support, as described here:_____.

As required under section 2.b.2 of the Employer Responsibilities on prior page, complete item 4 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholdings.

DURATION OF WITHHOLDING

The child(ren) shall be treated as dependents under the terms of the plan. Coverage of a child as a dependent will end when similarly situated dependents are no longer eligible for coverage under the terms of the plan. However, the continuation coverage provisions of ERISA may entitle the child to continuation coverage under the plan. The employer must continue to

Figure 4: National Medical Support Notice (4 of 10)

withhold employee contributions and may not disenroll (or eliminate coverage for) the child(ren) unless:

1. The employer is provided satisfactory written evidence that:
 - a. The court or administrative child support order referred to above is no longer in effect; or
 - b. The child(ren) is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan; or
2. The employer eliminates family health coverage for all of its employees.

POSSIBLE SANCTIONS

An employer may be subject to sanctions or penalties imposed under State law and/or ERISA for discharging an employee from employment, refusing to employ, or taking disciplinary action against an employee because of medical child support withholding, or for failing to withhold income, or transmit such withheld amounts to the applicable plan(s) as the Notice directs.

NOTICE OF TERMINATION OF EMPLOYMENT

In any case in which the above employee's employment terminates, the employer must promptly notify the Issuing Agency listed above of such termination. This requirement may be satisfied by sending to the Issuing Agency a copy of any notice the employer is required to provide under the continuation coverage provisions of ERISA or the Health Insurance Portability and Accountability Act.

EMPLOYEE LIABILITY FOR CONTRIBUTION TO PLAN

The employee is liable for any employee contributions that are required under the plan(s) for enrollment of the child(ren) and is subject to appropriate enforcement. The employee may contest the withholding under this Notice based on a mistake of fact (such as the identity of the obligor). Should an employee contest the withholding under this Notice, the employer must proceed to comply with the employer responsibilities in this Notice until notified by the Issuing Agency to discontinue withholding. To contest the withholding under this Notice, the employee should contact the Issuing Agency at the address and telephone number listed on the Notice. With respect to plans subject to ERISA, it is the view of the Department of Labor that Federal Courts have jurisdiction if the employee challenges a determination that the Notice constitutes a Qualified Medical Child Support Order.

CONTACT FOR QUESTIONS

If you have any questions regarding this Notice, you may contact the Issuing Agency at the address and telephone number listed above.

Figure 5: National Medical Support Notice (5 of 10)

NATIONAL MEDICAL SUPPORT NOTICE OMB NO. 1210-0113
PART B
MEDICAL SUPPORT NOTICE TO PLAN ADMINISTRATOR

This Notice is issued under section 466(a)(19) of the Social Security Act, section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974, and for State and local government and church plans, sections 401(e) and (f) of the Child Support Performance and Incentive Act of 1998. Receipt of this Notice from the Issuing Agency constitutes receipt of a Medical Child Support Order under applicable law. The rights of the parties and the duties of the plan administrator under this Notice are in addition to the existing rights and duties established under such law.

Issuing Agency: _____ Issuing Agency Address: _____ Date of Notice: _____ Case Number: _____ Telephone Number: _____ FAX Number: _____	Court or Administrative Authority: _____ Date of Support Order: _____ Support Order Number: _____
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_____) Employer/Withholder's Federal EIN Number	RE* _____) Employee's Name (Last, First, MI)
_____) Employer/Withholder's Name	_____) Employee's Social Security Number
_____) Employer/Withholder's Address	_____) Employee's Address
_____) Custodial Parent's Name (Last, First, MI)	_____) Substituted Official/Agency Name and Address
_____) Custodial Parent's Mailing Address	
_____) Child(ren)'s Mailing Address (if Different from Custodial Parent's)	
_____) _____) _____) Name(s), Mailing Address, and Telephone Number of a Representative of the Child(ren)	
Child(ren)'s Name(s) DOB SSN	Child(ren)'s Name(s) DOB SSN
_____ _____ _____	_____ _____ _____
_____ _____ _____	_____ _____ _____

The order requires the child(ren) to be enrolled in [] any health coverages available; or [] only the following coverage(s): medical; dental; vision; prescription drug; mental health; other (specify): _____

Figure 6: National Medical Support Notice (6 of 10)

PLAN ADMINISTRATOR RESPONSE

(To be completed and returned to the Issuing Agency within 40 business days after the date of the Notice, or sooner if reasonable)

This Notice was received by the plan administrator on _____.

1. This Notice was determined to be a "qualified medical child support order," on _____. Complete **Response 2 or 3, and 4**, if applicable.

2. The participant (employee) and alternate recipient(s) (child(ren)) are to be enrolled in the following family coverage.

- a. The child(ren) is/are currently enrolled in the plan as a dependent of the participant.
- b. There is only one type of coverage provided under the plan. The child(ren) is/are included as dependents of the participant under the plan.
- c. The participant is enrolled in an option that is providing dependent coverage and the child(ren) will be enrolled in the same option.
- d. The participant is enrolled in an option that permits dependent coverage that has not been elected; dependent coverage will be provided.

Coverage is effective as of ___/___/___ (includes waiting period of less than 90 days from date of receipt of this Notice). The child(ren) has/have been enrolled in the following option: _____ . Any necessary withholding should commence if the employer determines that it is permitted under State and Federal withholding and/or prioritization limitations.

3. There is more than one option available under the plan and the participant is not enrolled. The Issuing Agency must select from the available options. Each child is to be included as a dependent under one of the available options that provide family coverage. If the Issuing Agency does not reply within 20 business days of the date this Response is returned, the child(ren), and the participant if necessary, will be enrolled in the plan's default option, if any: _____.

4. The participant is subject to a waiting period that expires ___/___/___ (more than 90 days from the date of receipt of this Notice), or has not completed a waiting period which is determined by some measure other than the passage of time, such as the completion of a certain number of hours worked (describe here: _____). At the completion of the waiting period, the plan administrator will process the enrollment.

5. This Notice does not constitute a "qualified medical child support order" because:

The name of the child(ren) or participant is unavailable.

The mailing address of the child(ren) (or a substituted official) or participant is unavailable.

The following child(ren) is/are at or above the age at which dependents are no longer eligible for coverage under the plan _____ (insert name(s) of child(ren)).

Plan Administrator or Representative:

Name: _____ Telephone Number: _____

Title: _____ Date: _____

Address: _____

Figure 7: National Medical Support Notice (7 of 10)

INSTRUCTIONS TO PLAN ADMINISTRATOR

This Notice has been forwarded from the employer identified above to you as the plan administrator of a group health plan maintained by the employer (or a group health plan to which the employer contributes) and in which the noncustodial parent/participant identified above is enrolled or is eligible for enrollment.

This Notice serves to inform you that the noncustodial parent/participant is obligated by an order issued by the court or agency identified above to provide health care coverage for the child(ren) under the group health plan(s) as described on **Part B**.

(A) If the participant and child(ren) and their mailing addresses (or that of a Substituted Official or Agency) are identified above, and if coverage for the child(ren) is or will become available, this Notice constitutes a "qualified medical child support order" (QMCSO) under ERISA or CSPIA, as applicable. (If any mailing address is not present, but it is reasonably accessible, this Notice will not fail to be a QMCSO on that basis.) You must, within 40 business days of the date of this Notice, or sooner if reasonable:

(1) Complete Part B - Plan Administrator Response - and send it to the Issuing Agency:

(a) if you checked Response 2:

(i) notify the noncustodial parent/participant named above, each named child, and the custodial parent that coverage of the child(ren) is or will become available (notification of the custodial parent will be deemed notification of the child(ren) if they reside at the same address);

(ii) furnish the custodial parent a description of the coverage available and the effective date of the coverage, including, if not already provided, a summary plan description and any forms, documents, or information necessary to effectuate such coverage, as well as information necessary to submit claims for benefits;

(b) if you checked Response 3:

(i) if you have not already done so, provide to the Issuing Agency copies of applicable summary plan descriptions or other documents that describe available coverage including the additional participant contribution necessary to obtain coverage for the child(ren) under each option and whether there is a limited service area for any option;

(ii) if the plan has a default option, you are to enroll the child(ren) in the default option if you have not received an election from the Issuing Agency within 20 business days of the date you returned the Response. If the plan does not have a default option, you are to enroll the child(ren) in the option selected by the Issuing Agency.

Figure 8: National Medical Support Notice (8 of 10)

(c) if the participant is subject to a waiting period that expires more than 90 days from the date of receipt of this Notice, or has not completed a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), complete Response 4 on the Plan Administrator Response and return to the employer and the Issuing Agency, and notify the participant and the custodial parent; and upon satisfaction of the period or requirement, complete enrollment under Response 2 or 3, and

(d) upon completion of the enrollment, transfer the applicable information on Part B - Plan Administrator Response to the employer for a determination that the necessary employee contributions are available. Inform the employer that the enrollment is pursuant to a National Medical Support Notice.

(B) If within 40 business days of the date of this Notice, or sooner if reasonable, you determine that this Notice does not constitute a QMCSO, you must complete Response 5 of Part B - Plan Administrator Response and send it to the Issuing Agency, and inform the noncustodial parent/participant, custodial parent, and child(ren) of the specific reasons for your determination.

(C) Any required notification of the custodial parent, child(ren) and/or participant that is required may be satisfied by sending the party a copy of the Plan Administrator Response, if appropriate.

UNLAWFUL REFUSAL TO ENROLL

Enrollment of a child may not be denied on the ground that: (1) the child was born out of wedlock; (2) the child is not claimed as a dependent on the participant's Federal income tax return; (3) the child does not reside with the participant or in the plan's service area; or (4) because the child is receiving benefits or is eligible to receive benefits under the State Medicaid plan. If the plan requires that the participant be enrolled in order for the child(ren) to be enrolled, and the participant is not currently enrolled, you must enroll both the participant and the child(ren). All enrollments are to be made without regard to open season restrictions.

PAYMENT OF CLAIMS

A child covered by a QMCSO, or the child's custodial parent, legal guardian, or the provider of services to the child, or a State agency to the extent assigned the child's rights, may file claims and the plan shall make payment for covered benefits or reimbursement directly to such party.

PERIOD OF COVERAGE

The alternate recipient(s) shall be treated as dependents under the terms of the plan. Coverage of an alternate recipient as a dependent will end when similarly situated dependents are no longer eligible for coverage under the terms of the plan. However, the continuation coverage provisions of ERISA or other applicable law may entitle the alternate recipient to continue coverage under the plan. Once a child is enrolled in the plan as directed above, the alternate recipient may not be disenrolled unless:

Figure 9: National Medical Support Notice (9 of 10)

(1) The plan administrator is provided satisfactory written evidence that either:
 (a) the court or administrative child support order referred to above is no longer in effect, or
 (b) the alternate recipient is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan;

(2) The employer eliminates family health coverage for all of its employees; or

(3) Any available continuation coverage is not elected, or the period of such coverage expires.

CONTACT FOR QUESTIONS

If you have any questions regarding this Notice, you may contact the Issuing Agency at the address and telephone number listed above.

Paperwork Reduction Act Notice

The Issuing Agency asks for the information on this form to carry out the law as specified in the Employee Retirement Income Security Act or the Child Support Performance and Incentive Act, as applicable. You are required to give the Issuing Agency the information. You are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Issuing Agency needs the information to determine whether health care coverage is provided in accordance with the underlying child support order. The Average time needed to complete and file the form is estimated below. These times will vary depending on the individual circumstances.

<u>Learning about the law or the form</u>		<u>Preparing the form</u>
First Notice	1 hr.	1 hr., 45 min.
Subsequent Notices	----	35 min.

Figure 10: National Medical Support Notice (10 of 10)

Judicial Council Forms

This section includes commonly used Judicial Council forms.

FL-196: Order/Notice to Withhold Income for Child Support

FL-196
OMB Control No.: 0970-0154

Instructions to complete the Order/Notice to Withhold Income for Child Support or Notice of an Order to Withhold Income for Child Support

The Order/Notice to Withhold Income for Child Support (Order/Notice) or Notice of an Order to Withhold Income for Child Support (Notice) is a standardized form used for income withholding in tribal, intrastate, interstate, and intergovernmental cases. Please note that information provided on this form may be shared with the obligor. When completing the form, please include the following information.

The following information 1a – 1g refers to the government agency, non-government entity, or individual completing and sending this form to the employer.

- 1a. Check whether this is an Order/Notice to Withhold Income for Child Support or a Notice of an Order to Withhold Income for Child Support. Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order/notice. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law authorizing the attorney to issue an income withholding order/notice.
- 1b. Check the appropriate status of the Order or Notice.
- 1c. Date this form is completed and/or signed.
- 1d. Name of the state, tribe or territory sending this form. This must be a governmental entity.
- 1e. Name of the county, city, district, or reservation sending this Order or Notice, if appropriate. This must be a governmental entity.
- 1f. Check and indicate the non-governmental entity or individual sending this Order or Notice. Complete this item only if a non-governmental entity or individual is submitting this Order or Notice.
- 1g. Identifying case number used by the entity or individual sending this Order or Notice. In a IV-D case, this must be the IV-D case number.

The following information in 2 and 3 refers to the obligor, obligor's employer, and case identification.

- 2a. Employer's/Withholder's name.
- 2b-c. Employer's/Withholder's mailing address, city, and state. (This may differ from the Employee's/Obligor's work site.)
- 2d. Employer's/Withholder's nine-digit federal employer identification number (if available). Include three-digit location code.

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Figure 11: Order/Notice to Withhold Income for Child Support (1 of 8)

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- 3a. Employee's/Obligor's last name, first name, and middle initial.
- 3b. Employee's/Obligor's Social Security Number (if known).
- 3c. The case identifier used by the order issuing state or tribe for recording payments. (Should be the same as #21.) In a IV-D case, this must be the IV-D case number.
- 3d. Custodial Parent's last name, first name, and middle initial (if known).

ORDER INFORMATION - The following information in 4 -14e refers to the dollar amounts taken directly from the child support order.

- 4. Name of the state or tribe that issued the support order.
- 5a-b. Dollar amount to be withheld for payment of current child support, time period that corresponds to the amount in #6a (such as month, week, etc.).
- 6a-b. Dollar amount to be withheld for payment of past-due child support, time period that corresponds to the amount in #6a (such as month, week, etc.).
- 7a-b. Dollar amount to be withheld for payment of current cash medical support, as appropriate, based on the underlying order, time period that corresponds to the amount in #7a (such as month, week, etc.).
- 8a-b. Dollar amount to be withheld for payment of past-due cash medical support, if appropriate, based on the underlying order and the time period that corresponds to the amount in #8a (such as month, week, etc.).
- 9a-b. Dollar amount to be withheld for payment of spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #9a (such as month, week, etc.).
- 10a-b. Dollar amount to be withheld for payment of past-due spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #10a (such as month, week, etc.).
- 11a-c. Dollar amount to be withheld for payment of miscellaneous obligations, if appropriate, based on the underlying order, time period that corresponds to the amount in #11a (e.g., month, week, etc.), and description of the miscellaneous obligation.
- 12a. Total of #5a, #6a, #7a, #8a, #9a, #10a, and # 11a.
- 12b. Time period that corresponds to the amount in #12a (e.g., month).
- 13. Check this box if arrears greater than 12 weeks.
- 14a. Amount an employer should withhold if the employee is paid weekly.

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Figure 12: Order/Notice to Withhold Income for Child Support (2 of 8)

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14b. Amount an employer should withhold if the employee is paid every two weeks.

14c. Amount an employer should withhold if the employee is paid twice a month.

14d. Amount an employer should withhold if the employee is paid once a month.

REMITTANCE INFORMATION

15. The state, tribe, or territory from which this Order/Notice or Notice of an Order is sent.

16. Number of days in which the withholding must begin pursuant to the issuing state's or tribe's laws/procedures.

17. The effective date of the income withholding.

18. Number of working days within which an employer or other withholder of income must remit amounts withheld pursuant to the issuing state's law.

19. The percentage of income that may be withheld from the employee's/obligor's income. For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

20. The state, tribe, or territory from which the Order or Notice is sent.

21. Name of the State Disbursement Unit, individual, tribunal/court, or tribal child support enforcement agency specified in the underlying income withholding order to which payments are required to be sent. This form may not indicate a location other than that specified by an entity authorized under state or tribal law to issue an income withholding order. Please include the case identifier used to record payment (should be the same as 3c). In a IV-D case, this must be the IV-D case number.

22. Address of the State Disbursement Unit, tribunal/court, tribal child support enforcement agency, or individual identified in #21. This information is shared with the obligor. Be sure to safeguard confidential addresses.

Complete only for EFT/EDI transmission.

23a. Telephone number of contact to provide EFT/EDI instructions.

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Figure 13: Order/Notice to Withhold Income for Child Support (3 of 8)

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23b. Federal Information Process Standard (FIPS) code for transmitting payments through EFT/EDI. The FIPS code is five characters that identify the state, county or tribe. It is seven characters when it identifies the state, county, and a location within the county. It is necessary for centralized collections.

23c. Receiving agency's bank routing number.

23d. Receiving agency's bank account number.

IV-D agencies, courts, and attorneys (with authority to issue an income withholding order/notice) sending an Order/Notice to Withhold Income for Child Support must complete 24a-e.

24a. Print name of the government official authorizing this Order or Notice to Withhold.

24b. Print title of the government official authorizing this Order or Notice to Withhold.

24c. Signature of Government Official authorizing this Order/Notice to Withhold and date of signature. This line may be optional only if the Withholding Order/Notice includes the name and title of a government official (line 24a, 24b) and a signature of the official (line 24c) is not required by state or tribal law. Provide a signature if required by state or tribal law.

24d. Check the appropriate box to indicate whether a child support enforcement agency (IV-D) or court is authorizing this Order or Notice for withholding.

24e. Check the box if you are an attorney with authority to issue an order or notice under state law.

Attorneys, individuals, and private entities sending a Notice of an Order to Withhold Income for Child Support complete 25a-d.

25a. Print name of the individual or entity sending this Notice.

25b. Print title of the individual sending this Notice, if appropriate

25c. Signature of the individual sending this Notice and date of signature.

25d. Please check the appropriate box to indicate whether you are an attorney, individual, or private entity sending this Notice of an Order.

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Figure 14: Order/Notice to Withhold Income for Child Support (4 of 8)

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The following information refers to federal, state, or tribal laws that apply to issuing an income withholding order/notice or notice of an order to the employer. Any state or tribal specific information may be included in space provided.

26. Check the box if the state or tribal law requires the employer to provide a copy of the Order or Notice to the employee.

27. Use this space to provide additional information on the penalty and/or citation for an employer who fails to comply with the Order or Notice. The law of the obligor's principal place of employment governs the penalty.

28. Use this space to provide additional information on the penalty and/or citation for an employer, who discharges, refuses to employ, or disciplines an employee/obligor as a result of the Order or Notice. The law of the obligor's principal place of employment governs the penalty.

29. Use this space to provide the child(ren)'s names listed in the support order and/or additional information regarding this income withholding Order or Notice of an Order.

Please provide the following contact information to the employer. Employers may need additional information to process the Order or Notice.

30a. Name of the contact person sending the Order or Notice of an Order that an employer and/or employee/obligor may call for information regarding the Order or Notice of an Order.

30b. Telephone number for the contact person whose name appears in #30a.

30c. Fax number for the person whose name appears in #30a.

30d. Internet address for the person whose name appears in #30a.

If the employer is a Federal Government agency, the following instructions apply.

- Serve the Order or Notice of an Order upon the governmental agent listed in 5 CFR part 581, appendix A.
- Sufficient identifying information must be provided in order for the obligor to be identified. It is, therefore, recommended that the following information, if known and if applicable, be provided:
 - (1) full name of the obligor; (2) date of birth; (3) employment number, Department of Veterans Affairs claim number, or civil service retirement claim number; (4) component of the government entity for which the obligor works, and the official duty station or worksite; and (5) status of the obligor, e.g., employee, former employee, or annuitant.
- You may withhold from a variety of incomes and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a

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Figure 15: Order/Notice to Withhold Income for Child Support (5 of 8)

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more complete list see 5 CFR 581.103.

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.100 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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Figure 16: Order/Notice to Withhold Income for Child Support (6 of 8)

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1a ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT
 NOTICE OF AN ORDER TO WITHHOLD INCOME FOR CHILD SUPPORT

Original Amended Termination #1b Date: #1c

State/Tribe/Territory #1d

City/Co./Dist./Reservation #1e

Non-governmental entity or Individual #1f

Case Number #1g

#2a
Employer's/Withholder's Name RE: #3a
#2b Employee's/Obligor's Name (Last, First, MI)
Employer's/Withholder's Address #3b
#2c Employee's/Obligor's Social Security Number
#3c
Employee's/Obligor's Case Identifier
#2d
Employer's/Withholder's Federal EIN Number (if known) #3d
Obligee's Name (Last, First, MI)

ORDER INFORMATION: This document is based on the support or withholding order from State #4. You are required by law to deduct these amounts from the employee's/obligor's income until further notice.

\$ #5a Per #5b current child support #13
 \$ #6a Per #6b past-due child support - Arrears greater than 12 weeks? Yes No
 \$ #7a Per #7b current cash medical support
 \$ #8a Per #8b past-due cash medical support
 \$ #9a Per #9b spousal support
 \$ #10a Per #10b past-due spousal support
 \$ #11a Per #11b other (specify) #11c
 for a total of \$ #12a per #12b to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:
 \$ #14a per weekly pay period. \$ #14c per semimonthly pay period (twice a month).
 \$ #14b per biweekly pay period (every two weeks). \$ #14d per monthly pay period.

REMITTANCE INFORMATION: When remitting payment, provide the pay date/date of withholding and the case identifier. If the employee's/obligor's principal place of employment is #15, begin withholding no later than the first pay period occurring #16 days after the date of #17. Send payment within #18 working days of the pay date/date of withholding. The total withheld amount, including your fee, may not exceed #19 % of the employee's/obligor's aggregate disposable weekly earnings.

If the employee's/obligor's principal place of employment is not #20, for limitations on withholding, applicable time requirements, and any allowable employer fees, follow the laws and procedures of the employee's/obligor's principal place of employment (see #3 and #9, ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS).

Make check payable to: #21 (Payee and Case Identifier) Send check to: #22
 If remitting payment by EFT/EDI, call #23a before first submission. Use this FIPS code: #23b
 Bank routing number: #23c Bank account number: #23d

If this is an Order/Notice to Withhold: **If this is a Notice of an Order to Withhold:**
 24a Print Name 25a Print Name
 24b Title of Issuing Official mandatory 25b Title (if appropriate)
 24c Signature and Date (if required by state or tribal law) 25c Signature and Date
 24d IV-D Agency Court 25d Attorney Individual Private Entity
 24e Attorney with authority under state law to issue order/notice.

NOTE: Non-IV-D Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law

IMPORTANT: The person completing this form is advised that the information on this form may be shared with the obligor.

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Figure 17: Order/Notice to Withhold Income for Child Support (7 of 8)

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authorizing the attorney to issue an income withholding order/notice.

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

- #26** If checked, you are required to provide a copy of this form to your employee/obligor. If your employee works in a state that is different from the state that issued this order, a copy must be provided to your employee/obligor even if the box is not checked.
1. **Priority:** Withholding under this Order or Notice has priority over any other legal process under state law (or tribal law, if applicable) against the same income. If there are federal tax levies in effect, please notify the contact person listed below. (See 10 below.)
 2. **Combining Payments:** You may combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency/party requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
 3. **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding and forward the support payments.
 4. **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order or Notice against this employee/obligor and you are unable to honor all support Orders or Notices due to federal, state, or tribal withholding limits, you must follow the state or tribal law/procedure of the employee's/obligor's principal place of employment. You must honor all Orders or Notices to the greatest extent possible. (See 9 below.)
 5. **Termination Notification:** You must promptly notify the Child Support Enforcement (IV-D) Agency and/or the contact person listed below when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this Order or Notice to the Child Support Enforcement (IV-D) Agency and/or the contact person listed below. (See 10 below.)
THE EMPLOYEE/OBLIGOR NO LONGER WORKS FOR: _____
EMPLOYEE'S/OBLIGOR'S NAME: _____ **CASE IDENTIFIER:** _____
DATE OF SEPARATION FROM EMPLOYMENT: _____
LAST KNOWN HOME ADDRESS: _____
NEW EMPLOYER/ADDRESS: _____
 6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the Child Support Enforcement (IV-D) Agency.
 7. **Liability:** If you have any doubts about the validity of the Order or Notice, contact the agency or person listed below under 10. If you fail to withhold income as the Order or Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by state or tribal law/procedure.
#27 _____
 8. **Anti-discrimination:** You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.
#28 _____
 9. **Withholding Limits:** For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by 1) 10% if the employee does not support a second family; and/or 2) 5% if arrears greater than 12 weeks. For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.
Child(ren)'s Names and Additional Information: #29 _____

 10. If you or your employee/obligor have any questions, contact **#30a** _____ by telephone at **#30b** _____ by Fax at **#30c** _____ or by internet at **#30d** _____

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Figure 18: Order/Notice to Withhold Income for Child Support (8 of 8)

Enforcement Flowchart

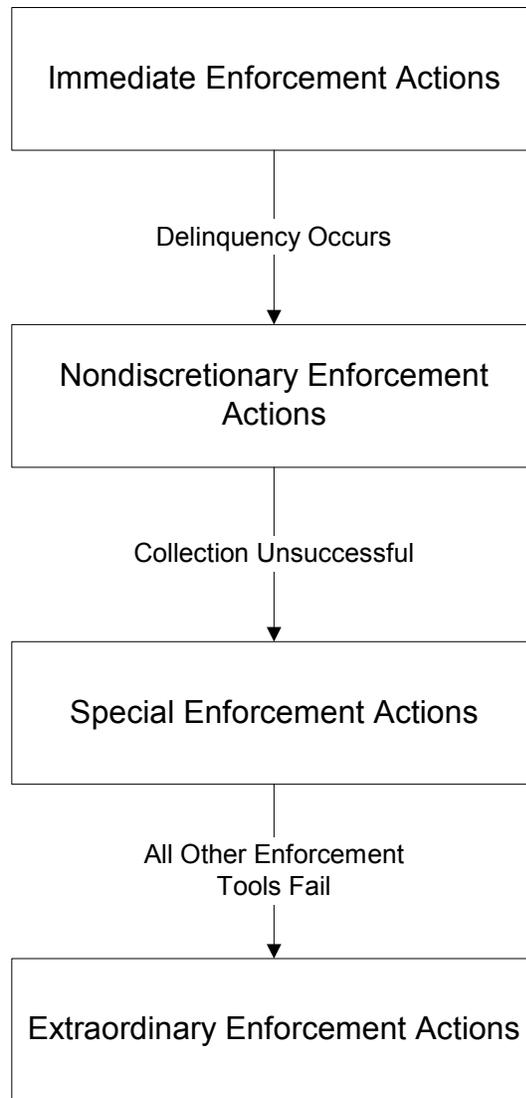


Figure 19: Enforcement Flowchart

Chapter 9 Interstate

This chapter provides a brief history of Interstate child support legislation and gives a brief overview of how Interstate child support cases are handled by the Local Child Support Agency (LCSA).

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Introduction to Interstate

An interstate case is a case in which the parent obligated to pay support lives in one state and the person entitled to receive support is in another state. This chapter describes the evolution of child support enforcement laws and the primary concepts of the Uniform Interstate Family Support Act (UIFSA) that governs the handling of interstate support enforcement cases.

Federal and State Timeframes

- 10 days to forward new information received to the responding State
- 10 days to transfer a responding case to another California county when the NCP moves and the case is no longer enforceable in this county
- 10 days to send the new address to the initiating State and Central Registry when the NCP is located in another State
- 20 days to send a petition/registration to another State and the NCP is located, if enforcement is no longer possible in California
- 30 days to respond to inquiries from the responding State or notify the responsible State when the information will be provided

History of Interstate Support Enforcement

In the past, once an NCP crossed beyond the state border, the “issuing” state's order had no value in a new state. A person owed money would have to begin again within the new state, locate the alleged NCP, obtain another support order from a judge of the new state, and start fresh with new enforcement efforts. This process was time consuming and expensive. It could also be frustrating; if the NCP moved again to a third state, neither of the existing support orders could be enforced. Moving across state lines to avoid paying support became a widespread problem in the United States.

In 1950, a national committee wrote a proposed set of laws intended for adoption in all 50 states, so that a person owed support would have some ability to enforce an existing support order in a state other than the original “issuing” state. They called this first uniform code the Uniform Reciprocal Enforcement of Support Act (URESA).

The First Interstate Solution

The URESA required states to “reciprocate” in enforcement of support obligations and provided civil and criminal remedies for enforcement of support across state lines. The Act introduced the concepts of the “initiating state” and the “responding state.” An initiating state (where the CP lives) is a state asking for support orders to be established or enforced in the responding state (where the NCP lives).

The federal government required every state to enact URESA, but did not require that it be adopted exactly as written. As a result, all 50 states enacted URESA, but many legislatures changed the language, or removed the provisions with which they disagreed. Because of this, the law was not the same in all states, and problems continued to exist with interstate support enforcement.

How Did URESA Work?

URESAs created a two-state enforcement process, wherein an order was filed and certified by the court of the first state. The certified orders were then forwarded to the courts of the second state, where a second hearing would occur. A new support order would be entered at the second hearing, but it would not always be the same as the original.

An NCP who moved frequently could end up with multiple support orders in different amounts from each state in which he or she had lived. Also, the CP would need to begin again with a new first hearing in the initiating state each time the NCP moved to a different responding state.

The Second Interstate Solution

Another national committee of advisors was convened, with the goal of rewriting interstate laws so that enforcement could happen more quickly, with fewer hearings and less paperwork. The Revised Uniform Reciprocal Enforcement of Support Act (RURESAs) was published in 1968.

The act introduced the streamlined concept of registering an existing order in the responding state. "Registration" converted the order into an order of the responding state without a hearing in the initiating state. It also made the hearing in the responding state optional. If the NCP did not ask for a hearing, none occurred and enforcement of the order could proceed immediately. Because the initiating state's order became an order of the responding state, this meant it could be adjusted in the responding state as well. The speed and ease of an adjustment was an important element of RURESAs.

The Problem with RURESAs

Adjustment in the responding state often did not affect the legality of the original support order. The parties now had two court orders governing the same obligation, with different amounts for the same children during the same time periods. This led to frequent confusion with regard to what amount of current support was owed in any month and what total of unpaid arrears was due. An NCP would frequently pay the amount demanded by the order established in his or her state of residence, only to discover later that an order for a higher amount was still accruing in another state.

Only 37 states adopted RURESAs, while the others followed URESAs. With two versions in use, support enforcement laws were no longer uniform among the states. After 20 years, it also became clear that allowing multiple orders to exist in different states for the same families was not working. A completely different approach was needed.

In 1988 a national committee was formed to completely rewrite interstate support laws. They continued the best of what had worked in prior versions of interstate law and wrote the new law to correct the mistakes of the past. The committee advised the federal government that interstate enforcement would not work unless the same laws were in effect in every state and those laws were enacted by the states without changes. The new act, called "Uniform Interstate Family Support Act" (UIFSA) was published four years later.

Some states enacted UIFSA immediately, while others hesitated and debated its merits. This meant three versions of interstate enforcement laws were in effect throughout the 50 states. In order to cure the differences, Congress took action in 1994 and imposed uniformity with a law called "Full Faith and Credit for Child Support Orders Act" (FFCCSOA).

The Federal Answer – FFCCSOA

FFCCSOA remains in effect today as federal law. FFCCSOA imposed the basic principles of UIFSA on those states that had not enacted the new uniform interstate act. As federal law, it overrules any state law that might contradict it.

What Does FFCCSOA Do?

FFCCSOA prohibits a responding state from adjusting another state's order. It requires that "each state shall enforce" an existing support order of another state "according to its terms." This introduced for the first time the idea of one state's "exclusive jurisdiction" over a support order.

In 1996, the federal government required that every state enact UIFSA by January 1, 1998 without any change or omission in order to remain in compliance with program requirements. This guarantees that each state's law with regard to enforcement of support orders agrees with every other state's law. Since January 1, 1998, UIFSA has governed interstate support enforcement in all fifty states.

A New Approach – UIFSA

UIFSA is state law and exists today side by side with the federal FFCCSOA. It replaces all prior interstate enforcement acts and is designed to make the handling of interstate cases simpler and more efficient.

How UIFSA Works

UIFSA continued to use some of the existing terms including issuing state, initiating state, responding state, and registration of an order. It completely changed the way that support orders can be adjusted. It also introduced new methods of support enforcement between states.

The New Approach

The primary change introduced by UIFSA is the “one family-one order-one state” concept. Each family unit will have only one support order in effect during any time period. UIFSA also required the creation of a central registry in each state to help track and simplify the processing of interstate cases. It also allowed for entry of a “Protective Order” which stops location information from being released to the other party whenever fear of physical or emotional retaliation exists.

Establishment Under UIFSA

Jurisdiction to Make Orders

A court must have personal jurisdiction over the person against whom a legal action is filed. A state’s court has personal jurisdiction over anyone who lives or works in that state.

A state court may obtain personal jurisdiction through “long-arm jurisdiction.” Long-arm jurisdiction is the court’s authority over a person who does not live or work in the state, for the purpose of establishing parentage or a support order. LCSAs must use long-arm jurisdiction whenever legal grounds exist.

California LCSAs may exercise personal jurisdiction over a non-resident if:

- The non-resident was personally served with a summons in the State of California
- The non-resident submits or consents to the jurisdiction of California
- The non-resident has lived in the State with the child
- The non-resident resided in California and provided pre-natal expenses or support for the child
- The child resides in California as a result of the acts or directive of the individual/nonresident obligor
- The non-resident engaged in sexual intercourse in California and the minor child may have been conceived by that act
- There is a POP Declaration
- Other

If California does not have personal jurisdiction over a person against whom a legal action must be filed to establish support, the case becomes an interstate case and the LCSA must seek the help of another state.

Child support and paternity can be established in any state with personal or long-arm jurisdiction over the alleged parent. Special federal forms exist for use in interstate cases and the federal government requires the courts of every state accept the federal forms in place of their own state court forms.

Genetic Testing

The alleged father can deny paternity and request genetic testing. Samples will be taken from each parent and sent to a certified laboratory. Genetic test results are admissible in court.

Special Interstate Hearing Rules

UIFSA created special evidentiary rules that apply to court hearings on interstate cases. Out of state parties may appear by phone and testify if the court allows. Statements made under oath on federal forms are admissible as testimony in court, in the absence of the witness in person or by telephone.

Other State Judgments

A judgment of paternity entered in another state is valid and enforceable in California. A certified copy of a voluntary paternity acknowledgement signed in another state is conclusive as to the issue of paternity in California.

Enforcement Under UIFSA

The Controlling Order

The support order in effect is now called the controlling order. The issuing state's order remains the controlling order until it is adjusted. UIFSA also created a system in which the multiple support orders created under URESA and RURESAs can be reconciled into a single support order case. This reconciliation is called "Determination of the Controlling Order." Once this determination is made in a state with personal jurisdiction over both parties, that determination governs all future arrears calculations in their case.

Modification of Orders (Adjustment) Under UIFSA

Continuing Exclusive Jurisdiction (CEJ)

Under UIFSA, enforcement is treated differently from adjustment. Only one state has the authority to adjust an existing support order at any time. To emphasize the importance of a state's authority over the controlling order, UIFSA created CEJ. The issuing state automatically has CEJ over its own order as long as one of the parents or a child remains a resident of that state.

When all parties and the child leave the issuing state, that state may lose CEJ. At that time, the support order can be registered and enforced “according to its terms” in any state but the order can only be adjusted in the state of the nonrequesting party unless both parties file a written request in the CEJ state to confer jurisdiction to another state or if the court order was issued in a foreign country that does not have a law comparable to UIFSA. The law of the issuing state continues to control the nature, amount, and duration of current support (rate of interest, age of emancipation, etc.).

After the order is adjusted in the state of the non-requesting party, the new state obtains CEJ over the new order. The new issuing state will keep CEJ until all parties and children have moved out of that state.

Statute of Limitations

In an action to collect arrearages, the statute of limitations of the issuing state or the enforcing state, whichever is longer, applies.

The Next Step – UIFSA 2001

While UIFSA has greatly simplified enforcement across state lines, some problems remain. Since 1998, when UIFSA went into effect in every state, there are still differences in the way the same rules have been interpreted between states. There is already a new version of UIFSA in existence, called "UIFSA 2001." The new version reworded the language to clarify the original intent and make it more difficult for states to differ in their implementation of the act. Sometime after July 1, 2004, the new act will become operative in California when federally mandated or when California requests a waiver from the UIFSA requirement currently in effect, whichever comes first.

Financial Management

This chapter describes the collection, allocation, distribution, and disbursement of child support payments that are applied against a child support obligation.

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Introduction to Financial Management

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) revised how local child support agencies (LCSAs) distribute and disburse monies collected by the Child Support Program. States were given two options to implement the changes required by PRWORA. The states could either implement a portion of the changes effective October 1, 1997, and the balance of the requirements October 1, 2000, or they could choose a second option, which required that all distribution changes be implemented effective October 1, 1998. California selected the second option and adopted the new rules effective October 1, 1998. The changes at the State and federal level had a significant impact on the collection, allocation, distribution, and disbursement process.

The emphasis of welfare reform is to help families become self-sufficient without government assistance. Therefore, most of the changes in distribution prioritized the family's financial interests over the recoupment of government funds. The change in emphasis created a set of complex rules for distribution.

Federal and State Timeframes

- 2 business days to forward a payment to the non-assistance CP regardless of payment source. (Exception: 30 days for an IRS Intercept)
- 2 business days to forward a disregard payment to the CalWORKs CP and Pass-on payment to a federal Foster Care CP (KinGAP)
- 10 business days, after the end of the month in which the payment was received, to notify the welfare department of the receipt of a payment
- 45 days, from the end of the statement period when there is either a collection or distribution of support during the period covered by the statement, to send a Monthly Statement of Collections and Distribution

Collection, Allocation, Distribution, and Disbursement

Case Aid Status

Child support programs are required to track the status of child support cases for reporting purposes:

1. **Never Assistance cases** – Title IV-D cases that have never received public assistance under Title IV-A or Title IV-E
2. **Current Assistance cases** – Title IV-D cases that are currently receiving public assistance under Title IV-A or Title IV-E
3. **Former Assistance cases** – Title IV-D cases that have received public assistance under Title IV-A or Title IV-E in the past

When children in a case have a different Case Status, it is considered a mixed status case. An example of a mixed status case is a case with one child receiving public assistance and another child who has never received public assistance.

The following public assistance programs and aid code categories should be used when determining if a Title IV-D case is a current assistance case or a former assistance case status.

Table 1: Federal Aid Codes

<i>Aid Category</i>	<i>Aid Code</i>
CalWORKs - All Families	30, 3P
CalWORKs - Zero Parent Case	33, 3R
CalWORKs - Legal Immigrants All Families	3E
CalWORKs - Legal Immigrants Two Parent Families	3U
CalWORKs - Legal Immigrants Zero Parent Case	3H
KinGAP	4F
Foster Care	42
Emergency Assistance - Foster Care	5K

Table 2: Non-Federal Aid Codes

<i>Aid Category</i>	<i>Aid Code</i>
CalWORKs - Two Parent Case	35
TANF - Timed Out Case	32
Safety Net - All Other Families, CalWORKs Timed Out	3A
Safety Net - Two Parent Families, CalWORKs Timed Out	3C
CalWORKs - Legal Immigrants All Families	3L
TANF - Legal Immigrants Timed Out, Mixed Case	3W
CalWORKs - Legal Immigrants, Two Parent Families	3M
CalWORKs - Legal Immigrants, Zero Parent Case	3G
KinGAP	4G
Foster Care	40

Allocation of Payment and Date of Collection by Source

The following table displays how a payment must be allocated based on the payment source. Date of collection means the date for determining entitlement to a support payment received by the LCSA or the State Disbursement Unit (SDU) after transition.

For all payment sources listed below in Table 3, the legal date of collection is the date of receipt at the SDU when the LCSAs transition to the SDU.

The Code of Federal Regulations (CFR), Section 302.51(4)(i) and (ii), requires the use of the date of receipt by the SDU for non-employer payments and allows states the option of using date of receipt for employer withheld payments. DCSS has elected to use date of receipt as the legal date of collection for all payments, including employer withheld payments. This will enable the SDU to automate the receipt processing of collections and will result in a consistent and efficient application of payments throughout the state. This statewide uniformity will enhance the automation of collections, thus reducing the need for manual intervention, and will result in more timely and accurate disbursements.

The policies and regulations listed below will no longer be in effect once an LCSA transitions to the SDU. However, for those LCSAs not yet transitioned to the SDU, the following policies and regulations will remain in effect until transition.

- CSS Letter 02-13 - Legal Date of Collection for Wage Withholding advises the LCSA that the “pay date/date of withholding” provided by the employer is considered the legal date of collection.

- DSS Manual of Policies and Procedures (MPP), Section 12-101.3(c)(4) defines the collection month as the month in which the support payment is received by the LCSEA, which is used for determining entitlement of any payments to families.
- DSS MPP, Section 12-101.3(d)(1) defines the date of collection as the date that the support payment is initially received by a Title IV-D agency or determining entitlement of any payments to families.
- DSS MPP, Section 12-101(d)(2) defines the date of receipt as the date the LCSEA received the support payment, which is used to determine compliance with disbursement timeframes.
- CCR, Title 22, Section 119184(a) requires that issuance of the Monthly Statement of Collections and Distribution (CS 916, dated 03/02) and Notice of Important Information (CS 917, dated 03/02) are provided to each custodial party receiving child support services.

Table 3: Payment Sources and Allocation Rules

<i>Payment Source</i>	<i>Allocation Rules</i>
1. Bankruptcy Trustee - Claim Against Bankruptcy Protection Plan	Cases Included in the Enforcement Actions
2. California State Lottery	IDB Pre-Allocated - County Specific
3. CP Repayment of Overpayment	Repayment of Receivable
4. EDD - Disability Insurance Benefit Intercept (DIB)	All Obligor Cases
5. EDD - Unemployment Insurance Benefit Intercept (UIB)	All Obligor Cases
6. Income Withholding Order (includes QDROs)	Cases Included in the Enforcement Actions
7. Insurance Companies - CIIP Lien	Cases Included in the Enforcement Actions
8. Insurance Companies - CIIP Withholding	Cases Included in the Enforcement Actions
9. Interstate Collection and Fee (EFT)	Single Case
10. Interstate Collection and Fee (Payment Instruments)	Single Case

Table 3: Payment Sources and Allocation Rules

<i>Payment Source</i>	<i>Allocation Rules</i>
11. Lien on Real Property/ Lien on Personal Prop- erty	Cases Included in the Enforcement Actions
12. NCP - Judgment Debtor Examination Asset Turn Over Order	Single Case
13. NCP - Lien (Civil Suit or Probate Case)	Cases Included in the Enforcement Actions
14. NCP - Regular Payment	All Obligor Cases
15. NCP - Repayment of Overpayment	Repayment of Receivable
16. Security Deposit of Assets/Security Deposit of Money	Single Case
17. Voluntary Military Allot- ments	All Obligor Cases
18. Wage Withholding Order Insurance Payments (Recurring Payments)	Cases Included in the Enforcement Actions
19. Workers Compensation Lump Sum Lien	Cases Included in the Enforcement Actions
20. Workers Compensation of Recurring Benefits (Withholding)	Cases Included in the Enforcement Actions
21. Writ of Execution	Cases Included in the Enforcement Actions
22. Writ of Execution of Lump Sum Insurance Settlement	Cases Included in the Enforcement Actions
23. Department of Treasury - FMS - Administrative Off- sets	IDB Pre-Allocated - County Specific
24. Department of Treasury - FMS - IRS Tax Intercept	IDB Pre-Allocated - County Specific
25. Department of Treasury - IRS - Full Collection	Single Case
26. FTB - California State Tax Intercept	IDB Pre-Allocated - County Specific

Table 3: Payment Sources and Allocation Rules

<i>Payment Source</i>	<i>Allocation Rules</i>
27. Child Support Full Collection (AKA FTB Full Collection)	Cases Included in the Enforcement Actions

Allocation Formula

When an NCP owes support for two or more families, the NCP is considered to have multiple cases. When the allocation rule specifies the payment is to be allocated to more than one case, the payment must be prorated in the following order:

1. **To each case's current support obligation.** If the payment is not sufficient to satisfy all of the NCP's current support obligations, then the payment must be prorated based on each case's proportionate share of the total current support owed.
2. **To each case's arrears amounts.** If the payment is sufficient to satisfy all of the NCP's current support obligation and there is a balance remaining that does not satisfy all the arrearage amounts, the balance should be prorated based on each case's proportionate share of the total arrearages owed.

Payment Application Hierarchy

Distribution laws determine the hierarchy based on case status and support types. IRS tax intercept collections can only be applied to arrearages.

Support Types

The priority order for application and distribution of support types is as follows:

1. Child Support/Family Support
2. Medical Support
3. Spousal Support

Never Assistance Cases

When a family has never received public assistance, or the public assistance history is unknown, the county should consider the case a **never assistance** case.¹

Use the following payment application and distribution hierarchy for **never assistance** cases:

1. Current child and family support
2. Current medical support
3. Current spousal support
4. Never assigned child or family support interest
5. Never assigned medical support interest
6. Never assigned spousal support interest
7. Never assigned child or family support arrears principal
8. Never assigned medical support arrears principal
9. Never assigned spousal support arrears principal
10. Fees and costs interest
11. Fees and costs principal
12. Futures

Never Assistance Cases – IRS Tax Intercept Collections

Collections shall be applied in the following support type priority order:

1. Never assigned child or family support interest
2. Never assigned medical support interest
3. Never assigned spousal support interest
4. Never assigned child or family support arrears principal
5. Never assigned medical support arrears principal
6. Never assigned spousal support arrears principal

Current Assistance Cases

When a family is receiving public assistance it is considered a **current assistance** case.

Use the following payment application and distribution hierarchy for **current assistance** cases:

1. Current child support or family support
2. Current medical support
3. Current spousal support
4. Permanently assigned child or family support interest
5. Permanently assigned medical support interest
6. Permanently assigned spousal support interest
7. Permanently assigned child or family support arrears principal

1. FSD Letter No. 98-05, 2/11/98.

8. Permanently assigned medical support arrears principal
9. Permanently assigned spousal support arrears principal
10. Temporarily assigned child or family support interest
11. Temporarily assigned medical support interest
12. Temporarily assigned spousal support interest
13. Temporarily assigned child or family support arrears principal
14. Temporarily assigned medical support arrears principal
15. Temporarily assigned spousal support arrears principal
16. Fees and costs interest
17. Fees and costs principal
18. Futures

Current Assistance Cases – IRS Tax Intercept Collections

Collections shall be applied in the following support type priority order:

1. Permanently assigned child or family support interest
2. Permanently assigned medical support interest
3. Permanently assigned spousal support interest
4. Permanently assigned child or family support arrears principal
5. Permanently assigned medical support arrears principal
6. Permanently assigned spousal support arrears principal
7. Temporarily assigned child or family support interest
8. Temporarily assigned medical support interest
9. Temporarily assigned spousal support interest
10. Temporarily assigned child or family support arrears principal
11. Temporarily assigned medical support arrears principal
12. Temporarily assigned spousal support arrears principal

Former Assistance Cases

When a family has received public assistance in the past, it is considered a **former assistance** case.

Use the following payment application and distribution hierarchy for **former assistance** cases.

1. Current child and family support
2. Current medical support
3. Current spousal support
4. Never assigned child or family support interest
5. Never assigned medical support interest
6. Never assigned spousal support interest
7. Never assigned child or family support arrears principal
8. Never assigned medical support arrears principal

9. Never assigned spousal support arrears principal
10. Conditionally assigned child or family support interest
11. Conditionally assigned medical support interest
12. Conditionally assigned spousal support interest
13. Conditionally assigned child or family support arrears principal
14. Conditionally assigned medical support arrears principal
15. Conditionally assigned spousal support arrears principal
16. Unassigned pre-assistance child or family support interest
17. Unassigned pre-assistance medical support interest
18. Unassigned pre-assistance spousal support interest
19. Unassigned pre-assistance child or family support arrears principal
20. Unassigned pre-assistance medical support arrears principal
21. Unassigned pre-assistance spousal support arrears principal
22. Permanently assigned child or family support interest
23. Permanently assigned medical support interest
24. Permanently assigned spousal support interest
25. Permanently assigned child or family support arrears principal
26. Permanently assigned medical support arrears principal
27. Permanently assigned spousal support arrears principal
28. Unassigned during assistance child or family support interest
29. Unassigned during assistance medical support interest
30. Unassigned during assistance spousal support interest
31. Unassigned during assistance child or family support arrears principal
32. Unassigned during assistance medical support arrears principal
33. Unassigned during assistance spousal support arrears principal
34. Fees and costs interest
35. Fees and costs principal
36. Futures

Former Assistance Cases – IRS Tax Intercept Collections

Collections shall be applied in the following support type priority order:

1. Permanently assigned child or family support interest
2. Permanently assigned medical support interest
3. Permanently assigned spousal support interest
4. Permanently assigned child or family support arrears principal
5. Permanently assigned medical support arrears principal
6. Permanently assigned spousal support arrears principal
7. Conditionally assigned child or family support interest
8. Conditionally assigned medical support interest
9. Conditionally assigned spousal support interest
10. Conditionally assigned child or family support arrears principal

11. Conditionally assigned medical support arrears principal
12. Conditionally assigned spousal support arrears principal
13. Unassigned pre-assistance child or family interest
14. Unassigned pre-assistance medical support interest
15. Unassigned pre-assistance spousal support interest
16. Unassigned pre-assistance child or family support arrears principal
17. Unassigned pre-assistance medical support arrears principal
18. Unassigned pre-assistance spousal support arrears principal
19. Unassigned during assistance child or family support interest
20. Unassigned during assistance medical support interest
21. Unassigned during assistance spousal support interest
22. Unassigned during assistance child or family support arrears principal
23. Unassigned during assistance medical support arrears principal
24. Unassigned during assistance spousal support arrears principal
25. Never assigned child or family support interest
26. Never assigned medical support interest
27. Never assigned spousal support interest
28. Never assigned child or family support arrears principal
29. Never assigned medical support arrears principal
30. Never assigned spousal support arrears principal

Mixed Status Cases

When children in a case have a different case status, it is considered a **mixed status** case.

Use the following payment application and distribution hierarchy for Multiple Cases and **mixed status** cases:

1. Child and family support
2. Medical support
3. Spousal support
4. Never assigned child or family support interest
5. Never assigned medical support interest
6. Never assigned spousal support interest
7. Never assigned child or family support arrears principal
8. Never assigned medical support arrears principal
9. Never assigned spousal support arrears principal
10. Conditionally assigned child or family support interest
11. Conditionally assigned medical support interest
12. Conditionally assigned spousal support interest
13. Conditionally assigned child or family support arrears principal
14. Conditionally assigned medical support arrears principal
15. Conditionally assigned spousal support arrears principal
16. Unassigned pre-assistance arrears child or family support interest
17. Unassigned pre-assistance medical support interest

18. Unassigned pre-assistance spousal support interest
19. Unassigned pre-assistance child or family support arrears principal
20. Unassigned pre-assistance medical support arrears principal
21. Unassigned pre-assistance spousal support arrears principal
22. Permanently assigned child or family support interest
23. Permanently assigned medical support interest
24. Permanently assigned spousal support interest
25. Permanently assigned child or family support arrears principal
26. Permanently assigned medical support arrears principal
27. Permanently assigned spousal support arrears principal
28. Temporarily assigned child or family support interest
29. Temporarily assigned medical support interest
30. Temporarily assigned spousal support interest
31. Temporarily assigned child or family support arrears principal
32. Temporarily assigned medical support arrears principal
33. Temporarily assigned spousal support arrears principal
34. Unassigned during assistance child or family support interest
35. Unassigned during assistance arrearages principal
36. Unassigned during assistance medical support interest
37. Unassigned during assistance spousal support interest
38. Unassigned during assistance child or family support arrears principal
39. Unassigned during assistance medical support arrears principal
40. Unassigned during assistance spousal support arrears principal
41. Fees and costs interest
42. Fees and costs principal
43. Futures

Mixed Status Cases – IRS Tax Intercept Collections

Collections must be applied in the following support type priority order:

1. Permanently assigned child or family support interest
2. Permanently assigned medical support interest
3. Permanently assigned spousal support interest
4. Permanently assigned child or family support arrears principal
5. Permanently assigned medical support arrears principal
6. Permanently assigned spousal support arrears principal
7. Temporarily assigned child or family support interest
8. Temporarily assigned medical support interest
9. Temporarily assigned spousal support interest
10. Temporarily assigned child or family support arrears principal
11. Temporarily assigned medical support arrears principal
12. Temporarily assigned spousal support arrears principal
13. Conditionally assigned child or family support interest

14. Conditionally assigned medical support interest
15. Conditionally assigned spousal support interest
16. Conditionally assigned child or family support arrears principal
17. Conditionally assigned medical support arrears principal
18. Conditionally assigned spousal support arrears principal
19. Unassigned pre-assistance child or family support interest
20. Unassigned pre-assistance medical support interest
21. Unassigned pre-assistance spousal support interest
22. Unassigned pre-assistance child or family support arrears principal
23. Unassigned pre-assistance medical support arrears principal
24. Unassigned pre-assistance spousal support arrears principal
25. Unassigned during assistance child or family support interest
26. Unassigned during assistance medical support interest
27. Unassigned during assistance spousal support interest
28. Unassigned during assistance child or family support arrears principal
29. Unassigned during assistance medical support arrears principal
30. Unassigned during assistance spousal support arrears principal
31. Never assigned child or family support interest
32. Never assigned medical support interest
33. Never assigned spousal support interest
34. Never assigned child or family support arrears principal
35. Never assigned medical support arrears principal
36. Never assigned spousal support arrears principal

Never Assistance Cases – Medically Needy Only

Collections must be applied in the following support type priority order:

1. Current child and family support
2. Current medical support
3. Current spousal support
4. Never assigned child or family support interest
5. Never assigned medical support interest
6. Never assigned spousal support interest
7. Never assigned child or family support arrears principal
8. Never assigned medical support arrears principal
9. Never assigned spousal support arrears principal
10. Conditionally assigned medical support interest
11. Conditionally assigned medical support principal
12. Permanently assigned medical support interest
13. Permanently assigned medical support principal
14. Fees and costs interest
15. Fees and costs principal
16. Futures

Never Assistance Cases – Medically Needy Only - IRS Tax Intercept Collections

Collections must be applied in the following support type priority order:

1. Permanently assigned medical support interest
2. Permanently assigned medical support principal
3. Conditionally assigned medical support interest
4. Conditionally assigned medical support principal
5. Never assigned child or family support interest
6. Never assigned medical support interest
7. Never assigned spousal support interest
8. Never assigned child or family support arrears principal
9. Never assigned medical support arrears principal
10. Never assigned spousal support arrears principal

Unreimbursed Assistance Pool (UAP)

Unreimbursed Assistance Pool (UAP) means the total cumulative amount of aid paid to a family assistance unit for AFDC, CalWORKs (which includes the legal immigrant program), or foster care programs which has not been repaid by the recoupment of collections for assigned current support or arrearages (permanently, temporarily assigned, or conditionally assigned through an IRS tax intercept collection). The UAP must also be reduced by any state optional payments, including the disregard payment as defined in the Manual of Policies and Procedures (MPP) Section 12-101.3(d)(8), as determined by the Department. No interest accrues on the UAP.

Excess

Excess is any amount of assigned support paid that exceeds the UAP.

Assignment of Arrearages and Arrearage Types

“Assigned” means the rights to support payments have been turned over to the state (and county) as a condition of receiving aid.

“Assignment of Support Rights” is the legal procedure by which a person receiving aid agrees to turn over to the State any right to child support, including arrears, paid by the NCP in exchange for receipt of a cash assistance grant and other benefits. States can then use a portion of child support to defray or recoup the aid paid.

Arrearage Types

Child support programs are required to track six different types of arrearages:

1. **Never Assigned** – Arrearages that have never been assigned to the State in never assistance cases. Never assigned arrears are also the arrearages in former assistance cases that accrued after the family’s most recent period of aid ends.

2. **Permanently Assigned** – Arrearages that accrue while a family or child is receiving aid
3. **Temporarily Assigned** – Arrearages that accrued before public assistance was active are pre-assistance arrearages that were never assigned arrearages. On or after 10/1/98, when a family is granted assistance, the pre-assistance arrearages or never assigned arrearages become temporarily assigned arrearages.
4. **Conditionally Assigned** – Arrearages that were temporarily assigned while the family received aid, but the temporary assignment has ended because the family is no longer receiving aid. These arrears are normally unassigned and paid to the family if collected from a source other than IRS tax intercept. However, when collections are received from the IRS tax intercept, these arrears are conditionally assigned and will be used to reimburse aid paid.
5. **Unassigned Pre-Assistance** – Arrearages that accrued before a family received aid (temporarily assigned arrearages) and exceed the total UAP
6. **Unassigned During Assistance** – Arrearages that accrued while the family received aid (permanently assigned arrearages) which exceed the total UAP

Never Assistance Cases

When a family has never received aid under AFDC, CalWORKs, or foster care, the unpaid support that accrues is considered **never assigned arrearages**. The collections on the arrearages are disbursed to the family.

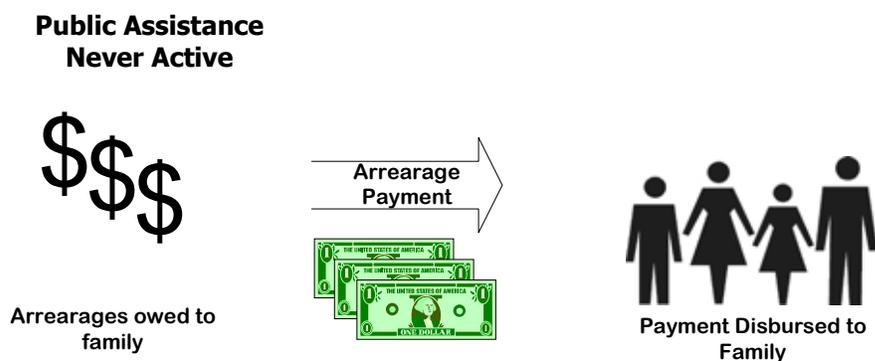


Figure 1: Never Assigned Arrearages Disbursement

Current Assistance Cases

When a family receives aid, the arrears that are owed to the family prior to the period the family was on aid, **pre-assistance arrearages**, are **temporarily assigned** to the state. Collections applied to **temporarily assigned arrearages** will be retained by the county for recoupment of public assistance.

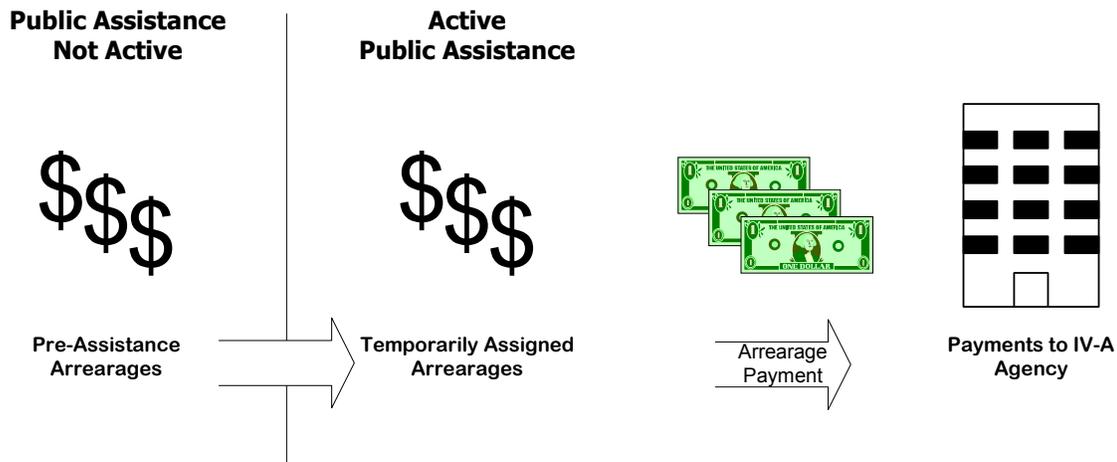


Figure 2: Temporarily Assigned Arrearages Disbursement

Arrearages that accrue while the family is receiving assistance are **permanently assigned** to the State. Collections applied to **permanently assigned arrearages** will be retained by the county for recoupment of aid.

Former Assistance Cases

The task of determining the assignment of arrearages, the arrearage type, and distribution of the arrearage collection becomes significantly more complicated when a family no longer receives aid.

The arrearages that accrued before the family received aid are **pre-assistance arrearages**. When the family receives aid, the **pre-assistance arrearages** become **temporarily assigned**. When the family stops receiving aid and becomes a former assistance case, the **temporarily assigned arrearages** become **conditionally assigned**.

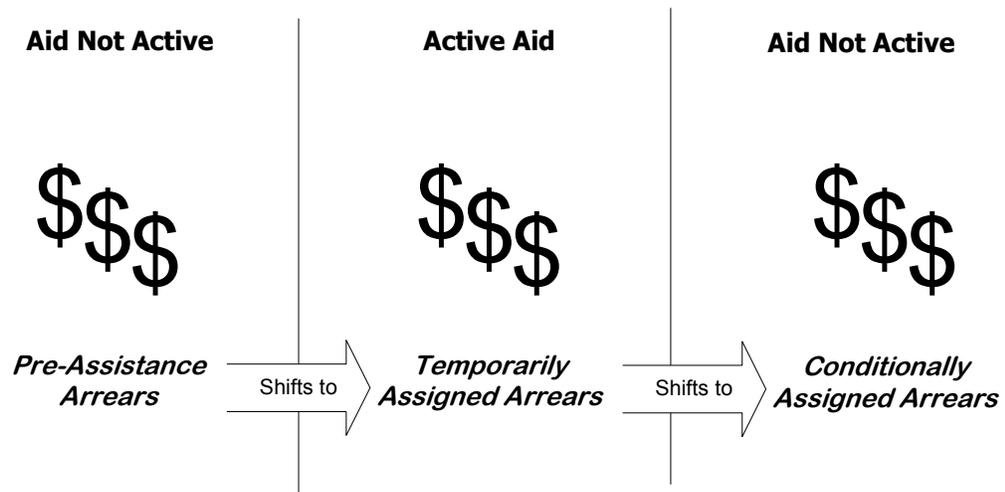


Figure 3: Conditionally Assigned Arrearages

For each collection, the payment source determines the disbursement of **conditionally assigned arrearages**. If the collection is an IRS tax intercept, the funds are retained by the State and applied against the **UAP**. All payments from other sources are disbursed to the family.

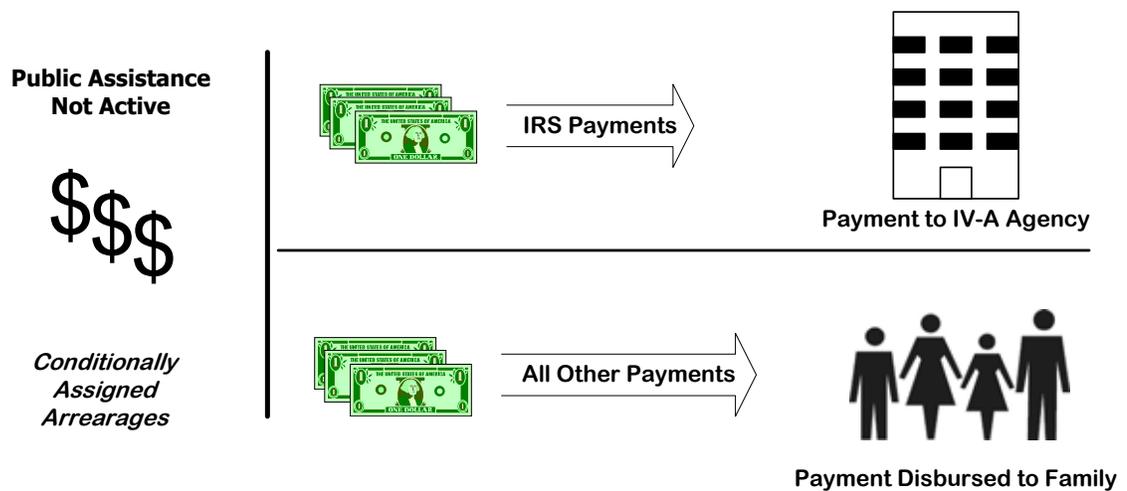


Figure 4: Conditionally Assigned Arrearages Distribution

The permanently assigned arrearages that exceed the total **UAP** become **unassigned during assistance** arrearages, which is calculated by the LCSA at the time the public assistance case discontinues. The excess arrearage collection is disbursed to the family.

Unassignment of Arrearages

Once the CP stops receiving aid, the LCSA must determine how much (if any) of the CP's arrearages need to become unassigned. Unassignment of arrearages is a two-step process.

Step 1: Calculating Unassigned During Assistance Arrearages

Calculate **unassigned during assistance arrearages** by comparing the **permanently assigned arrearages** plus interest to the **UAP**. The portion of the **permanently assigned arrearages** that exceeds the **UAP** is **unassigned during assistance** and is allocated to each child based on each child's proportionate share of the total **permanently assigned arrearages**.

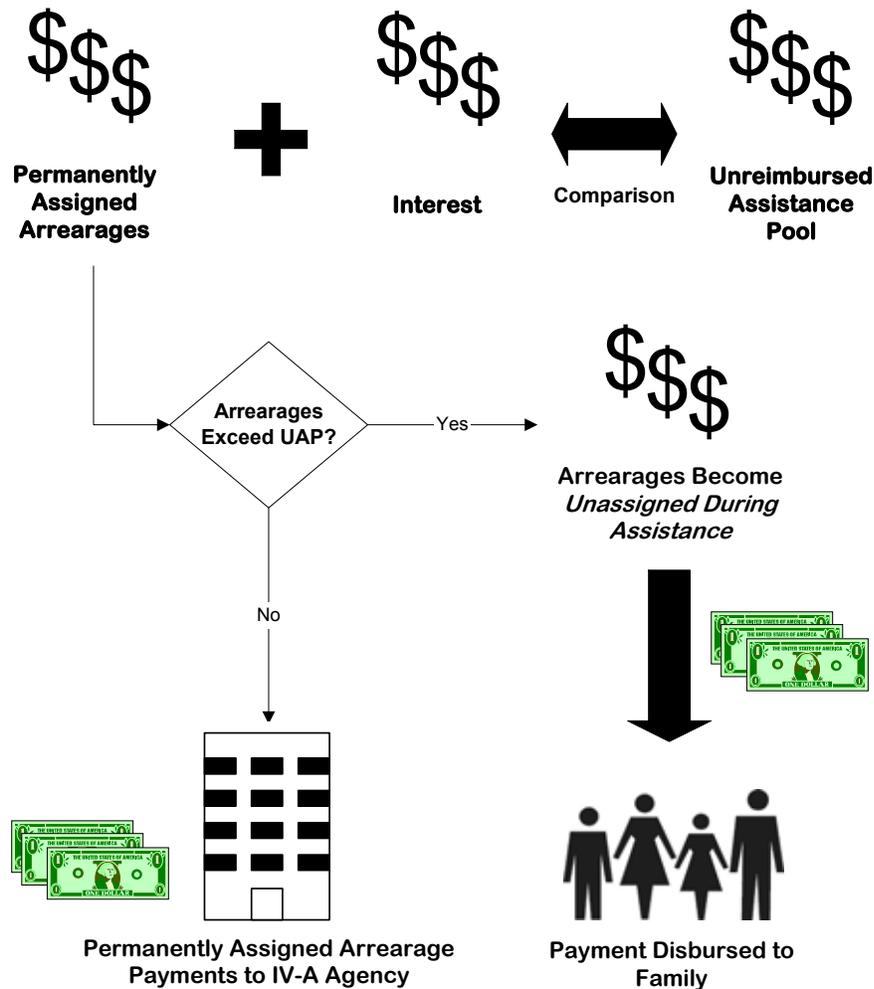


Figure 5: Calculating Unassigned During Assistance Arrearages

The **conditionally assigned arrearages** that exceed the total **UAP** become **unassigned pre-assistance arrearages**, which are calculated by the LCSA at the time the public assistance case closes. The excess arrearage collection is disbursed to the family.

Step 2: Calculating Unassigned Pre-Assistance Arrearages

Calculate **unassigned pre-assistance arrearages** by comparing **conditionally assigned arrearages** plus interest to the total **UAP**. The portion of **conditionally assigned arrearages** that exceeds the **UAP** is **unassigned pre-assistance arrearages** and is allocated to each child based on each child’s proportionate share of the total **conditionally assigned arrearages**.

The arrearages that accrue after the family discontinues assistance become **never assigned arrearages** and are disbursed to the family.

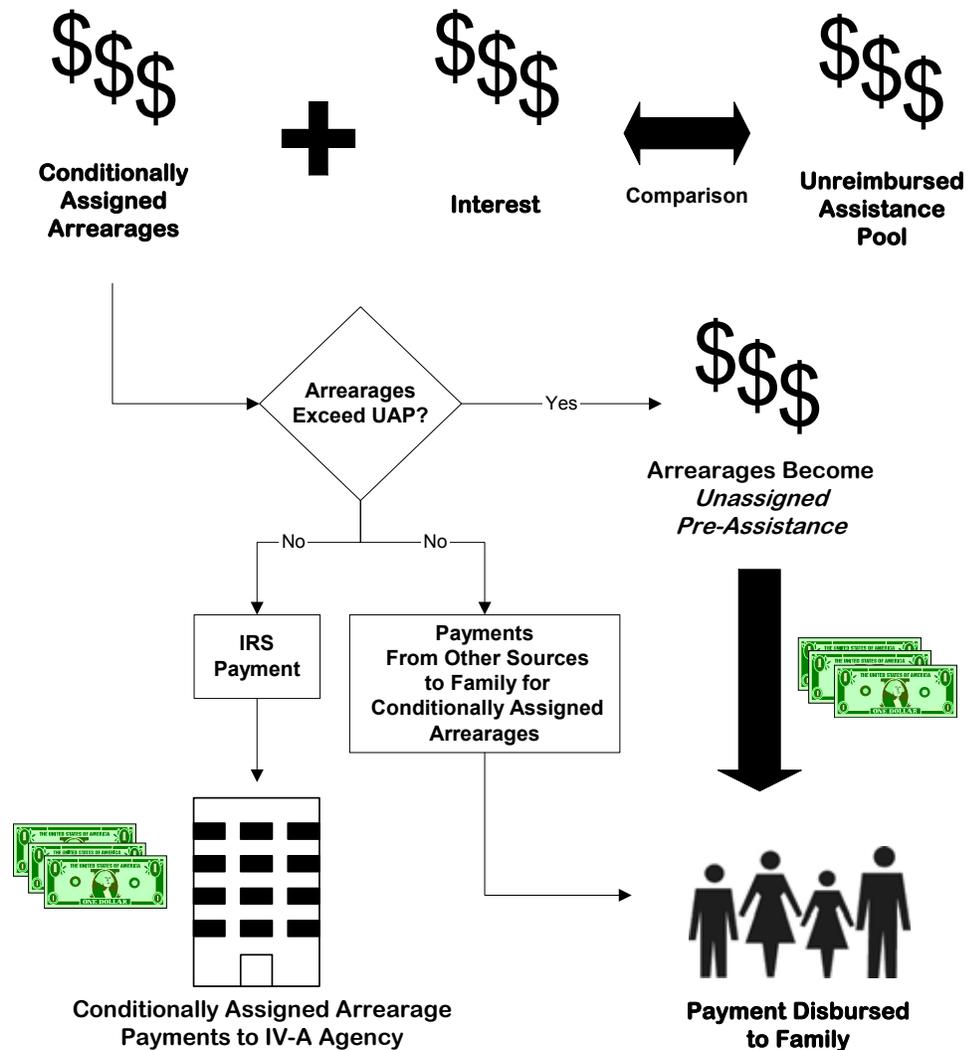


Figure 6: Calculating Unassigned Pre-Assistance Arrearages

Arrearage Types/UAP Calculation Guide

<i>Pre-Assistance Arrearages</i>	Active Public Assistance <small>(Current Assistance Case)</small>	Off Public Assistance <small>(Former Assistance Case)</small>	Calculation	Active Public Assistance <small>(Current Assistance Case)</small>
			② Conditionally Assigned + <i>Interest</i> - <i>UAP</i>	
	<i>Temporarily Assigned</i>	<i>Conditionally Assigned</i>	= <i>Unassigned Pre-Assistance</i>	<i>Temporarily Assigned</i>
	<i>Permanently Assigned</i>	<i>Permanently Assigned</i>	① Permanently Assigned + <i>Interest</i> - <i>UAP</i>	
		= <i>Unassigned During Assistance</i>	<i>Temporarily Assigned</i>	

Figure 7: Arrearage Types/UAP Calculation Guide

Other Disbursement Types

Disregard

Disregard is the first \$50 of a current support collection that is sent to a CP on behalf of a current assistance case receiving CalWORKs benefits. UAP is reduced by the amount of the disregard. The disregard payment is not included as part of the recipient’s income. It is “disregarded” as part of their income. Disregard payments must be issued within two business days of receipt by the LCSA or the SDU after transition as part of the Disbursement process. A disregard payment is issued on a separate warrant identified as a child support payment and not an aid payment.

Monthly Statement of Collections and Distribution

Federal law requires the issuance of notices to each CP who is a recipient of child support services when there is either a collection or distribution of support during the period covered by the notice. The notice contains the following information:

- Monthly Statement of Collections and Distribution (CS916):
 - ✓ Each payment collected
 - ✓ Amount of current support collected
 - ✓ Amount of arrearages collected
 - ✓ Amount of support collected paid to the family
- Notice of Important Information (CS917):
 - ✓ Provides notice and information about the child support services hearings available
 - ✓ Complaint Resolution and Right to State Hearing

Monthly Billing Statement

The Monthly Billing Statement is sent to obligors who owe a support obligation. The statement tells the NCP about collections that were paid to the LCSA or the SDU after transition, how the collections were applied to their obligations, and about their account balances during the statement period.

Payment Processing Flowchart

The following flowchart shows the collection, allocation, distribution, and disbursement process for support payments.

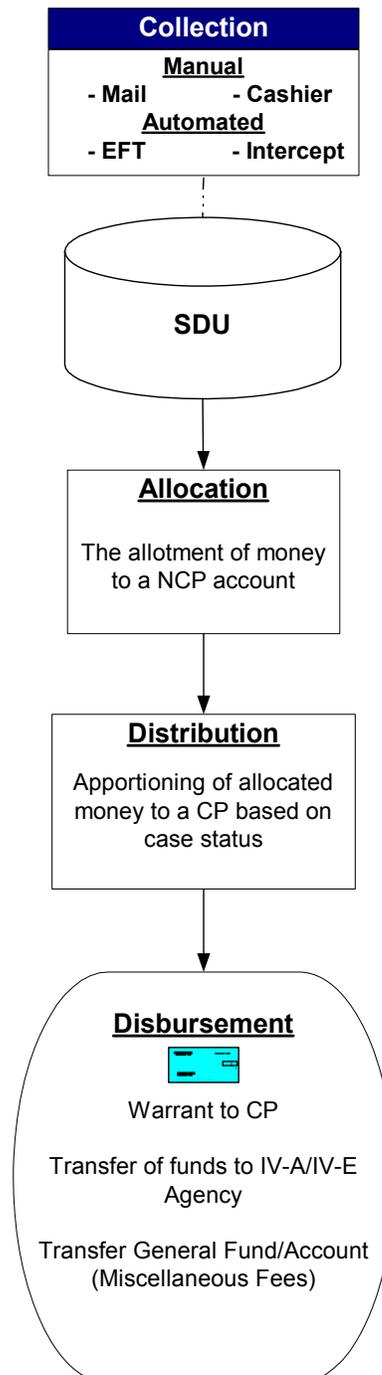


Figure 8: Payment Processing Flowchart

Chapter 11 **Case Closure**

This chapter provides an overview of the Department of Child Support Services (DCSS) case closure guidelines.

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Introduction to Case Closure

This chapter provides an overview of the DCSS case closure (and case reopening) guidelines and criteria.

Federal and State Timeframes

- Title IV-D cases must be closed if they meet closure criteria
- Before a case can be closed, a 60-day letter of intent to close is required on all cases except when:
 - ✓ The non-welfare custodial party (CP) requests case closure
 - ✓ The non-welfare noncustodial parent (NCP) requests case closure (if they opened the case)
 - ✓ The Local Child Support Agency (LCSA) is notified by the county welfare department that a finding of good cause exists
 - ✓ Locate-only services were provided
 - ✓ The case was opened erroneously

Case Closure Process

Case Closure means the LCSA will no longer be providing services. Case closure does not affect a child support order or arrearages that have accrued under the order.

Criteria for Closure

DCSS regulations provide that Title IV-D cases must be closed when they meet any of the closure criteria below (California Code of Regulations, Title 22, Section 118203). Some closure criteria are:

1. There is no enforceable order
2. The noncustodial parent is deceased
3. Paternity cannot be established
4. Unable to locate the noncustodial parent
5. The noncustodial parent cannot pay support for the duration of minority
6. The noncustodial parent is in a non-reciprocating foreign country and a support order cannot be established or enforced
7. Non-Title IV-D Locate-only services were requested and have been provided
8. Non-Title IV-A recipient of service requests case closure and has no assigned arrears and no assignment for medical support
9. Court determination when retroactive child support is the only issue
10. Good cause
11. Loss-of-contact with the recipient of services
12. The non-assistance recipient is uncooperative
13. The recipient of services has moved and is receiving services in another jurisdiction
14. The initiating state in an interstate case fails to take an action essential for the next step in providing Title IV-D services
15. The case was opened erroneously

Notification of Case Closure

The LCSA shall notify the recipient of Title IV-D services in writing when closing a case pursuant to closure policy under (1) through (6) and (11) through (14) on page 179, of the LCSA's intent to close the case.



Note

Recipient of Services means the CP or NCP who has applied for or is receiving Title IV-D services, or has been referred to the Title IV-D agency.

Case Reopening

The case shall be reopened at a later date if the non Title IV-A former recipient of services requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order. When a non Title IV-A former recipient of services requests resumption of Title IV-D services, the recipient of services must complete a new application for child support services.

Record Retention

Closed case records shall be retained for a minimum of four years and four months, unless otherwise specified, and summary criminal history information shall be deleted, in accordance with record retention requirements.

Recall of Enforcement Actions

When a local child support agency closes a case, it shall evaluate the case to determine whether it is appropriate to release, remove, rescind or terminate establishment and enforcement actions initiated against the obligor. These activities may include, but are not limited to:

- Dismissal of Summons and Complaints without prejudice
- Termination or reversal of income withholding orders and medical assignments
- Removal of obligor's name from intercepts
- Release or redirect of personal and real property liens
- Substitution of payee

Customer Service

This chapter discusses customer service concepts and techniques for effective communications.

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Introduction to Customer Service

This chapter introduces basic concepts that will help you, the child support professional, provide superior customer service.

Federal and State Timeframes

The Department of Child Support Services (DCSS) and Local Child Support Agencies (LCSAs) share a commitment to providing quality customer services. While there are neither federal nor State compliance timeframes that directly address customer service, DCSS has set standards requiring LCSAs to solicit input from customers on service planning, design, operation, and evaluation. DCSS also requires LCSAs to implement a customer service plan as part of the Quality Assurance and Performance Improvement (QAPI) Program.

Customers and Customer Service

What is Customer Service?

Customer service is the building of positive, lasting, and valued relationships with all those encountered. It is the ability of an organization to constantly and consistently give customers what they want and need. Good customer service requires you to meet the expectations of the customer and then go the extra mile. Today's customers expect courtesy, competence, and a unique response to their specific needs.

Customer Service is:

- Reflection of the esteem which you hold others
- Dependent on deeds not words
- Listening first, responding second
- Simple and relevant
- Creating and nurturing relationships
- Everyone's job

Who Are Our Customers?

Anyone you interact with in the course of doing business is a customer. This could be the custodial party (CP), noncustodial parent (NCP), co-workers, employees from other departments or agencies, as well as elected officials and members of advocacy groups.

Deliver the Dozen

There are 12 specific needs of customers:

Control: Customers need to feel that they have the adequate power to control the situation.

Goals: Customers need to feel that their conversation with you will help them achieve something that is important to them.

Self-Image: Customers need to feel good about themselves and not feel like they are being "judged".

Equity: Customers need to feel that they are being treated equitably.

Friendliness: Customers need to feel positive about those with whom they interact.

Understanding: Customers need to know what is happening to them and why.

Security: Customers need to feel safe and not threatened.

Approval/Recognition: Customers need to feel accepted by others and have their approval.

Important: Customers need to feel that they are vitally important to you, the service provider.

Appreciation: Customers need to feel that they are appreciated.

Belonging: Customers need to identify with the organizations and maintain an affiliation with those that support the customer's success.

Honesty: Customers need to feel that you the service provider has integrity, can be trusted, and can be relied upon for authentic information.

Everyone in your agency works for the customer by providing direct or indirect services. Developing positive "internal customer service" with co-workers is just as important as providing superior service to external customers.

Some strategies for providing excellent internal customer service include:

- Treat all co-workers with respect
- Be sensitive to other people's responsibilities
- Be polite and say thank you
- Praise others for a job well done
- Show that you are part of a team
- Help out your co-workers when you can
- Listen to your co-workers' concerns
- Willingly share information with others
- Appreciate others' efforts and tell them

Who is Responsible for Customer Service?

The responsibility for customer service belongs to any child support employee working in any child support position. This includes the janitor making sure the lobby is clean for visitors, the receptionist greeting the customer, the security guard providing assistance, or the complaint investigator calling to clarify a customer's complaint. The responsibility of customer service belongs to everyone who contributes to the organization.

Providing superior customer service requires providers to put themselves in their customers' shoes. Understanding the needs of the customer will result in opportunities to educate the caller and create win-win situations. The customer service representative should always feel responsible for providing service that is:

- **Courteous:** Customers should be greeted enthusiastically and made to feel important when requesting help.
- **Prompt:** Nobody likes to wait or be ignored. It sends the message that the customer is unimportant. Customers want to know that workers respect their time.
- **Reliable:** If you make a promise, keep it. If you are unable to provide the service a customer seeks, let the customer know ahead of time. Do not build false expectations.
- **Personal:** Customers don't want to feel like a number. No one wants to know that their case is just one case among thousands. Strive to provide personal service.
- **Knowledgeable:** Customers expect service providers to be knowledgeable. Use your knowledge to help and educate your customers
- **Empathetic:** Customers want to be understood. Seek to show your customers that you understand their problems and feelings.
- **Non-Judgmental:** Customers want to feel that they are treated fairly and not judged for past mistakes.

One of the most important aspects of delivering quality customer service is to respond to your customers' needs. The Golden Rule applies: Treat the customer the same way you want to be treated. As a customer service provider, I will strive to:

- Show every customer that I care
- Be friendly and have a positive attitude
- Provide timely and quality service
- Know my job and educate my customer
- Convert problems into opportunities
- Listen and understand my customer's needs and expectations
- Take ownership for ensuring that my customer's needs are met
- Follow-up timely with my customer
- Seek customer feedback
- Build and maintain good working relationships

Self-Talk

Self-talk is that internal voice we listen to that sets our expectations for a situation and often controls or contributes to the outcome.

We need to acknowledge that in the child support enforcement business, not everyone we serve will be happy or satisfied. The goal is to administer the program properly and educate the customers of the process and how to resolve their specific issues.

Practice Positive Self-Talk

- We must learn to talk our way out of negative expectations.
- What we expect to happen usually does...at least as we perceive it.
- It is very easy to form expectations based on what has occurred in the past or what has happened in similar situations.

Example of Negative Self-Talk

This guy is a problem. I am sure he is going to start problems again like the last time. Well, I am just not in the mood to take it today. If he thinks he can yell at me and get away with it, he's got another thing coming. He won't get anything from me if he starts in. No way.

Example of Positive Self-Talk

Nothing in the file looks like it is wrong. We have been getting his payments like clockwork and even getting them to the CP on time. Maybe he just needs a payment record or has to update his information. Let me see what he needs and help him.

Recognize Cultural Diversity

- Treat each customer fairly and respectfully.
- Respect customer's differences (economic, cultural, etc.)
- Convey the same respect and confidence to all customers.
- Recognize and deal with any biases and stereotypes you may have absorbed.

The “RU” List

“RU” Interpersonal?

People Skills - Listening, understanding, communicating, and building relationships

Self-Assessment - Getting feedback about how you serve customers

Teamwork - We're all in this together. This is the opposite of “It's not my job.”

“RU” Technical?

Equipment - Profound knowledge of how your systems work

Performance - Ability to use the systems to do your job

Paperwork - The flow of paper records in the system, especially any paper that “touches” a customer

“RU” Customer Knowledgeable?

Review - Read case notes before giving directions to customer

Deal with Emotions First - Acknowledge emotions or reactions

Deal with the Problem Second - Ask closed end questions

How Good is 99%?

Think about the impact of the mindset that feels “that’s good enough for me” or “the customer doesn’t expect more than that”. If you were in charge of a product or service, what percentage of quality level would be acceptable? Is 99.9% quality adequate?

If 99.9% is good enough, then...

- 12 infants will be given to the wrong parents daily
- 114,500 mismatched pairs of shoes will be shipped this year
- 118,322 pieces of mail will be mishandled per hour
- 2,000,000 documents will be lost by the end of this year
- 2.5 books will be shipped with the wrong cover
- 315 entries in Webster’s dictionary will be misspelled
- 20,000 incorrect prescriptions will be written this year
- 880,000 credit cards in circulation will turn out to have incorrect cardholder information on the magnetic strips
- 103,260 income tax returns will be processed incorrectly this year
- 5.5 million cases of soft drink will be flat
- 291 pacemaker operations will be performed incorrectly
- 3,056 copies of tomorrow’s Wall Street Journal will be missing one of three sections

Is this good enough?

Benefits of Providing Superior Customer Service

Surveys conducted with CPs and NCPs indicate that they simply want to be treated with fairness, courtesy, and respect. Consider superior customer service as “preventive medicine” and a means to exceed your customer’s expectations. Some benefits of providing superior customer service include:

- Increased involvement from NCPs and increased collections
- Increased customer understanding of the child support services program
- Increased customer satisfaction
- Increased satisfaction of the child support professional for helping people
- Increased productivity
- Enhanced reputation of the child support services program in the local community, with elected officials, and other entities
- Improved performance measures through better collections

Professional Communications

Delivering Superior Service on the Telephone

Know Your Equipment

DCSS Full Collection Program (FCP) and LCSAs use various systems for managing incoming calls from elaborate call centers to single person units. Regardless of the size of the operation, telephone systems are designed to help you handle calls smoothly. Understanding the operation of your telephone system is important to the delivery of superior customer service. Prior to getting started answering telephones, know the capabilities of your telephone equipment. Read the user manual or ask a more experienced person to assist you. Practice until using the features become automatic.

Answering the Telephone

Whether the telephone is answered by a live person or voicemail, the phone call may be the first opportunity to make a favorable impression on the customer and effectively resolve the account. It is important to use this opportunity to develop a true and clear understanding for the call reason and determining the appropriate method of resolution. Using the telephone effectively can increase efficiency and will be an essential tool in working assignments.

Follow these basic rules when answering telephones:

- **Greet the caller.** Your attitude is reflected in your greeting. Be attentive, competent, and courteous.
- **Tone:** Speak clearly and pleasantly. The first impression the caller hears will be the most lasting and can set the tone for the entire interaction.
- **State your department/county.**
- **Introduce yourself.** Protect anonymity/personal security. Never use an alias or give the last name of the supervisor, co-worker, or other personnel without their permission.
- **Offer your help.**

Show enthusiasm! Try to convey that you sincerely want to help. Let your tone of voice say that you are there for the customer.

Verbal Authorization Guidelines

The following guidelines are to be used by the Child Support Staff when a noncustodial parent (NCP) gives verbal authorization to discuss his/her account with a third party:

Step 1: Verification

Verify that the person you are speaking to is the NCP by asking for his/her full name, social security number, date of birth, driver's license, etc.

Step 2: Revocation

Explain to the NCP that once written (or verbal) authorization to disclose and discuss his/her account information is given, it goes on indefinitely until the NCP revokes it.

Step 3: Verbal Authorization Information

All pertinent information about the third party such as: full name, relationship to NCP, address information, and phone number must be gathered.

Step 4: Documentation

It is important to obtain full documentation and/or make notations of the three steps above.

Remember:

- Discuss the account only with the NCP or authorized representative
- Do not discuss the account with an unauthorized third party

Telephone Tips and Techniques

Advantages of Telephone Usage

Telephone calls:

- Are personal and direct
- Save time in resolving accounts
- May be used to verify and ensure due process
- Promote discussion and encourage voluntary compliance
- Obtain asset information immediately
- Obtain verbal commitments

During a telephone call:

- Know and follow your standards for answering the phone
- Ask questions in a courteous manner
- Verify numbers and spelling of difficult names and addresses
- Listen carefully
- Educate the customer and encourage self compliance
- Ask for permission before placing a customer on hold and wait for an answer
- Ensure that the customer is on hold before discussing his or her call with a co-worker. Customers may still hear you if you only cover the mouth piece with your hand or hold it to your chest.
- Hold the mouth piece directly in front of your mouth to ensure that the customer can hear clearly and can understand you.
- Give the customer your full attention. Side conversations can interfere with their communication process.

Six step technique for a “Can Do” attitude using the telephone

1. Put a smile on your face and in your voice
2. Ask yourself, “How can I help?”
3. Understand the customer’s need/request
4. Describe how you can help and what you can do

5. Educate and inform the customer of what he/she can do
6. Thank the customer

During the call NEVER:

- Chew gum, drink, or eat
- Become agitated or excited
- Act hurried and distracted
- Express political views, agree, or disagree with those expressed by the debtor

Addressing the Customer

Rules for addressing customers can be confusing because of differing preferences and cultural considerations. Make sure the customer can sense your smile through the phone and consider these suggestions:

- Addressing a male as Mr. or Sir is usually common
- Addressing a female as Miss or Mrs. is usually common. Some women may prefer to be called Ms.
- If you are uncertain when addressing the customer, ask what they prefer to be addressed by. The customer may suggest that you call them by their first name.

Practice Effective Listening

Effective listening is a learned skill and critical to providing quality customer service. It is an extremely important part of communication. Eighty percent (80%) of our time is spent on communicating, 45% is spent on listening. We only remember or retain 25% of what we hear.

Five Steps to Better Listening:

1. Sit upright. Posture affects the voice.
2. Concentrate on the call. Never hesitate to ask a person to repeat something.
3. Hear the complete message. Listen to understand, not to respond.
4. Don't interrupt or finish caller's sentences unless the conversation gets off track.
5. Verify your understanding of the message or conversation. Repeat what was said or confirm the agreement.

Some characteristics of poor listening that you should try to avoid are:

- Responding too quickly before hearing all that the customer is saying
- Assuming that the question is one that is asked frequently and responding to the customer without knowing the specifics of the customer's question
- Misinterpreting a statement, objection, or question, or confusing one with the other
- Regularly interrupting the caller
- Jumping to conclusions
- Finishing the sentences for the caller
- Changing the subject prematurely
- Giving little, if any, verbal response
- Being impatient
- Losing emotional control
- Creating physical distractions, i.e. holding another conversation while on the telephone

Remember that customers may become emotional when discussing child support issues or complaints. Empathize with them while capturing the facts.

- Stay focused on resolving the customer's issues and refrain from offering personal opinions
- Listen for statements, objections, and questions and respond to each one
- Use confirming statements to make sure you have captured information accurately
Example: "Yes, I see what you mean. To make sure I understood you correctly, you stated...."
- When in doubt about what was said, ask questions to clarify
Example: "Now let me make sure I understand, you said you did not receive a cash assistance check from the welfare department last month. Is that correct?"
- It is best to only provide information that you are sure of and offer to follow-up with the customer after you have additional information. The customer will appreciate your diligence in finding the correct answer.

Managing Objections

Customers may object when they are opposed to a proposed plan of action. When you hear an objection, ask the customer for specifics to determine what elements of the proposed plan are objectionable. Try to develop solutions that address the objections. Remember, let the customer know what you can do. For example:

Customer: “Every time I call your office, I get a different person and have to explain my situation repeatedly. It’s very annoying.”

Worker: “I apologize for the inconvenience. However, I can assure you that all of us who answer the telephone are child support professionals, and I am sure I can help you. How may I assist you?”

Encourage the caller to talk to you by using words such as:

- How can we...
- Would this...
- What is...

Encourage the caller to act by using words such as:

- What is the amount...
- When will you...
- Who can I...
- How do you intend to...

Use “Why” sparingly. It can be a challenging word.

Attitude, Motivation, and Enthusiasm in Negotiations

The best preparation for a win-win negotiation is to plan and to have the right attitude, motivation, and enthusiasm for the issues we will face. To meet a proposed plan of action keep in mind these key negotiation skills. The best negotiators have key attributes that stand out over and above their individual personalities.

Ten Traits of a Successful Negotiator

1. **Negotiation consciousness:** People who believe everything is negotiable are:

- Assertive
- Challenging

2. **Good listener**

- If you want people to listen to you, you have to listen to them

3. **High aspirations**

- Don’t be afraid to ask for what you want

4. **Being detective**

- Ask questions that will encourage the caller to talk (see the first section of **Managing Objectives**)

- Open ended
- Close ended (yes/no)

5. **Patience**

- You can't count on negotiating everything all at once. Getting what you want may take more time or multiple negotiations
- Fast answers can have long consequences

6. **Flexible**

- Think of upcoming negotiation. What are some of the assumptions that may cause you problems?
- How can you change each of these assumptions to be more positive?

7. **Focusing on satisfaction**

- Always ask, "How can I help the other negotiator feel satisfied?"
- What do they want?
- What do I want?
- How can we strike the balance?

8. **Reasonable risk-taker**

- If you take a risk...what is Plan B?
- What do you have to lose?
- Will it affect your long-term relationship?
- Good negotiators are good actors
- Don't let deadlines force you into a bad decision

9. **Problem solver**

- Focus on the problems, not the person
- If you think the other party is the problem, ask yourself what is the most efficient way to resolve their problem. Treat the person and the problem separately.
- Describe how you can help and what *you* can do
- Educate and inform the person of *why they* can do
- If promises are made by you, keep your promises, follow up, and stay positive

10. **Willingness to walk away**

- If you follow steps one through ten and you do not solve the problem, just say no
- Never send the message or give the impression that you will agree to each and every condition. Leave room for your Plan B
- If you depend too much on the positive outcome of a negotiation, you lose your ability to say no

Pre-Call Planning and Outgoing Calls

The objections the debtor has given you before will likely be the same objections the debtor will give you again. Keep good records (documentation). It will be invaluable in order to know what has happened on previous calls or contacts. Your documentation should include:

- The date
- To whom did you speak

- At what time did you speak to the debtor
- What did the debtor say to you
- What is the follow up date

Many times our customers have no idea that an agent has prior information and are amazed that you can tell them the last time they called and exactly what was said.

When preparing to make an outgoing call to your customer, be prepared by:

- Having all needed information readily available and in an orderly manner
- Reviewing the account and all pertinent information
- Knowing what he/she wants to discuss and/or ask the caller prior to the call

Be sure to identify yourself and the department when the outgoing call is answered.

Interview Techniques

An interview can be done face-to-face or by phone. In either case, the goal is the same, to collect valid information from the customer.

Environment

For face-to-face interviews, the interview area should be as private and comfortable as possible. It should have adequate lighting, furniture, and ventilation.

Personal Considerations

Give your customers one hundred percent of your attention during the interview. Limit incoming calls, if possible. Know your LCSA's rules regarding receiving calls and the use of pagers and cell phones during interviews.

- **Be alert** to the customer's personal situations that may influence the interview:
 - ✓ One of the parties may be fearful of the other
 - ✓ Children may have been left with a sitter
 - ✓ The customer may have limited time
 - ✓ The customer may be fearful or suspicious of the child support system
 - ✓ The customer may be embarrassed by being in the situation
 - ✓ The customer may be resentful of government interference
- **During the interview** note:
 - ✓ Verbal and nonverbal communication. Ask clarifying questions to avoid misinterpretations. If you are not feeling well, share that information so the customer doesn't misinterpret your body language.
 - ✓ Folded arms can be a sign of tenseness. For you - take deep breaths and relax. For the customer - talk about general things to help the customer relax.
 - ✓ When to stand. If the customer wants to talk standing, the child support professional should stand as well.
 - ✓ Pointing with a single finger can be considered accusatory or demeaning. Avoid pointing.
 - ✓ Tone of voice and word choice.
- **Maintain emotional objectivity**
 - ✓ Control personal feelings
 - ✓ Treat CPs and NCPs respectfully regardless of their personal situation
 - ✓ Allow the customer to express feelings and attitudes
 - ✓ Be prepared to hear things that may be bothersome or stem from a different set of values

Interviewing the Customer

There are three phases to an interview: Opening, Exploration, and Closing.

Opening

Introduce yourself at the beginning of the interview. Develop rapport with the customer. Rapport helps the customer relax and promotes a smooth flow of information. Discuss the purpose of the interview. Explain how the interview may benefit the customer or let the customer explain why he or she requested the meeting.

Exploration

During the second phase of the interview, gather information by asking questions. Explore the problems the customer might have and maintain rapport.

Getting information is critical to successfully resolving a customer's issues. Accurate and detailed information is important for assessing the case and determining appropriate action. Interview questions can be open or closed, and each type is effective for gathering a particular type of information.

- **Open Questions** – Open questions are broad and need to be answered with more than one or two words. They encourage discussion and elaboration. Open questions are useful for understanding a customer's needs.
- **Closed Questions** – Closed questions are restrictive and can usually be answered with a yes or no. They can be useful for getting the customer's agreement or for validating a situation or belief.

Example: The closed question, "Are you working?" can be answered yes or no. However, to get the customer to discuss the particulars of the job, ask instead "What kind of work do you do?" This allows the customer and the child support professional to engage in a dialog.



Note

It is helpful to use a closed question as follow-up to a statement requiring action. For example: "You will call me back by four o'clock today with the information. Is that correct?"

Closing

During the closing phase of the interview:

- Express appreciation for the customer's time
- Review the purpose of the interview
- Inform the customer of next steps or actions to be taken in the process
- Ask for comments or questions

Be resourceful. Have lists of referral agencies and other numbers commonly requested readily available. Be sure to make follow-up calls, if needed. Most importantly, follow through with the services promised in the interview.

Communication Styles

The customer's communication style can determine your interview technique. There are four basic communication styles:

- Direct
- Passive
- Talkative
- Analytical

Direct Communicators

Direct communicators tend to be brief, direct, one-way communicators. There is seldom any mystery about what they want because they make it clear. They tend to want quick action, and they spend little time on non-business rapport-building conversation. A direct communicator's calls may be shorter than those of other customers because they want to quickly get to the point and take care of business.

You should listen carefully to direct communicators. Ask precise questions that get to the point and don't take their directness as an affront.

When assisting direct communicators:

- Remain objective
- Listen closely to make sure you understand their concerns
- Allow them to vent if they choose to do so
- Accept responsibility for finding a solution to the customer's problem
- Apologize for department error if one has been made
- Explain to the caller what can be done to correct the situation
- Be sincere

Passive Communicators

Passive communicators may be hard to read because they rarely complain. It may appear that they are satisfied with your service when that is not the case. When dissatisfied, passive communicators may simply break contact with the agency. Consequently, their needs are not met and they may tell others of their negative experience.

Passive communicators may engage in some social conversation during the business call. They may apologize for "bothering you." To build a stronger relationship with these communicators, periodically ask for feedback to determine if your service is meeting their needs.

Passive communicators usually want to take part in the decision making process. They sometimes need time to adjust to new ideas. Passive communicators tend to need more personal attention than others and they may respond slowly when information is needed from them.

The passive communicator may prefer to be asked to do things rather than told.

Example: The child support professional may say to a direct style communicator, "Bring in the documents by Wednesday, and we will have your paperwork

completed by Friday.” The same information would be couched differently for the passive communicator, “Would you be able to bring in the paperwork by Wednesday because if you can, we’ll have your paperwork completed by Friday. Otherwise, it may take a week longer.”

If yours is a direct communication style, you will have to exercise more patience when serving those who are passive communicators.

- Listen closely to the passive communicator, the real issue may be masked
- Build on the relationship to gain the customer's confidence
- Ask for feedback to gauge the customer's satisfaction with the level of service you've provided

Talkative Communicators

Talkative communicators are often interesting and enjoyable people. However, you should exercise time management when working with them to ensure time is available for other customers. It is important to give them a check list of what is needed for the case. You may also wish to use an outline or check list when speaking to them to help you stay on track and keep the conversation focused. Conversations with talkative communicators can be managed effectively by:

- Asking closed questions when possible
- Using a check list or outline
- Providing short, concise responses

Analytical Communicators

Analytical communicators tend to focus on accuracy and like to be thorough. They want the facts and demand detailed responses. The analytical communicator wants to know the who, what, when, and how of the issue. Make sure you are prepared to give them the details they need. They tend to go by standard operational procedures and are very logical. Analytical communicators may provide greater detail than needed. They may prefer communicating in writing. When they have to make a decision, they need plenty of information and time for analysis.

When assisting analytical communicators:

- Allow time for them to explain
- Provide detailed responses
- Follow-up with a phone call or in writing, if this is the practice of your LCSA or DCSS FCP
- Be patient

A satisfactory response for this customer might be:

Example: “I’ll call our legal unit immediately and discuss the issues you mentioned. Now, let me make sure I captured them correctly. You need, x, y, and z. Is that correct? Once they provide feedback, I’ll call you. Let’s plan on a call by Tuesday afternoon about four o’clock. Is that a good time for you?”

Handling Customer Situations

Child support issues can be very emotional for the customer. Customers may be passionate about their points of view and may express their opinions in an assertive or demanding manner. It is important to focus on the communication style of the customer rather than on the customer's behavior as behaviors can be misinterpreted. Try to understand the customer's point of view.

- If the customer raises his or her voice, do not raise yours (deep breathing helps). Maintain your professionalism by keeping an even and calm tone. Remember it takes two to argue. If you remain calm it is difficult for the customer to argue alone.
- Value the customer's opinion and understand it is just that, an opinion. Refrain from offering your opinion, because that could lead to a disagreement.
- Don't become defensive or take comments or words personally.
- Treat your customers "like they are the only one".

Recognizing and responding effectively to different communication styles helps you provide superior service and reminding yourself that this relationship and task are important.

Turn on the Heat

Have you ever driven your car in the summer and the engine overheated? When this happens, a good mechanic will tell you to turn on the heater. This activates the car's heater core, which serves as a cooling device. Turning on the HEAT can also cool down upset customers. A call where the caller is upset is usually the result of:

- Repeated attempts to resolve the situation without adequate resolution
- Receives a bill or letter they do not understand and/or do not agree with
- Feels harrassed

H Hear, listen to the customer

- Do not interrupt

E Empathize

- Acknowledge feelings or frustrations

A Ask questions

- Get the information necessary to research the problem and provide a resolution
- Keep the conversation on the subject

T Take responsibility for finding a solution

- Apologize for department error if one has been made
- Explain to the caller what can be done to correct the situation

Recognize that customers may be upset for reasons beyond your control. They may:

- Be tired or frustrated
- Be confused or overwhelmed
- Be defending their position
- Be in an unfamiliar and uncomfortable situation, and may not understand the process
- May understand the process, but dislike it
- Be afraid
- Have a language barrier
- Be unhappy with the way they were treated on a previous occasion
- Simply be having a bad day

Regardless of the reason for the customer being upset, turn on the HEAT.

Computer Down Time

When the primary source(s) of information to provide our caller with is unavailable, continued customer service is essential by:

- Advising the caller of the situation, and if available, provide a time frame for call back

AND/OR

- Advising the caller of the situation and taking down a phone number where the caller can be reached, the reason for their call, their SSN, account number, and/or case number

Ending the Call

End the call with appropriate and courteous statements, such as:

- “Thank you for calling.”
- “Feel free to call us if you have any questions.”
- “I’m glad I was able to help.”
- If follow-up is necessary, provide the caller with your name, hours you can be reached, and if appropriate, your telephone number.
- If promises are made by you or the customer, repeat to the customer what decisions were reached by both parties to insure compliance. Remember to keep your promises, follow up, and stay positive.

Termination of Calls

- Never terminate a call without at least one warning prior to disconnecting.
- If an agent terminates a call, make notations to the account with an explanation of the situation.
- Never slam down the receiver.

Abusive/Obscene Language

Child support professionals are not required to tolerate continued use of abusive/obscene language by a caller. Always use good judgment and discretion when dealing with this type of situation. No one likes to be the caseworker to assist a caller who has been deliberately disconnected without warning.

- If a call is received and the caller uses abusive or obscene language, warn the caller that we do not tolerate this type of language and if it persists, the caseworker will terminate the call.
- If the caller still uses abusive or obscene language, will not calm down, and cannot be reasoned with, advise the caller that the caseworker is terminating the call and make notations of the contact on the account.

Threats

There are times when a caseworker may receive a threat during a telephone conversation. It is important to remain calm in these situations. If you receive a threat:

- Inform your supervisor or your lead immediately.
- Document as close to word-for-word as possible.

Your supervisor or lead will contact the appropriate areas or offices as the situation warrants. You may be asked to give a statement to Security and possibly the California Highway Patrol regarding the situation. Consult your county for specific policies and procedures for documenting threats.

Sensitive Subject Matter

Callers will attempt to involve you in a discussion that is unrelated to their debt question or problem. Due to the nature of our work and volume of calls, it is important to refrain from becoming involved in lengthy discussion whenever possible.

Resolutions

To help agents resolve sensitive situations effectively regarding:

Personal problems or tragedies

- Empathize with or at least acknowledge their feelings.
- Do not recount similar experiences of your own or encourage them to discuss their problems.
- Be polite, but firm in returning to the subject or ending the call.

Politics

- Political issues cannot be discussed. The agent should tell the caller that he/she is not at liberty to express his/her personal opinions or views.
- Refrain from saying anything negative about our colleagues, the other LCSAs, or DCSS FCP.



Note

When ending a phone call, if possible, allow the customer to hang up first, if he or she called you.

Chapter 13 **Appendix**

Statutes 209
 Family Code 209
 Penal Code 218
 Welfare and Institutions Code 218



**DCSS Child Support Program Orientation
Participant Resource Guide**

Statutes

Family Code

Division 2. General Provisions (Family Code 200-295)

- ✓ Family Code 200 – Jurisdiction in Superior Court
- ✓ Family Code 210 – Rules for Practice and Procedure
- ✓ Family Code 213 – Responsive Declaration
- ✓ Family Code 215 – Modification of Judgment or Order
- ✓ Family Code 273 – Attorney’s Fees Awarded Against Governmental Agencies
- ✓ Family Code 290 – Methods of Enforcement

Division 2.5. Domestic Partner Registration (Family Code 297-299.6)

N/A

Division 3. Marriage (Family Code 300-536)

N/A

Division 4. Rights and Obligations During Marriage (Family Code 700-1620)

Part 3 - Liability of Marital Property (Family Code 900-1000)

- **Chapter 1. Definitions (Family Code 900-903)**
- **Chapter 2. General Rules of Liability (Family Code 910-916)**
 - ✓ Family Code 910 – Community Estate
 - ✓ Family Code 911 – Earnings of Married Persons
 - ✓ Family Code 913 – Separate Property of Married Persons
 - ✓ Family Code 914 – Personal Liability for Debts Incurred by Spouse
 - ✓ Family Code 915 – Child or Spousal Support Obligation Not Arising Out of Marriage

Division 5. Conciliation Proceedings (Family Code 1800-1852)

N/A

Division 6. Nullity, Dissolution, And Legal Separation (Family Code 2000-2452)

N/A

Division 7. Division of Property (Family Code 2500-2660)

N/A

Division 8. Custody of Children (Family Code 3000-3465)

N/A

Division 9. Support (Family Code 3500-5604)

Part 1 - Definitions & General Provisions (Family Code 3500-3810)

- **Chapter 1. Definitions (Family Code 3500-3515)**
- **Chapter 2. General Provisions (Family Code 3550-3558)**
 - ✓ Family Code 3552 – State and Federal Income Tax Returns
 - ✓ Family Code 3555 – Support Paid Through County Officer
 - ✓ Family Code 3557 – Award of Attorney’s Fees
 - ✓ Family Code 3558 – Child or Family Support Proceedings
- **Chapter 3. Support Agreements (Family Code 3580-3593)**
- **Chapter 4. Spousal & Child Support During Pendency of Proceeding (Family Code 3600-3604)**
 - ✓ Family Code 3600 – Support Orders
 - ✓ Family Code 3602 – Reconciliation
- **Chapter 5. Expedited Child Support Order (Family Code 3620-3634)**
- **Chapter 6. Modification, Termination or Set Aside of Support Orders (Family Code 3650-3693)**
 - ✓ Family Code 3651 – Powers of Court
 - ✓ Family Code 3652 – Attorney’s Fees and Court Costs
 - ✓ Family Code 3653 – Retroactive Application of Modification or Termination of Support Orders
 - ✓ Family Code 3654 – Statement of Decision
 - ✓ Family Code 3662 – Methods of Discovery
 - ✓ Family Code 3663 – Discovery Requests
 - ✓ Family Code 3664 – Request for Current Income and Expense Declaration
 - ✓ Family Code 3665 – Attachments to Income and Expense Declaration
 - ✓ Family Code 3667 – Incomplete or Inaccurate Income and Expense Declaration
 - ✓ Family Code 3690 – Authority to Grant Relief
 - ✓ Family Code 3691 – Grounds and Time Limits
 - ✓ Family Code 3693 – Set Aside of Materially Affected Provisions
- **Chapter 7. Health Insurance (Family Code 3750-3780)**
 - ✓ Family Code 3750 – Health Insurance Coverage
 - ✓ Family Code 3751 – Maintenance of Health Insurance Coverage
 - ✓ Family Code 3751.5 – Denial of Enrollment
 - ✓ Family Code 3752 – Notice to the Local Child Support Agency Designated as Assigned Payee for Child Support
 - ✓ Family Code 3753 – Health Insurance Cost
 - ✓ Family Code 3761 – Application for Health Insurance Coverage Assignment
 - ✓ Family Code 3762 – Denial of Health Insurance Coverage Assignment Order
 - ✓ Family Code 3763 – Time for Order of Health Insurance Coverage Assignment Order
 - ✓ Family Code 3764 – Effective Date of Assignment
 - ✓ Family Code 3765 – Motion to Quash Assignment

- ✓ Family Code 3766 – Commencement of Coverage
- ✓ Family Code 3767 – Duties of Employer or Health Insurance Provider
- ✓ Family Code 3768 – Failure to Comply with a Valid Assignment Order
- ✓ Family Code 3770 – Termination of Assignment Order
- ✓ Family Code 3771 – Information Provided to the Local Child Support Agency
- ✓ Family Code 3773 – Title IV-D Cases Where Support Enforcement Services are Provided by Local Child Support Agency

- **Chapter 8. Deferred Sale of Home Order (Family Code 3800-3810)**
- **Chapter 9. Software Used to Determine Support (Family Code 3830-3830)**

Part 2 - Child Support (Family Code 3900-4253)

- **Chapter 1. Duty of Parent to Support Child (Family Code 3900-3952)**
 - ✓ Family Code 3900 – Equal Duty of Parents to Support Child
 - ✓ Family Code 3901 – Duration of Duty of Support
 - ✓ Family Code 3902 – Property of Child
 - ✓ Family Code 3930 – Duty to Support Grandchild
- **Chapter 2. Court Ordered Child Support (Family Code 4000-4253)**
 - ✓ Family Code 4000 – Actions to Enforce Parent’s Duty to Support
 - ✓ Family Code 4002 – Enforcement of Right to Support
 - ✓ Family Code 4003 – Separate Trial
 - ✓ Family Code 4004 – Disclosure of Party Receiving or Intending to Receive Public Assistance for Maintenance of Child
 - ✓ Family Code 4006 – Health Insurance Coverage
 - ✓ Family Code 4009 – Retroactive Application of Order for Support
 - ✓ Family Code 4011 – Priority of Payments
 - ✓ Family Code 4012 – Security for Payment of Child Support
 - ✓ Family Code 4013 – Duty for Child Support Discharged in Bankruptcy
 - ✓ Family Code 4052 – Adherence of Courts to Uniform Guidelines
 - ✓ Family Code 4053 – Implementation of Statewide Uniform Guidelines
 - ✓ Family Code 4054 – Review of Statewide Uniform Guidelines by Judicial Council
 - ✓ Family Code 4055 – Statewide Uniform Guidelines for Determining Child Support
 - ✓ Family Code 4056 – Amount Differing from Guideline Formula
 - ✓ Family Code 4057 – Amount of Child Support Established by Formula
 - ✓ Family Code 4057.5 – Income of Obligor Parent’s Subsequent Spouse or Non-marital Partner
 - ✓ Family Code 4058 – Annual Gross Income of Parents
 - ✓ Family Code 4059 – Annual Net Disposable Income of Parents
 - ✓ Family Code 4062 – Additional Child Support
 - ✓ Family Code 4063 – Uninsured Health Care Costs
 - ✓ Family Code 4064 – Adjustment of Award to Accommodate Parents Seasonal or Fluctuating Income
 - ✓ Family Code 4065 – Stipulated Agreements for Child Support Awards
 - ✓ Family Code 4070 – Financial Hardship; Income Deductions
 - ✓ Family Code 4071 – Financial Hardship; Evidence

- ✓ Family Code 4076 – Modification of Child Support Orders
- ✓ Family Code 4200 – Child Support Orders to Parents Receiving Welfare
- ✓ Family Code 4201 – Child Support Orders; Payment to County Officer
- ✓ Family Code 4202 – Parents Residing in Different Counties
- ✓ Family Code 4204 – Child Support Assigned to County
- ✓ Family Code 4205 – Notice Requesting Meeting with Support Obligor
- ✓ Family Code 4251 – Provisions of Commissioners
- ✓ Family Code 4252 – Appointment of Subordinate Judicial Officers as Child Support Commissioners
- ✓ Family Code 4253 – Default Orders

Part 3 - Spousal Support (Family Code 4300-4360)

Part 4 - Support of Parents (Family Code 4400-4414)

Part 5 - Enforcement of Support Orders (Family Code 4500-5604)

- **Chapter 1. General Provisions (Family Code 4500-4508)**
 - ✓ Family Code 4502 – Judgments for Support Enforceable Until Paid In Full
 - ✓ Family Code 4504 – Payments Received from the Federal Government
 - ✓ Family Code 4505 – Default Due to Unemployment
 - ✓ Family Code 4506 – Certification of Abstract of Judgment
 - ✓ Family Code 4506.1 – Obligations Enforced Pursuant to Title IV-D of the Social Security Act
 - ✓ Family Code 4506.2 – Enforcement of Obligation Pursuant to Title IV-D of the Social Security Act
 - ✓ Family Code 4506.3 – Notice Directing Payment of Support to Local Child Support Agency and Notice That Support Has Been Assigned
- **Chapter 2. Deposit of Money to Secure Future Child Support Payments (Family Code 4550-4573)**
- **Chapter 3. Deposit of Assets to Secure Future Child Support Payments (Family Code 4600-4641)**
- **Chapter 4. Child Support Delinquency Reporting (Family Code 4700-4701)**
- **Chapter 5. Civil Penalty for Child Support Delinquency (Family Code 4720-4733)**
- **Chapter 6. Uniform Interstate Family Support Act (Family Code 4900-5005)**
 - ✓ Family Code 4902 – Tribunal of State; or Family Code Definitions
 - ✓ Family Code 4905 – Bases for Jurisdiction Over Nonresident
 - ✓ Family Code 4906 – Procedures when Exercising Jurisdiction Over Nonresident
 - ✓ Family Code 4907 – Initiating and Responding Tribunal of State
 - ✓ Family Code 4908 – Simultaneous Proceedings in Another State
 - ✓ Family Code 4909 – Continuing Exclusive Jurisdiction
 - ✓ Family Code 4910 – Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction
 - ✓ Family Code 4911 – Recognition of Controlling Child Support Order
 - ✓ Family Code 4912 – Multiple Child Support Orders for Two or More Obligees
 - ✓ Family Code 4913 – Credit for Payments

- ✓ Family Code 4915 – Proceedings
- ✓ Family Code 4917 – Application of Law of State
- ✓ Family Code 4918 – Duties of Initiating Tribunal
- ✓ Family Code 4919 – Duties and Powers of Responding Tribunal
- ✓ Family Code 4920 – Inappropriate Tribunal
- ✓ Family Code 4921 – Duties of Support Enforcement Agency
- ✓ Family Code 4922 – Duty of Attorney General
- ✓ Family Code 4924 – Duties of State Information Agency
- ✓ Family Code 4925 – Petition and Accompanying Information
- ✓ Family Code 4926 – Non-Disclosure of Information in Exceptional Circumstances
- ✓ Family Code 4927 – Costs and Fees
- ✓ Family Code 4928 – Limited Immunity of Petitioner
- ✓ Family Code 4929 – Non-Parentage as Defense
- ✓ Family Code 4930 – Special Rules of Evidence and Procedure
- ✓ Family Code 4931 – Communication between Tribunals
- ✓ Family Code 4932 – Assistance with Discovery
- ✓ Family Code 4933 – Receipt and Disbursement of Payments
- ✓ Family Code 4935 – Issuance of Support Order
- ✓ Family Code 4940 – Employer’s Receipt of Income Withholding Order of Another State
- ✓ Family Code 4941 – Employer’s Compliance with Income Withholding Order of Another State
- ✓ Family Code 4942 – Compliance with Multiple Income Withholding Orders
- ✓ Family Code 4943 – Immunity from Civil Liability
- ✓ Family Code 4944 – Penalties for Non-Compliance
- ✓ Family Code 4945 – Contest by Obligor
- ✓ Family Code 4950 – Registration of Order for Enforcement
- ✓ Family Code 4951 – Procedure to Register Order for Enforcement
- ✓ Family Code 4952 – Effect of Registration for Enforcement
- ✓ Family Code 4953 – Choice of Law
- ✓ Family Code 4954 – Notice of Registration of Order
- ✓ Family Code 4955 – Procedure to Contest Validity or Enforcement of Registered Order
- ✓ Family Code 4956 – Contest of Registration or Enforcement
- ✓ Family Code 4957 – Confirmed Order
- ✓ Family Code 4958 – Procedure to Register Child Support Order of Another State for Modification
- ✓ Family Code 4959 – Effect of Registration for Modification
- ✓ Family Code 4960 – Modification of Child Support Order of Another State
- ✓ Family Code 4961 – Recognition of Order Modified in Another State
- ✓ Family Code 4962 – Jurisdiction to Modify Child Support Order of Another State when Individual Parties Reside in this State
- ✓ Family Code 4963 – Notice to Issuing Tribunal of Modification
- ✓ Family Code 4965 – Proceeding to Determine Parentage

- ✓ Family Code 4970 – Grounds for Rendition
- ✓ Family Code 4971 – Conditions of Rendition
- ✓ Family Code 4977 – Nondisclosure of Information in Exceptional Circumstances
- ✓ Family Code 4978 – Duties of Support Enforcement Agency with Respect to Information Concerning Orders of Non-Disclosure
- ✓ Family Code 5000 – Petition or Comparable Pleading
- ✓ Family Code 5001 – Petition or Comparable Pleading
- ✓ Family Code 5002 – Proposed Judgment Consistent with Relief Sought in Petition or Comparable Pleading
- **Chapter 7. Enforcement by Writ of Execution (Family Code 5100-5104)**
 - ✓ Family Code 5100 – Enforcement of Support Order Without Prior Court Approval
 - ✓ Family Code 5103 – Enforcement of Support Against Employee Pension Benefit Plan
 - ✓ Family Code 5104 – Application for Writ
- **Chapter 8. Earnings Assignment Order (Family Code 5200-5604)**
 - ✓ Family Code 5206 – Earnings
 - ✓ Family Code 5208 – Earnings Assignment Order for Support
 - ✓ Family Code 5220 – Timely Payment
 - ✓ Family Code 5230 – Support Orders
 - ✓ Family Code 5231 – Binding Effect of Assignment Order Upon Employers
 - ✓ Family Code 5232 – Service of Order on Employer
 - ✓ Family Code 5233 – Commencement of Withholding
 - ✓ Family Code 5234 – Delivery to Obligor by Employer
 - ✓ Family Code 5235 – Duties of Employer
 - ✓ Family Code 5237 – Notice of Obligee of Change of Address
 - ✓ Family Code 5238 – Assignments Including Both Current Support and Arrearages
 - ✓ Family Code 5240 – Payment of Past Due Support
 - ✓ Family Code 5241 – Willful Failure to Withhold or Forward Support
 - ✓ Family Code 5243 – Priority of Orders
 - ✓ Family Code 5246 – Assignment of Earnings
 - ✓ Family Code 5247 – Civil Liability of Local Child Support Agency or Employer
 - ✓ Family Code 5260 – Finding of Good Cause Necessary to Stay Order
 - ✓ Family Code 5261 – Termination of Stay
 - ✓ Family Code 5270 – Grounds for Motion
 - ✓ Family Code 5271 – Motion and Notice of Motion to Quash
 - ✓ Family Code 5290 – Use of Assignment as Grounds for Refusal to Hire
 - ✓ Family Code 5600 – Registration of Order For Support or Earnings Withholding Obtained In Another County
 - ✓ Family Code 5601 – Registration by Local Child Support Agency of Support Order made in Another County
 - ✓ Family Code 5602 – Registration of Order by Obligee
 - ✓ Family Code 5603 – Motion to Vacate Registration
 - ✓ Family Code 5604 – Effect of Previous Determination of Paternity Made by Another State

Division 10. Prevention of Domestic Violence (Family Code 6200-6409)

N/A

Division 11. Minors (Family Code 6500-7143)

- ✓ Family Code 7002 – Emancipated Minor

Division 12. Parent and Child Relationship (Family Code 7500-7952)***Part 1 - Rights of Parents (Family Code 7500-7507)******Part 2 - Presumption Concerning Child of Marriage and Blood Tests to Determine Paternity (Family Code 7540-7577)***

- **Chapter 1. Child of Wife Cohabiting with Husband (Family Code 7540-7541)**
 - ✓ Family Code 7540 – Conclusive Presumption as Child of Marriage
 - ✓ Family Code 7541 – Resolution of Question of Paternity upon Finding of Court Based Upon Blood Test That Husband Is Not Father of Child
- **Chapter 2. Blood Tests to Determine Paternity (Family Code 7550-7558)**
 - ✓ Family Code 7551 – Order for Genetic Tests in Civil Actions Involving Paternity
 - ✓ Family Code 7552 – Party Performing Tests
 - ✓ Family Code 7552.5 – Genetic Test Results
 - ✓ Family Code 7554 – Determination of Paternity
 - ✓ Family Code 7555 – Rebuttable Presumption of Paternity
 - ✓ Family Code 7557 – Right of Parties to Produce Other Expert Evidence
 - ✓ Family Code 7558 – Administrative Order for Genetic Testing
- **Chapter 3. Establishment of Paternity by Voluntary Declaration (Family Code 7570-7577)**
 - ✓ Family Code 7571 – Voluntary Declaration of Paternity; Liability of Health Care Provider
 - ✓ Family Code 7573 – Voluntary Declaration of Paternity; Establishment of Paternity
 - ✓ Family Code 7575 – Rescission Voluntary Declaration of Paternity
 - ✓ Family Code 7577 – Voluntary Declaration of Paternity; Minor Parents

Part 3 -- Uniform Parentage Act (Family Code 7600-7730)

- **Chapter 1. General Provisions (Family Code 7600-7604.5)**
 - ✓ Family Code 7601 – Parent and Child Relationship
 - ✓ Family Code 7604.5 – Pregnancy, Childbirth, and Genetic Testing Bills as Evidence
- **Chapter 2. Establishing Parent and Child Relationship (Family Code 7610-7614)**
 - ✓ Family Code 7610 – Method of Establishment
 - ✓ Family Code 7611 – Status of Natural Father; Presumption
 - ✓ Family Code 7612 – Presumption as Natural Father; Rebuttable Presumption
 - ✓ Family Code 7613 – Natural Father of Child Conceived by Artificial Insemination
 - ✓ Family Code 7614 – Written Promise to Furnish Support

- **Chapter 3. Jurisdiction and Venue (Family Code 7620-7620)**
 - ✓ Family Code 7620 – Jurisdiction; Venue
- **Chapter 4. Determination of Parent and Child Relationship (Family Code 7630-7650)**
 - ✓ Family Code 7630 – Action to Determine Existence or Nonexistence of Father and Child Relationship
 - ✓ Family Code 7631 – Action by Man Not a Presumed Father
 - ✓ Family Code 7634 – Action Brought by Local Child Support Agency
 - ✓ Family Code 7641 – Obligation of Father
 - ✓ Family Code 7644 – Voluntary Declaration of Paternity
 - ✓ Family Code 7650 – Action to Determine Existence or Nonexistence of Mother and Child Relationship
- **Chapter 5. Termination of Parental Rights in Adoption Proceedings (Family Code 7660-7670)**
- **Chapter 6. Protective and Restraining Orders (Family Code 7700-7730)**

Part 4 - Freedom from Parental Custody and Control (Family Code 7800-7895)

Part 5 - Interstate Compact on Placement of Children (Family Code 7900-7912)

Part 6 - Foster Care Placement Considerations (Family Code 7950-7952)

Division 13. Adoption (Family Code 8502-9340)

N/A

Division 14. Family Law Facilitator Act (Family Code 10000-10015)

- ✓ Family Code 10002 – Family Law Facilitator Office
- ✓ Family Code 10003 – Application of Division
- ✓ Family Code 10004 – Facilitator Services
- ✓ Family Code 10005 – Additional Facilitator Duties
- ✓ Family Code 10008 – Child Support Obligations
- ✓ Family Code 10011 – Title IV-D Funding

Division 15. Friend of The Court Act [Repealed] (Family Code 10100-10102)

N/A

Division 16. Family Law Information Centers (Family Code 15000-15012)

N/A

Division 17. Support Services (Family Code 17000-17804)

- **Chapter 1. Department of Child Support Services (Family Code 17000-17320)**
 - ✓ Family Code 17000 – Definitions

- ✓ Family Code 17200 – Creation and Duties
- ✓ Family Code 17202 – Title IV-D State Plan Administration
- ✓ Family Code 17212 – Privacy Rights
- ✓ Family Code 17300 – Appointment; Salary; Deputies
- ✓ Family Code 17302 – Duties
- ✓ Family Code 17304 – County Departments of Child Support Services
- ✓ Family Code 17305 – Transition from District Attorney to Local Agency
- ✓ Family Code 17306 – Legislative Findings and Declarations
- ✓ Family Code 17308 – Automated Child Support System
- ✓ Family Code 17309 – Child Support Centralized Collection and Distribution Unit
- ✓ Family Code 17312 – Regulations, Orders and Standards
- **Chapter 2. Child Support Enforcement (Family Code 17400-17714)**
 - ✓ Family Code 17400 – Local Child Support Agencies
 - ✓ Family Code 17400.5 – Disabled Obligor Receiving SSI/SSP or Social Security Disability Insurance Benefits
 - ✓ Family Code 17401 – Residence or Work Address Information
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 - ✓ Family Code 17502 – Inability to Deliver Child Support Payments Due to Inability to Locate Obligor
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 - ✓ Family Code 17505 – State and Local Agency Cooperation with Local Child Support Agencies

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- ✓ Family Code 17512 – Employment and Income Information from Employer or Labor Organization
- ✓ Family Code 17516 – Social Service Benefits Use for Support Obligations
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- ✓ Family Code 17520 – License Applicants
- ✓ Family Code 17522 – Delinquent Support Obligors; Collection or Lien Enforcement by Levy
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- ✓ Family Code 17550 – Establishment of Regulations by which the Local Child Support Agency May Compromise Parent’s Liability for Public Assistance Debt
- ✓ Family Code 17552 – Promulgation of Regulations in Cases of Separation or Desertion of Parents from Child Resulting in Aid
- **Chapter 5. Complaint Resolution (Family Code 17800-17804)**
 - ✓ Family Code 17800 – Process; Forms and Procedures
 - ✓ Family Code 17801 – State Hearing
 - ✓ Family Code 17802 – Complaint Concerning Action or Inaction of Franchise Tax Board
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- ✓ Penal Code 166 – Criminal Contempts
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