

Department of Child Support Services

R-34-06

Rulemaking Without Regulatory Effect (1CCR §100)

Explanatory Statement

The Department of Child Support Services (DCSS) has decided to renumber all of its regulatory definitions to one place at the California Code of Regulations, Title 22, Division 13, Chapter 1, Subchapter 1 and Article 1 Definitions. The primary purpose of this rulemaking is to move previously adopted definitions from other DCSS regulatory chapters and articles to this central location. A few nonsubstantive spelling, punctuation and spacing corrections are also included. This rulemaking is submitted under the provisions of 1 CCR §100 as being without regulatory effect.

(1) Renumber Title 22, Division 13, Chapter 1, Subchapter 1, Article 1, Section 110041 to 110056.

Title 22 California Code of Regulations

Division 13 Department of Child Support Services

Chapter 1 Program Administration

Subchapter 1 Operations

Article 1 Definitions

Section ~~110041~~ 110056. Applicant.

“Applicant” means an individual who submits an application for Title IV-D services.

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

(2) Renumber Section 110042 to 110060.

Section ~~110042~~ 110060. Application.

“Application” means a written or electronic document provided by a local child support agency in which an individual requests support services and which is signed by the individual.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17406 and 17801, Family Code; Section 11478.1, Welfare and Institutions Code; and 45 Code of Federal Regulations, Sections 302.15, 302.33 and 303.2.

(3) Renumber Section 110046 to 110064.

Section ~~110046~~ 110064. Arrears or Arrearage or Arrearages.

“Arrears” or “arrearage” or “arrearages” means the unpaid child support payments for past periods owed by a parent who is obligated to pay by court order. The arrears or arrearage or arrearages include interest and are adjusted for the amount of any partial satisfactions of the judgment.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code; and Section 695.210, Code of Civil Procedure.

(4) Renumber Section 110088 to 110100.

Section ~~110088~~ 110100 . Business Day.

“Business day” means any day that is not a Saturday, Sunday, or holiday as specified in Sections 6700 and 6701 of the Government Code.

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

(5) Renumber Section 110098 to 110112.

Section ~~110098~~ 110112. CalWORKs Recipient.

“CalWORKs recipient” means an individual who is receiving public assistance benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program, including KinGap, established pursuant to Welfare and Institutions Code, ~~Chapter 2,~~ commencing with Section 11200.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17402, Family Code; and 45 Code of Federal Regulations, Sections 302.33 and 303.2.

(6) Renumber Section 110099 to 110116.

Section ~~110099~~ 110116. Case.

“Case” means a noncustodial parent, whether mother, father, or alleged father, a custodial party, and a dependent child or children. The custodial party may be one of the child’s parents, or other relative or caretaker including a foster parent. If both parents are absent and liable or potentially liable for the support of the child(ren), each parent is considered a separate case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

(7) Renumber Section 110109 to 110124.

Section ~~110109~~ 110124. Case Record.

“Case record” means a file containing all information and documents pertaining to the case, including all relevant facts, dates, and actions taken related to the case, and all contacts made and the results of those contacts. The case record is the property of the local child support agency.

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

(8) Renumber 110129 to 110144.

Section ~~110129~~ 110144. Child Support.

“Child support” means amounts required to be paid under a judgment, decree, or order, whether temporary, final, or subject to modification, for the support and maintenance of a child or children, which provides for any or all of the following: monetary support, health insurance coverage, arrears, and may include interest on delinquent child support obligations.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3600, 4054 et seq., 17212 and 17801, Family Code; and 42 U-S-C-, Section 659.

(9) Renumber Section 110135 to 110148.

Section ~~110135~~ 110148. Child Support Order.

“Child support order” means any court or administrative order for the payment of a set or determinable amount of support of a child by a parent, or a court order requiring a parent to provide for health insurance coverage for a child, or a court order requiring a parent to make payment of arrears. “Child support order” includes any court order for spousal support or for medical support to the extent these obligations are to be enforced by a single state agency for child support under Title IV-D of the federal Social Security Act (commencing with section 651 of Title 42 of the United States Code).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

(10) Renumber Section 110147 to 110156.

Section ~~110147~~ 110156. Complainant.

“Complainant” means a custodial party or noncustodial parent who has made a complaint to a local child support agency or requested a state hearing.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17801, Family Code.

(11) Renumber Section 110148 to 110160.

Section ~~110148~~ 110160. Complaint.

“Complaint” means the complainant’s oral or written statement of an unresolved dispute and a request for resolution regarding any action or inaction of a local child support agency, or the Franchise Tax Board, concerning his/her child support case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800, 17801 and 17802, Family Code.

(12) Renumber Section 110150 to 110168.

Section ~~110150~~ 110168. Complaint Resolution Process.

“Complaint resolution process” means the actions required by the local child support agency to resolve complaints as specified in Chapter 10, Article 2.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

(13) Renumber Section 110164 to 110204.

Section ~~110164~~ 110204. County.

“County” means one of the fifty-eight administrative subdivisions in the State of California.

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

(14) Renumber Section 110182 to 110224.

Section ~~110182~~ 110224. Custodial Party.

“Custodial party” means the person having primary care, custody and control of the child(ren) and who is/are receiving or has applied to receive services under Title IV-D of the federal Social Security Act (commencing with Section 651 of Title 42 of the United States Code).

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

(15) Renumber Section 110184 to 110228.

Section ~~110184~~ 110228. Custody Determination.

“Custody determination” means a judgment, decree or order of a court providing for the custody of a child.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(16) Renumber Section 110186 to 110232.

Section ~~110186~~ 110232. Customer.

“Customer” means custodial parties, noncustodial parents, employers, and the public who make inquiries or raise questions about child support services.

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

(17) Renumber Section 110194 to 110244.

Section ~~110194~~ 110244. Day.

“Day” means calendar day unless otherwise specified.

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

(18) Renumber Section 110200 to 110248.

Section ~~110200~~ 110248. Department.

“Department” means the California Department of Child Support Services.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

(19) Renumber Section 110224 to 110276.

Section ~~110224~~ 110276. Disbursed or Disbursement.

“Disbursed” or “disbursement” means the dispensing or paying out of a collection.

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

(20) Renumber Section 110226 to 110280.

Section ~~110226~~ 110280. Disposable Earnings.

“Disposable earnings” means income that is subject to withholding left after making mandatory deductions for taxes including State, federal, local, Social Security, Medicare taxes and union dues, along with deductions for disability insurance and payments to public employees’ retirement systems, provided that the deductions are required as a condition of employment.

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

(21) Renumber Section 110230 to 110288.

Section ~~110230~~ 110288. Distributed or Distribution.

“Distributed” or “distribution” means the application of monies to specific accounts to determine the appropriate disbursement of monies.

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

(22) Renumber Section 110242 to 110296.

Section ~~110242~~ 110296. Earnings.

“Earnings” means any of the following to the extent that they are subject to an income withholding order for support:

- (a) Wages, salary, bonuses, vacation pay, retirement pay and commissions.
- (b) Payments for services of independent contractors, interest, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights.
- (c) 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.
- (d) Payments due for workers’ compensation temporary disability benefits.
- (e) Payments due from a disability or health insurance policy or program.
- (f) Any other payments or credits due or becoming due, regardless of the source.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 706.011(a), Code of Civil Procedures; and Sections 4901(e) and 5206, Family Code.

(23) Renumber Section 110248 to 110307.

Section ~~110248~~ 110307. Emancipation.

"Emancipation", "Emancipate" and "Emancipated" mean the age or circumstance in which a child is no longer entitled to current child support from a parent because of any one of the following:

- (a) The child meets the conditions set forth in Family Code Section 3901.
- (b) The judgment, decree or order directing the child support was terminated by order of the court.
- (c) The judgment, decree or order directing the child support was terminated under the law of the issuing state.
- (d) The child support ordered pursuant to Family Code Section 3587 has ceased or was terminated.
- (e) The child meets at least one of the conditions set forth in Family Code Section 7002.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3901, 3587, 7002, 17306, 17310 and 17312, Family Code.

(24) Renumber Section 110250 to 110311.

Section ~~110250~~ 110311. Employer.

“Employer” means all of the following:

(a) A person for whom an individual performs services as an employee, as defined in Section 706.011, Code of Civil Procedure.

(b) The United States government and any public entity as defined in Section 811.2, 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 Procedure.

(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.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3760, 5206 and 5210, Family Code.

(25) Renumber Section 110251 to 110315.

Section ~~110251~~ 110315. Employment-Related Group Health Insurance.

"Employment-related group health insurance " means private group health insurance coverage provided through employment or membership in a union, trade association, or other organization.

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

(26) Renumber Section 110252 to 110319

Section ~~110252~~ 110319. Enforcement.

“Enforcement” means actions taken to obtain payment of a child, family, medical, or spousal support obligation contained in a child support order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

(27) Renumber Section 110261 to 110323.

Section ~~110261~~ 110323. Establishment.

“Establishment” means the process of legally determining paternity and/or obtaining a court or administrative order to put a child support obligation in place.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

(28) Renumber Section 110284 to 110347.

Section ~~110284~~ 110347. Federal Case Registry.

“Federal Case Registry” means a national database of information on individuals in all Title IV-D cases, and on all non-Title IV-D orders entered or modified on or after October 1, 1998. The Federal Case Registry is part of the expanded Federal Parent Locator Service, which is maintained by the federal Office of Child Support Enforcement.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Sections 653, 654 and 666; and 45 Code of Federal Regulations, Sections 302.35, 303.15 and 303.69.

(29) Renumber Section 110289 to 110355.

Section ~~110289~~ 110355. Federal Parent Locator Service.

“Federal Parent Locator Service (FPLS)” means a computerized national location network operated by the federal Office of Child Support Enforcement (OCSE) within the Department of Health and Human Services (DHHS). FPLS obtains address and employer information, as well as data on child support cases in every state, compares them and returns matches to the appropriate states. FPLS includes the Federal Case Registry (FCR) and the National Directory of New Hires (NDNH).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17212, Family Code; Section 11478.1, Welfare and Institutions Code; 42 United States Code, Section 653; and 45 Code of Federal Regulations, Section 301.1.

(30) Renumber Section 110299 to 110383.

Section ~~110299~~ 110383. Foster Care.

“Foster care” means 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.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 654; and 45 Code of Federal Regulations, Section 302.33.

(31) Renumber Section 110336 to 110410.

Section ~~110336~~ 110410. Health Insurance Coverage.

"Health insurance coverage " means the provisions for the delivery of both of the following:

(a) Health care services by a fee for service, health maintenance organization, preferred provider organization, or any other type of health care delivery system under which medical services could be provided to a dependent child of an obligor.

(b) Vision care and dental care services whether the vision care or dental care coverage is included in health insurance coverage or is issued as a separate policy or plan.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3750 and 3760, Family Code; and 45 Code of Federal Regulations, Section 303.31.

(32) Renumber Section 110337 to 110414.

Section ~~110337~~ 110414. Health Insurance Coverage at a Reasonable Cost.

"Health insurance coverage at a reasonable cost" means employment-related group health insurance or other group health insurance, regardless of the service delivery mechanism.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3751(a)(2) and 17422(b)(3), Family Code; and 45 Code of Federal Regulations, Section 303.31.

(33) Renumber Section 110341 to 110418.

Section ~~110341~~ 110418. Hearing Date.

“Hearing date” means the date of the state hearing which shall be deemed to include the period from the opening of the record to the close of the record, including any continuances that may have been granted.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802 and 17804, Family Code.

(34) Renumber Section 110355 to 110430.

Section ~~110355~~ 110430. Income Withholding Order.

“Income withholding order,” “assignment order,” “assignment order for support,” “earnings assignment order,” and “wage assignment order” means a court order or administrative notice for income withholding, or legal process directed to an obligor’s employer, or other debtor of the obligor, to withhold from the income of the obligor an amount owed for support. Any income withholding order, or assignment order, or assignment order for support, or earnings assignment order, or wage assignment order issued by a local child support agency shall be issued on the federal form “Order/Notice to Withhold Income for Child Support,” FL-195 OMB Control No. 0970-0154 as adopted by the California Judicial Council.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
References: Sections 4901(f), 5208 and 5246, Family Code.

(35) Renumber Section 110374 to 110466.

Section ~~110374~~ 110466. Interstate Case.

“Interstate case” means a case in which the dependent child(ren) and the custodial or noncustodial parent live or have lived in different states and California is either the initiating or responding state, or the state which has issued the controlling order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17306, Family Code; 45 Code of Federal Regulations, Section 303.7.

(36) Renumber Section 110410 to 110506.

Section ~~110410~~ 110506. Local Child Support Agency.

“Local child support agency” means the county office or department that has entered into a cooperative agreement with the California Department of Child Support Services to secure child, spousal and medical support, and determine paternity.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

(37) Renumber Section 110411 to 110510.

Section ~~110411~~ 110510. Local Plan of Cooperation.

“Local Plan of Cooperation” means a cooperative agreement between a local child support agency and another county agency that coordinates their respective roles and delineates responsibilities for establishing paternity, establishing, modifying, and enforcing child support, spousal support, and medical support, or otherwise carrying out the requirements of Title IV-D.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(38) Renumber Section 110413 to 110514.

Section ~~110413~~ 110514. Locate or Location.

“Locate” or “Location” means information concerning the physical whereabouts of the custodial party, non-custodial parent, noncustodial parent’s employers, or the noncustodial 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.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17502, 17505 and 17506, Family Code; 42 United States Code, Section 653; and 45 Code of Federal Regulations, Section 303.3.

(39) Renumber Section 110428 to 110542.

Section ~~110428~~ 110542. Medi-Cal Program.

“Medi-Cal program” means California’s medical assistance program provided under the State Plan approved under Title XIX of the Social Security Act.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17400 and 17415, Family Code; and 45 Code of Federal Regulations, Sections 301.1 and 302.33.

(40) Renumber Section 110430 to 110546.

Section ~~110430~~ 110546. Medically Needy Only Recipient.

“Medically needy only recipient” means an individual who is receiving only benefits under the Medi-Cal program.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17400 and 17415, Family Code; and 45 Code of Federal Regulations, Sections 302.80, 303.30 and 303.31.

(41) Renumber Section 110431 to 110550.

Section ~~110431~~ 110550. Medical Support.

“Medical support” means the court-ordered requirement that one or both parents provide health, vision, and dental coverage, for a dependent child.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3750, 3751, 4062, 4063, 17400 and 17415, Family Code; and 45 Code of Federal Regulations, Sections 302.80, 303.30 and 303.31.

(42) Renumber Section 110436 to 110562.

Section ~~110436~~ 110562. Modification.

“Modification” means a court-ordered change or alteration of a child support order.

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

(43) Renumber Section 110445 to 110566.

Section ~~110445~~ 110566. National Directory of New Hires.

“National Directory of New Hires” means a national database containing new hire and quarterly wage data from every state and federal agency and unemployment insurance data from state employment security agencies. Data contained is first reported to each state’s State Directory of New Hires and then transmitted to the National Directory of New Hires. The Office of Child Support Enforcement maintains the National Directory of New Hires as part of the expanded Federal Parent Locator Service.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 653(h).

(44) Renumber Section 110449 to 110570.

Section ~~110449~~ 110570. National Medical Support Notice.

“National Medical Support Notice” means the notice, “National Medical Support Notice (NMSA),” Part A, “Notice to Withhold for Health Care Coverage,” OMB 0970-0222, and Part B, “Medical Support Notice to Plan Administrator,” OMB 1210-0113, directed to the obligor’s employer pursuant to a medical support order requiring the obligor to provide health insurance coverage for the obligor’s minor child(ren).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3760 and 3761, Family Code.

(45) Renumber Section 110456 to 110582.

Section ~~110456~~ 110582. Noncustodial Parent.

“Noncustodial parent” means the parent of the child(ren) that may be or is obligated to pay child support.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17800, 17801, 17802 and 17803, Family Code; and
Section 11478.1, Welfare and Institutions Code.

(46) Renumber Section 110473 to 110590.

Section ~~110473~~ 110590. Obligee.

“Obligee” means an individual, agency, or entity to whom a duty of support is owed.

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

(47) Renumber Section 110474 to 110594.

Section ~~110474~~ 110594. Obligor.

“Obligor” means an individual, or the estate of a decedent, who owes a duty of support.

NOTE: Authority cited: Sections 17306, 17310, and 17312, Family Code.
Reference: Sections 5216 and 17212, Family Code; and Section 11478.1, Welfare and Institutions Code.

(48) Renumber Section 110478 to 110598.

Section ~~110478~~ 110598. Ombudsperson.

“Ombudsperson” means the person designated within each local child support agency to be the lead administrator of the Ombudsperson Program.

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

(49) Renumber Section 110479 to 110602.

Section ~~110479~~ 110602. Ombudsperson Program.

“Ombudsperson Program” means the person, persons, or office so designated within each local child support agency to provide a means to resolve customer issues related to child support services. Issues may include inquiries, questions, or requests for assistance or facilitation in navigating the local complaint resolution and state hearing processes.

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

(50) Renumber Section 110485 to 110606.

Section ~~110485~~ 110606. Other Group Health Insurance.

“Other group health insurance” means private group health insurance coverage provided through an organization other than through an employment-related group health insurance.

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

(51) Renumber Section 110539 to 110682.

Section ~~110539~~ 110682. Public Assistance.

“Public assistance” means any amount paid under the CalWORKs program, as specified in Section ~~110098~~ 110112 , or foster care, or any Medi-Cal benefit, for the benefit of any dependent child or the caretaker of a child.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17000, 17400, 17406 and 17415, Family Code.

(52) Renumber Section 110547 to 110686.

Section ~~110547~~ 110686. Quash.

"Quash " means to cancel by judicial order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 3765, Family Code.

(53) Renumber Section 110550 to 110690.

Section ~~110550~~ 110690. Quick Locate.

“Quick locate” means a request for locate services from one state’s parent locator service to another state’s parent locator service with the responding state providing those services without opening a Title IV-D case.

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

(54) Renumber Section 110609 to 110754.

Section ~~110609~~ 110754. Spousal Support.

“Spousal support” means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17415, 17800 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

(55) Renumber Section 110610 to 110758.

Section ~~110610~~ 110758. Spousal Support Order.

“Spousal support order” means an order for the payment of spousal support to a spouse or former spouse of the obligor.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17800 and 17801, Family Code; and Section 11478.1,
Welfare and Institutions Code.

(56) Renumber Section 110615 to 110770.

Section ~~110615~~ 110770. State Directory of New Hires.

“State Directory of New Hires (SDNH)” means a database maintained by each state that contains information regarding employees who are newly hired in the respective state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 653a.

(57) Renumber Section 110618 to 110778.

Section ~~110618~~ 110778. State Hearing.

“State hearing” means an administrative hearing mandated by state law whereby a complainant may obtain an impartial review of a local child support agency or Franchise Tax Board action or inaction regarding a child support case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802 and 17804, Family Code.

(58) Renumber Section 110625 to 110766.

Section ~~110625~~ 110766. State/County Plan of Cooperation.

“State/County Plan of Cooperation” means the cooperative agreement between the Department and each local child support agency that identifies the local child support agency’s roles and responsibilities for establishing paternity, establishing, modifying, and enforcing child support, spousal support, and medical support, or otherwise carrying out the requirements of Title IV-D.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(59) Renumber Section 110658 to 110842.

Section ~~110658~~ 110842. Title IV-A.

“Title IV-A” means Title IV of the federal Social Security Act, Part A, Block Grants to States for Temporary Assistance for Needy Families, codified at 42, U.S.C., Section 601, et seq.

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

(60) Renumber Section 110659 to 110846.

Section ~~110659~~ 110846. Title IV-B.

“Title IV-B” means Title IV of the federal Social Security Act, Part B, Child and Family Services, codified at 42, U-S-C-, Section 620 et seq.

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

(61) Renumber Section 110660 to 110850.

Section ~~110660~~ 110850. Title IV-D.

“Title IV-D” means Title IV of the federal Social Security Act, Part D, Child Support and Establishment of Paternity, codified at 42, U.S.C., Section 651 et seq.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000(I), Family Code.

(62) Renumber Section 110661 to 110854.

Section ~~110661~~ 110854. Title IV-E.

“Title IV-E” means Title IV of the federal Social Security Act, Part E, Federal Payments for Foster Care and Adoption Assistance, codified at 42, U.S.C., Section 670 et seq.

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

(63) Renumber Section 112002 to 110004.

Section ~~112002~~ 110004. Abuse.

“Abuse” means any of the following:

- (a) Intentionally or recklessly to cause or attempt to cause bodily injury.
- (b) Sexual assault.
- (c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- (d) To engage in any behavior that has been or could be enjoined pursuant to Section 6320, Family Code.
- (e) Battering or subjecting a victim to extreme cruelty, as specified in Section 11495.12, Welfare and Institution Code, by:
 - (1) Physical acts that resulted in, or threatened to result in, physical injury.
 - (2) Sexual abuse.
 - (3) Sexual activity involving a child in the home.
 - (4) Being forced to participate in nonconsensual sexual acts or activities.
 - (5) Threats of, or attempts at, physical or sexual abuse.
 - (6) Mental abuse.
 - (7) Neglect or deprivation of medical care.
 - (8) Stalking.

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

(64) Renumber Section 112015 to 110140.

Section ~~112015~~ 110140. Child Abuse.

“Child abuse” means any of the following:

(a) A physical injury which is inflicted by other than accidental means on a child by another person.

(b) The sexual abuse of a child or any act or omission proscribed by Penal Code, Sections 273a(a) or 273d(a).

(c) The neglect of a child or abuse in out-of-home care, as defined in Section 11165.5, Penal Code.

(d) The willful cruelty or unjustifiable punishment of a child, as defined in Section 11165.3, Penal Code.

(e) The unlawful corporal punishment or injury of a child, as defined in Section 11165.4, Penal Code.

(f) The emotional or mental abuse of a child.

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

(65) Renumber Section 112025 to 110292.

Section ~~112025~~ 110292. Domestic Violence.

“Domestic violence” means abuse perpetrated against any of the following persons:

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209, Family Code.
- (c) A person with whom the individual who perpetrated the act of domestic violence is having or has had a dating or engagement relationship.
- (d) A person with whom the individual who perpetrated the act of domestic violence has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 of Division 12 commencing with Section 7600) of the Family Code.
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by blood or marriage, such as grandparents, parents, aunts, uncles, and children.

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

(66) Renumber Section 112034 to 110339.

Section ~~112034~~ 110339. Family Violence.

“Family violence” means domestic violence as defined in Section ~~112025~~ 110292, or child abuse as defined in Section ~~112015~~ 110140.

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

(67) Renumber Section 112035 to 110343.

Section ~~112035~~ 110343. Family Violence Indicator.

“Family violence indicator” means the designation of a party in a case or order by a state that indicates that party is associated with an act of child abuse or domestic violence. This indicator resides in the Federal Case Registry and is used to prevent disclosure of the location of a party and/or a child believed by a state to be at risk of family violence.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 663.

(68) Renumber Section 116004 to 110048.

Section ~~116004~~ 110048. Alternate Arrangement.

“Alternate arrangement” means a written agreement approved by a court or tribunal between an obligee and obligor that provides for payment of a support obligation as ordered other than through the immediate service of an income withholding order, and that is signed by the local child support agency with jurisdiction over the case when:

(a) Public assistance is being provided and there has been an assignment of support rights to the State.

(b) No public assistance is being provided, but the local child support agency is providing Title IV-D services at the time the alternate arrangement is entered into.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 5260, Family Code; and 45 Code of Federal Regulations, Section 303.100(b)(3).

(69) Renumber Section 116018 to 110212.

Section ~~116018~~ 110212. Credit Reporting Agencies.

“Credit reporting agencies” means any entity which regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4701, Family Code; 42 USC, Section 666(a)(7); and 45 Code of Federal Regulations, Section 302.70(a)(7).

(70) Renumber Section 116036 to 110434.

Section ~~116036~~ 110434. Independent Contractor Registry.

“Independent Contractor Registry” means a database maintained by the Employment Development Department which contains information regarding independent contractors reported in California, as required in Section 1088.8, Unemployment Insurance Code.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 5206, Family Code; and Section 1088.8, Unemployment Insurance Code.

(71) Renumber Section 116038 to 110458.

Section ~~116038~~ 110458. Intercounty Responding Case.

“Intercounty responding case” means a case in which the noncustodial parent and the custodial party live in different counties within California and the county in which the noncustodial parent resides receives and responds to a child support action for the purpose of enforcement.

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

(72) Renumber Section 116042 to 110470.

Section ~~116042~~ 110470. Intracounty Case.

“Intracounty case” means a case in which only one county is providing Title IV-D services.

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

(73) Renumber Section 116061 to 110662.

Section ~~116061~~ 110662. Plan Administrator.

"Plan Administrator" for the purposes of Subchapter 6.1, Article 2, Medical Enforcement, means any person who collects any charge or premium from, or who adjusts or settles claims on, residents of California in connection with health insurance coverage.

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

(74) Renumber Section 116062 to 110694.

Section ~~116062~~ 110694. Real Property.

“Real property” means real estate or property, such as, land and buildings that are permanent, fixed, and immovable.

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

(75) Renumber Section 116063 to 110698.

Section ~~116063~~ 110698. Real Property Lien.

“Real property lien” means a charge against real property, as defined in Section ~~116062~~ 110694, to secure payment of a support obligation at the time of sale or transfer of real property.

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

(76) Renumber Section 117016 to 110132.

Section ~~117016~~ 110132. Central Registry.

“Central Registry” means a unit within each state responsible for receiving, screening, and distributing incoming interstate cases, and for responding to inquiries on incoming interstate cases.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4924, Family Code; and 45 Code of Federal Regulations, Section 303.7.

(77) Renumber Section 117019 to 110192.

Section ~~117019~~ 110192. Continuing, Exclusive Jurisdiction.

“Continuing, exclusive jurisdiction” means the authority of a tribunal to modify a support order because at least one of the parties or the child who is the subject of the order remains a resident of the state issuing the order and written consent of the parties to confer continuing jurisdiction on another state has not been filed.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4909, Family Code.

(78) Renumber Section 117021 to 110196.

Section ~~117021~~ 110196. Controlling Order.

“Controlling order” means the one support order issued in a judicial or administrative proceeding that governs the amount, duration, and other terms of a child support obligation prospectively. If multiple orders have been issued, only a tribunal can determine which order is the controlling order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4911, Family Code.

(79) Renumber Section 117025 to 110268.

Section ~~117025~~ 110268. Direct Income Withholding.

“Direct income withholding” means an income withholding order that has been issued in one state and sent to an employer in another state without filing a petition or comparable pleading, or registering the order with the tribunal in the other state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4940, Family Code.

(80) Renumber Section 117030 to 110375.

Section ~~117030~~ 110375. Foreign Order.

“Foreign order” means an order issued by a tribunal of a jurisdiction outside of California.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4951, Family Code.

(81) Renumber Section 117036 to 110422.

Section ~~117036~~ 110422. Home State.

“Home state” means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and, if a child is less than six months old, the state in which the child lived from birth with a parent or a person acting as the parent. A period of temporary absence of the child from the parent or person acting as the parent shall be counted as part of the six-month or other period.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(82) Renumber Section 117047 to 110446.

Section ~~117047~~ 110446. Initiating State.

“Initiating state” means a state from which a proceeding is forwarded, or in which a proceeding is filed for forwarding, to a responding state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(83) Renumber Section 117049 to 110450.

Section ~~117049~~ 110450. Initiating Tribunal.

“Initiating tribunal” means the court, administrative agency, or quasi-judicial entity in an initiating state authorized to establish, enforce, or modify support orders or to determine paternity.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(84) Renumber Section 117052 to 110474.

Section ~~117052~~ 110474. Issuing State.

“Issuing state” means the state which has issued a support order or rendered a judgment determining parentage.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(85) Renumber Section 117054 to 110478.

Section ~~117054~~ 110478. Issuing Tribunal.

“Issuing tribunal” means the court, administrative agency, or quasi-judicial entity that issues a support order or renders a judgment determining parentage.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(86) Renumber Section 117064 to 110518.

Section ~~117064~~ 110518. Long Arm Jurisdiction.

“Long arm jurisdiction” means the legal authority for one state to assert personal jurisdiction over someone who lives or is served with process in another state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4905, Family Code.

(87) Renumber Section 117074 to 110654.

Section ~~117074~~ 110654. Personal Jurisdiction.

“Personal jurisdiction” means the legal authority of a tribunal to render judgment against a party to an action or a proceeding and subject a person to the decisions, rulings, and orders of the tribunal.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4905, Family Code.

(88) Renumber Section 117080 to 110710.

Section ~~117080~~ 110710. Register.

“Register” means a legal process by which a support order or judgment is filed with a tribunal in a state to give that tribunal authority to modify or enforce a support order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4950, Family Code.

(89) Renumber Section 117083 to 110730.

Section ~~117083~~ 110730. Responding State.

“Responding state” means a state in which a proceeding to establish, enforce or modify a support order, or to determine paternity is filed or to which a proceeding is forwarded for filing from an initiating state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(90) Renumber Section 117085 to 110734.

Section ~~117085~~ 110734. Responding Tribunal.

“Responding tribunal” means the court, administrative agency, or quasi-judicial entity in a responding state authorized to establish, enforce or modify support orders, or to determine paternity.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4901, Family Code.

(91) Renumber Section 117089 to 110762.

Section ~~117089~~ 110762. State.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term “state” also includes both of the following:

(a) An Indian tribe, including a Native Alaskan Village as defined in 42 United States Code, Section 619.

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under the Uniform Interstate Family Support Act specified in Chapter 6, of Part 5, of Division 9 (commencing with Section 4900) of the Family Code.

NOTE: Authority cited: Sections 17306, 17310, and 17312, Family Code.
Reference: Section 4901, Family Code; and 42 United States Code, Section 619(4)(A-

B).
(92) Renumber Section 117091 to 110794.

Section ~~117091~~ 110794. Subject Matter Jurisdiction.

“Subject matter jurisdiction” means a tribunal’s authority to hear and determine the issues presented in a case brought before it.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.

Reference: Section 4905, Family Code.
(93) Renumber Section 117094 to 110858.

Section ~~117094~~ 110858. Tribunal.

“Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 4901 and 4902, Family Code.

(94) Renumber Section 118020 to 110120.

Section ~~118020~~ 110120. Case Closure.

“Case closure” means that Title IV-D services will no longer be provided. Case closure shall not affect a child support order or arrears that have accrued under the order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17531, Family Code; and 45 Code of Federal Regulations, Section 303.11.

(95) Renumber Section 119003 to 110068.

Section ~~119003~~ 110068. Assets.

“Assets” include, but are not limited to, the following:

(a) Cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds.

(b) All other property, real or personal, excluding the applicant’s primary residence and one vehicle used for transportation.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 4053, 4058, 4059, and 17550, Family Code.

(96) Renumber Section 119015 to 110184.

Section ~~119015~~ 110184. Compromise of Assigned Arrearages – Family Reunification.

“Compromise of Assigned Arrearages – Family Reunification” means an agreement to reduce arrearages, including interest, owed to the state in cases where separation or desertion of both parents from a child resulted in aid being granted for the child in the form of Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments or California Work Opportunity and Responsibility to Kids Act (CalWORKs) payments inclusive of payments for Kinship Guardianship Assistance Payment Program (KinGAP).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17550, Family Code.

(97) Renumber Section 119019 to 110208.

Section ~~119019~~ 110208. County Welfare Worker.

“County welfare worker” means a county worker providing social services in child welfare programs or a county worker determining eligibility for assistance programs.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17550, Family Code.

(98) Renumber Section 119045 to 110402.

Section ~~119045~~ 110402. Guardian.

“Guardian” means the legal guardian of the child, who assumed care and control of the child while the child was in the guardian’s control, and who is not a biological or adoptive parent.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17550, Family Code.

(99) Renumber Section 119069 to 110658.

Section ~~119069~~ 110658. Placement.

“Placement” means either the voluntary placement by an applicant who had custody of his/her child and placed the child in out-of-home care or the placement of a child in out-of-home care as a result of a child being declared a dependent child of the court under Welfare and Institutions Code Section 300.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 361(e) and 11400(k), Welfare and Institutions Code.

(100) Renumber Section 119076 to 110718.

Section ~~119076~~ 110718. Relative Caregiver.

“Relative caregiver” means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of those persons even if the marriage was terminated by death or dissolution and who assumed primary responsibility for the child while the child was in the relative’s care and control, and who is not a biological or adoptive parent.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17550, Family Code; and Section 11362(c), Welfare and Institutions Code.

(101) Renumber Section 120001 to 110028.

Section ~~120001~~ 110028 Administrative Law Judge.

“Administrative Law Judge” means a person designated by the Director to conduct child support state hearings, and who shall have been admitted to practice law in California, and shall possess such other qualifications as prescribed by the California State Personnel Board.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(102) Renumber Section 120002 to 110092.

Section ~~120002~~ 110092. Authorized Representative.

“Authorized representative” means an individual or a representative from an organization that has been authorized by a complainant to act on behalf of the complainant in any and all aspects of a state hearing.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(103) Renumber Section 120003 to 110164.

Section ~~120003~~ 110164. Complaint Receipt Date.

“Complaint receipt date” means the date when a local child support agency initially receives a complaint from a complainant, or receives a transferred complaint from another county.

(a) A written complaint shall be deemed to be received in one of the following ways:

(1) If mailed, five (5) business days from the date the request is postmarked. If the postmark is illegible, the date the request is received and date stamped by a local child support agency.

(2) If hand delivered, the date the request is received and date stamped by a local child support agency.

(b) An oral complaint shall be deemed to be received as of the date a complainant speaks to a local child support agency representative, asks to file a complaint, and provides the information that is the basis of a complaint to a local child support agency.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

(104) Renumber Section 120004 to 110678.

Section ~~120004~~ 110678. Proposed Decision.

“Proposed decision” means the state hearing decision submitted by an Administrative Law Judge to the Director or Director’s designee for adoption.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(105) Renumber Section 120005 to 110782.

Section ~~120005~~ to 110782. State Hearing Office.

“State Hearing Office” means the division that conducts state hearings in the office or agency designated by the Department to carry out state hearings.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802, 17803 and 17804, Family Code.