

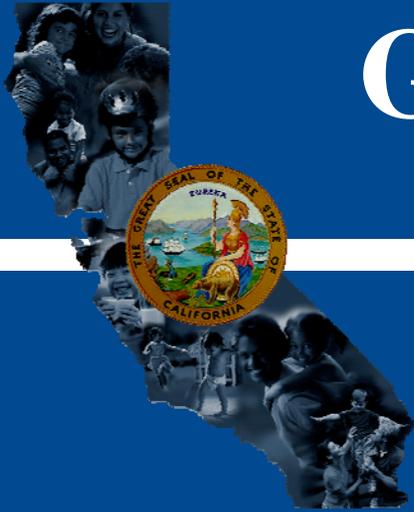
Department of Child Support Services



Enforcement

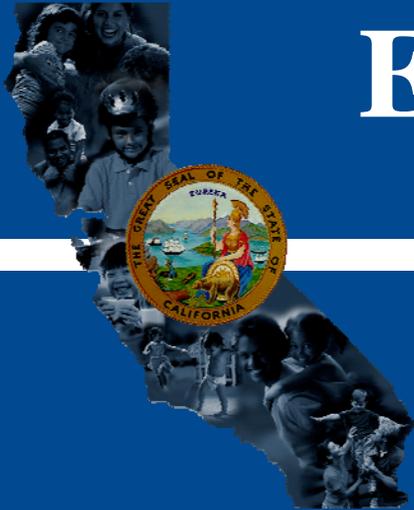
Child Support Program Orientation

Goal

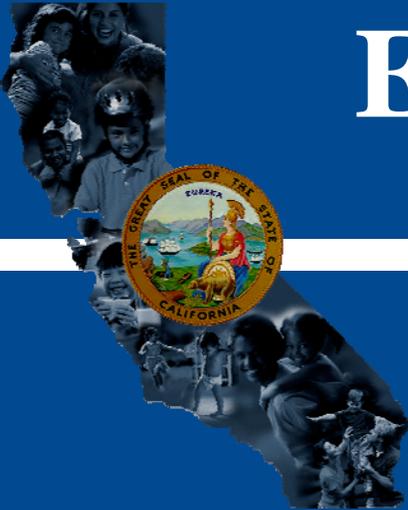


To provide an overview of Child Support enforcement actions and State regulatory concepts

Enforcement Criteria

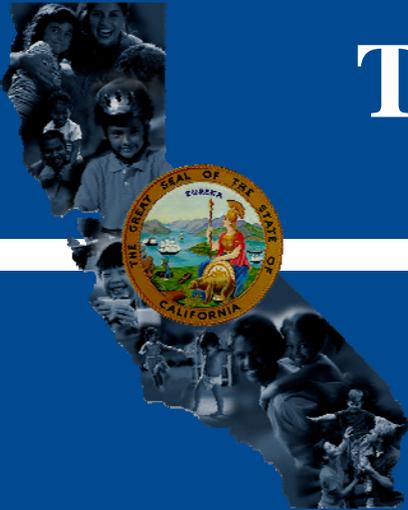


- Court Order
- Identifying Information on the NCP



Earnings and Employers

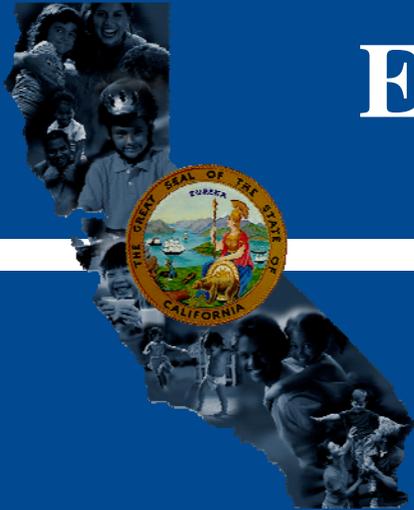
Certain types of assets and income
are exempt from enforcement



Types of Enforcement Actions

- **Immediate**
- **Nondiscretionary**
- **Special**
- **Extraordinary**
- **Other Actions**

Enforcement Actions



Immediate

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Immediate Enforcement Actions

Income Withholding Orders

- Form entitled “Order/Notice to Withhold Income for Child Support”
- Mandatory under California Law
- Must be served within 15 days



Immediate Enforcement Actions

Medical Support Enforcement

- Medical Support Order requires the NCP to provide health insurance coverage
- “National Medical Support Notice”
- Coverage directly from Employer



Immediate Enforcement Actions

Real Property Liens

- Record with County Recorder's Office
 - Certified copy of judgment/order
 - Abstract of Judgment
 - Federal Notice of Lien
 - Notice of Support Judgment

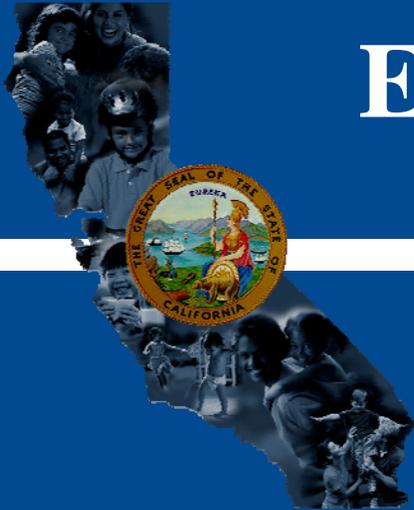


Immediate Enforcement Actions

Credit Reporting

- Report account status and payment history to DCSS
- DCSS submits to Credit Reporting Agencies
- LCSA shows as a Creditor

Enforcement Actions



Nondiscretionary

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Nondiscretionary Enforcement Actions

Federal Income Tax Refund Intercepts and Other Administrative Payments

- Intercept of Federal Income Tax Refund for Past Due Support
- Intercept of Administrative Payments
 - Retirement
 - Vendor
 - Federal salary payments



Nondiscretionary Enforcement Actions

Passport Denials

- Past due support greater than \$5000
(\$2500 effective October 1, 2006)
- Prevents application or renewal



Nondiscretionary Enforcement Actions

Franchise Tax Board Intercepts

- State Income Tax Refund Intercepts
- State Lottery Winnings Intercept



Nondiscretionary Enforcement Actions

California Insurance Intercept Project

- Matches third party insurance settlements and workers' compensation benefits nationwide
- Once a match occurs, LCSA takes appropriate action



Nondiscretionary Enforcement Actions

State Licensing Match System

- Denies or suspends state-issued licenses
- Participating Agencies



Nondiscretionary Enforcement Actions

Department of Child Support Services (DCSS) Child Support Collection Program

- 60 days delinquent with a balance of \$100 or more
 - Levy against bank accounts and wages
 - Seize real or personal property
 - Refer case to out-of-state collection agencies

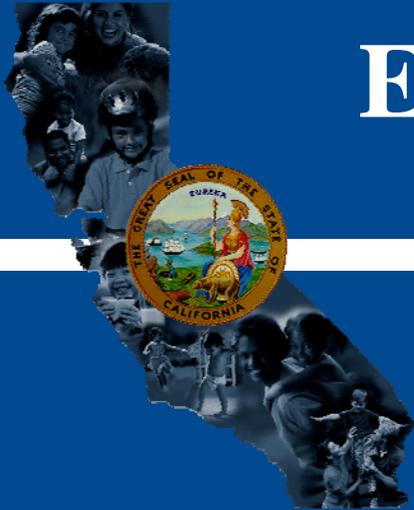


Nondiscretionary Enforcement Actions

Employment Development Department (EDD)

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

Enforcement Actions



Special

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Special Enforcement Actions

General Enforcement Criteria

- Special Enforcement Actions should not be initiated if
 - LCSA cannot locate the NCP
 - Case meets case closure criteria
 - The support order is being reviewed for adjustment



Special Enforcement Actions

Job Search Order

- Requires an unemployed NCP to obtain employment
- NCP is ordered by the court to make a certain number of job contacts every month



Special Enforcement Actions

Order for Judgment Debtor Examination

- Procedure used to discover assets
- Ordered by Judicial Officer
- May be conducted by judge, hearing officer, or
LCSA Representative



Special Enforcement Actions

Contempt

- Code of Civil Procedure, Sections 1209 and 1209.5
- Basic Elements
 - Valid Order
 - Proof of Knowledge of the Order
 - Proof of Noncompliance



Special Enforcement Actions

Writ of Execution

- Court order to levy on property owned by the NCP
- Levying officer will prepare a Notice of Levy to seize the asset
- Assets can be sold to satisfy the judgment



Special Enforcement Actions

Security Deposits of Money

- LCSA obtains an order requiring the NCP to deposit money securing future child support payments
- Failure to comply is punishable by contempt



Special Enforcement Actions

Probate Actions

- Creditor's Claim on Personal Property in the Estate of a Deceased Obligor
- Obligor's Interest in Personal Property in the Estate of a Decedent
- An LCSA can obtain money from a will, trust, or probate action



Special Enforcement Actions

Liens on Workers' Compensation Awards

- Workers' Compensation Appeals Board
 - Lien is filed into WCAB claim
 - Income withholding order is served on insurer



Special Enforcement Actions

Liens in Pending Actions Special Proceedings

- A lien filed in a pending lawsuit where an NCP may be entitled to an award
- Should be considered if NCP is
 - Suing an employer
 - Involved in a personal injury lawsuit or settlement
 - Receiving a money settlement in a divorce action
 - Attorney fees and medical costs are paid first

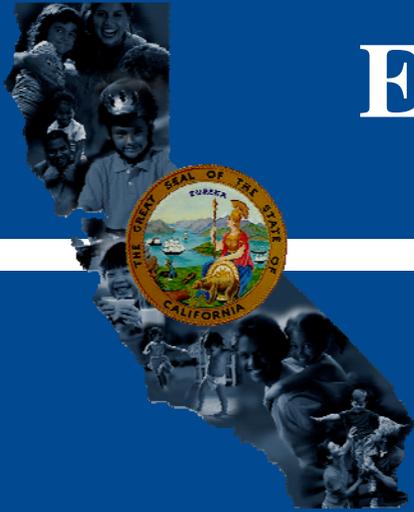


Special Enforcement Actions

Voiding Fraudulent Transfers

- LCSA can obtain a court order to void the transfer of property by an NCP if
 - The transfer was made with the intent to hinder, delay, or defraud a creditor
 - The transfer is made without a reasonable equivalent value in exchange

Enforcement Actions



Extraordinary

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Extraordinary Enforcement Actions

Internal Revenue Service (IRS) Full Collection Service

- Provides for use of the Internal Revenue Service to collect past due support
- Prior attempts to collect delinquent support have failed
- Case may not be submitted to the IRS Tax Intercept Program



Extraordinary Enforcement Actions

Criminal Actions

- Failure to Provide
 - Sections 270 and 271 of the California Penal Code
- Willful Disobedience of a Court Order
 - Section 166(a)(4) of the California Penal Code



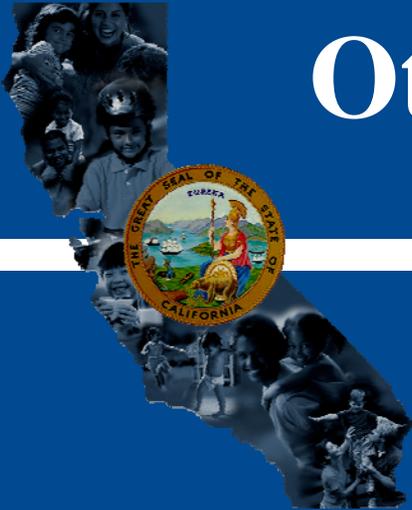
Extraordinary Enforcement Actions

Project Save Our Children

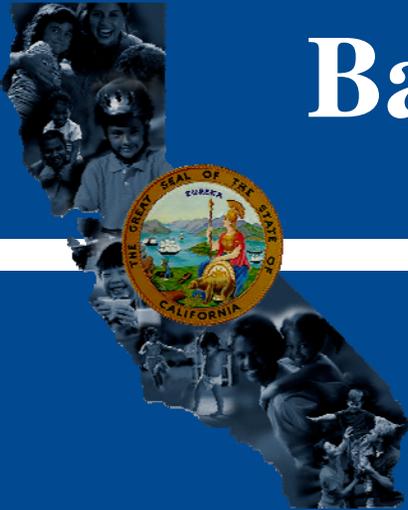
- Federal Criminal Prosecution

- Child and NCP must reside in different states
- LCSA must exhaust all other enforcement criteria
- Different criteria for felony or misdemeanor charges

Other Actions



- **Motions to Determine Arrearages**
- **Parents as Parties Seeking Independent Enforcement Action**
- **Private Collection Agencies**
- **Mistaken Identity**



Bankruptcy

- **Chapter 7 and 13**
- **Child Support is not dischargeable**
- **Automatic Stay on Enforcement**

Department of Child Support Services



Enforcement Exercise

Child Support Program Orientation